



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

Regular Meeting - 6:00 PM

Thursday, August 13, 2026

In-Person at Orchard Hill Elementary School

<https://us02web.zoom.us/j/81162956187?pwd=PzVYDred06gWro0x7N0yUQcZLOIPNa.1>

Password: 529933

Agenda Español

Minutas Español

AGENDA

- A. **Regular Session Call to Order**
- B. **Accentuate the Positive**
- C. **Citizen Comments**
- D. **Superintendent Report**
- E. **Program Report: Strategic Plan Update**
- F. **Consent Agenda**
 - 1. Approval of Agenda
 - 2. Approval of Minutes from 7/23/26
 - 3. Personnel Report
- G. **Information and Discussion**
 - 1. **Legislative / OSBA Update**
 - 2. **Budget Committee Vacancies**
 - 3. **Establish Meal Prices**
 - 4. **Review District Employee Handbook**
 - 5. **Superintendent Goals for 26-27**
 - 6. **Board Policy Packet 8-13-26**
 - 7. **Board Policy JFCEB — Personal Electronic Devices**
 - 8. **Board Vacancy**
- H. **Recess**
- I. **Action Items**
 - 1. **Board Policy Packet 7-13-26**
 - 2. **Talent SRO Contract**
- J. **Review of the Next Meeting Agenda**
- K. **Adjournment**

Phoenix-Talent School District #4 is an Equal Opportunity Employer and, in accordance with Federal and State Legislation, does not discriminate on the basis of race, sex, religion, age, national origin, or marital status, physical or mental disability in employment practices or education programs. **If you need special accommodations for language interpretation or because of a disability**, please contact the District Office Executive Assistant two days prior to meeting at 541-535-1511 Voice/TD.

Phoenix-Talent School District No. 4

PERS Unfunded Actuarial Liability and Pension Bond Analysis

Pension Bond Side Account Analysis - **Historic Savings 2004 Side Account, excluding Cash**

July 16, 2026

Pension Bonds Issued	Dated Date	Amount Issued	TIC
Series 2004	2/19/04	14,895,000	5.49%
Total Amount Issued		\$ 14,895,000	

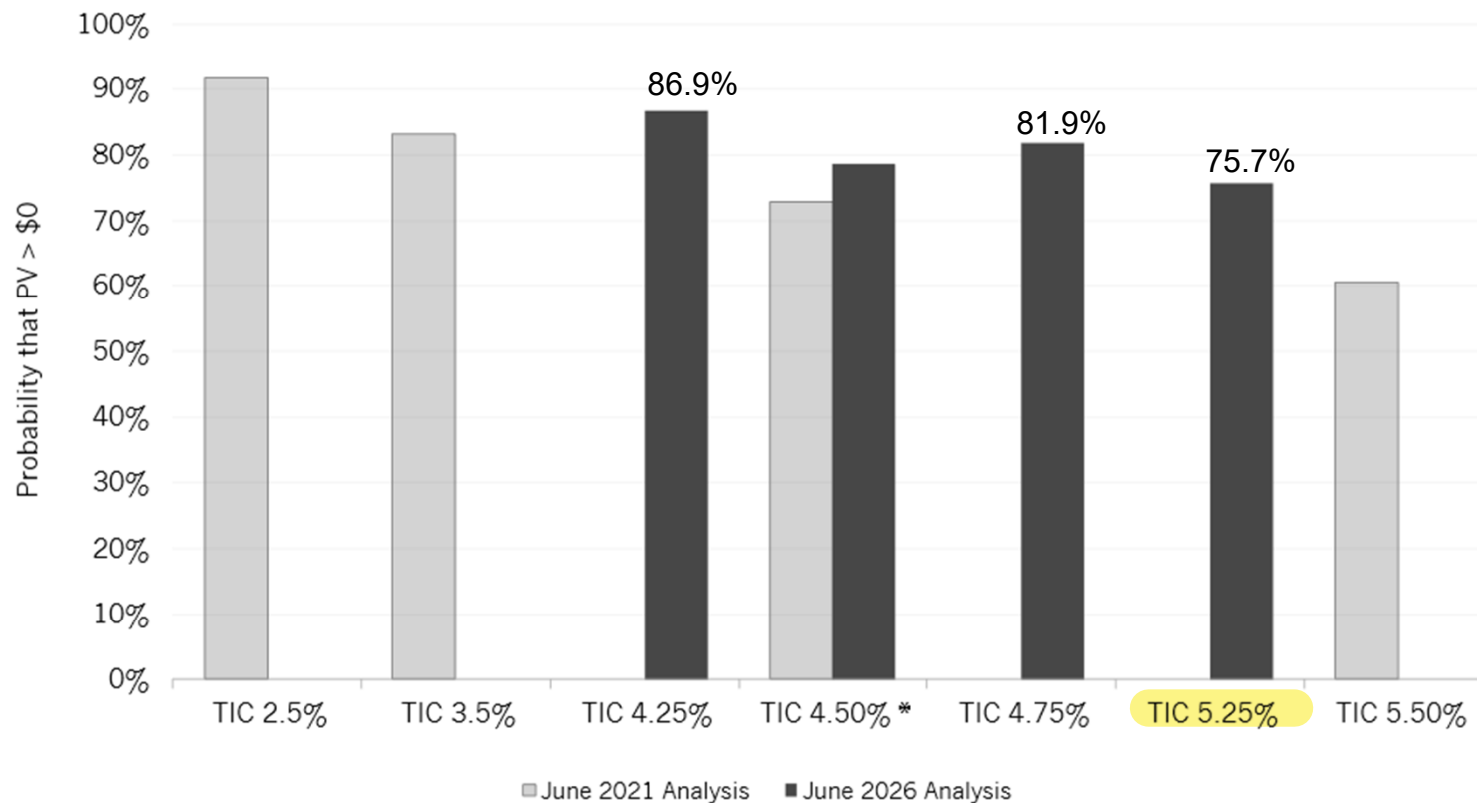
CALENDAR Year End	PERS Covered Payroll	Balance on January 1	Admin. Expense	Reported Rate Credit	Pension Bond Deposits	Reported Investment Earnings (\$)	Reported Earnings Crediting (%)	Balance on December 31	Net Debt Service	Calculated Pension Bond Savings
Dec-2004	\$ 9,997,680	\$ -	\$ (2,500)	\$ (740,156)	\$ 14,184,383	\$ 1,543,322	13.30%	\$ 14,985,049	\$ 472,933	\$ 267,223
Dec-2005	10,162,003	14,985,049	(1,000)	(1,022,730)	-	1,981,024	13.86%	15,942,343	633,202	389,528
Dec-2006	10,701,902	15,942,343	(1,000)	(1,236,685)	-	2,490,194	15.58%	17,194,852	676,941	559,744
Dec-2007	11,268,803	17,194,852	(1,000)	(1,110,777)	-	1,737,771	9.45%	17,820,846	802,538	308,239
Dec-2008	12,132,755	17,820,846	(1,000)	(1,384,975)	-	(4,564,855)	(27.32%)	11,870,016	802,538	582,437
Dec-2009	11,645,234	11,870,016	(1,000)	(1,225,371)	-	2,053,620	19.02%	12,697,265	822,171	403,200
Dec-2010	11,748,623	12,697,265	(1,000)	(1,218,180)	-	1,504,924	12.44%	12,983,009	865,463	352,717
Dec-2011	11,515,691	12,983,009	(1,000)	(1,204,941)	-	351,172	2.51%	12,128,240	911,592	293,349
Dec-2012	11,113,307	12,128,240	(1,000)	(983,584)	-	1,709,986	14.67%	12,853,642	960,162	23,422
Dec-2013	10,552,473	12,853,642	(1,000)	(974,125)	-	1,974,853	15.62%	13,853,370	1,010,774	(36,649)
Dec-2014	10,300,395	13,853,370	(1,000)	(981,690)	-	997,645	7.39%	13,868,325	1,063,215	(81,525)
Dec-2015	11,029,766	13,868,325	(1,000)	(1,072,288)	-	291,414	1.87%	13,086,451	1,117,161	(44,873)
Dec-2016	11,386,524	13,086,451	(1,000)	(1,324,257)	-	899,843	7.15%	12,661,037	1,177,000	147,257
Dec-2017	11,908,661	12,661,037	(500)	(1,583,489)	-	1,850,848	15.23%	12,927,896	1,232,376	351,113
Dec-2018	11,763,656	12,927,896	(500)	(1,359,241)	-	73,921	0.42%	11,642,076	1,292,867	66,374
Dec-2019	13,452,196	11,642,074	(500)	(1,613,063)	-	1,480,966	13.92%	11,509,477	1,357,777	255,286
Dec-2020	13,633,202	11,509,477	(500)	(1,608,342)	-	525,262	7.18%	10,425,897	1,426,584	181,758
Dec-2021	15,078,484	10,425,897	(500)	(1,749,798)	-	1,831,842	20.76%	10,507,441	1,493,932	255,866
Dec-2022	18,685,244	10,507,441	(500)	(2,153,298)	-	(164,075)	(1.81%)	8,189,568	1,564,300	588,998
Dec-2023	19,788,883	8,189,568	(500)	(2,149,335)	-	407,810	5.72%	6,447,543	1,641,850	507,485
Dec-2024	20,152,022	6,447,543	(500)	(2,861,940)	-	372,793	5.58%	3,957,896	1,721,092	1,140,849
Subtotal (Actual)									\$	6,511,796

Source: Oregon Public Employees Retirement System – System Actuarial Valuation Reports and Employer Actuarial Valuation Reports. Information for calendar years 2003 and prior was not readily available.

More positive than in 2021

ECONW Assessment - June 2026

Probability that NPV is More than \$0



Current estimated borrowing rate: 5.40%



Piece #2: PERS' Investments have generally done well

OIC manages PERS' investments.

Average Rates of Return (1970-2024):



Regular account earnings:	9.93%
Tier One Crediting:	9.21%
Tier Two Crediting:	9.03%
Variable Crediting:	10.84%
Avg. SA return 2007-2024:	7.60%

1 Year earnings thru 5/31/2026: 10.34%

Source: PERS by the Numbers; December 2025. OPERF monthly returns and asset allocation report; December 2025.

Timeline – SD and CC Bond Pools

[NOTE: Local government schedules will be issuer-specific]

July

- **July 24/29: Informational meetings.**

September

- **By September 13: Districts notify Piper/Hawkins if want Resolution, with maximum TIC, whether hiring Municipal Advisor.**
- **By September 30: Hawkins provides resolutions to Districts.**

November – By November 15

- **Individual 2025 Valuation released**
- **Districts adopt resolution, file assessment and send to State Treasury.**
- **Districts send payoff requests to Milliman [if conditions are favorable.]**

Timeline – SD and CC Bond Pools

December

- **Finalize documentation: disclosure, trust, intercept agreements.**
- **Rating and due diligence process.**

January 2027

- **Receive payoff letters from Milliman**
- **Final Opt-in forms to Piper**
- **Week of January 18 - Bond sale for CCs**
- **Week of January 25 - Bond sale for SDs**

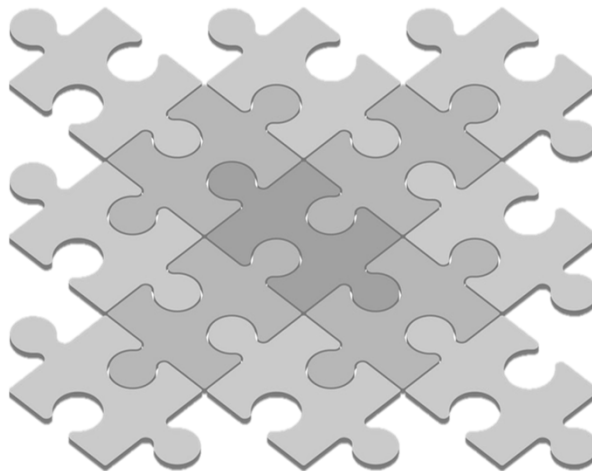
February 2027

- **Week of Feb 8th - Bond closing for CCs**
- **Week of Feb 15th – Bond closing for SDs**
- **Funds sent to PERS no later than Feb 25**

March 1, 2027 – Payroll rates reduced

Legal Structures: Stand-alone vs. Pooling

- Employers may sell bonds on a stand-alone or pooled basis.
- Pooling generally makes sense for SDs and CCs:
 - ✓ Increases size of bond sale, expanding investor interest.
 - ✓ Economies of scale reduces cost of issuance.
- Strongly rated Districts can borrow on stand-alone basis.



What about fees?

- Most fees do not take effect until and unless bonds are sold.
- Fees that could be incurred regardless include:
 - ✓ ECONorthwest Assessment Fee (~\$2,500)
 - ✓ Milliman calculation fee (~\$2,500)
 - ✓ Rating fee. Fee is incurred once rating is assigned, but there is grace period. Amount TBD based on bond size (and number of participants in a pool).
- Overall fees vary by amount of issue, number of participants, general market conditions. We are estimating ~1.50% for underwriting, legal, trustee, rating and miscellaneous fees.

Form of Authorizing Resolution

- **Must identify estimated UAL as of December 31, 2024**
- **Must identify maximum True Interest Cost**
- **Must attach Report that includes the following:**
 - ✓ **Description of ECONorthwest assessment**
 - ✓ **Identify whether hiring Municipal Advisor**

Form of Authorizing Resolution

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF DIRECTORS OF [NAME OF DISTRICT], [NAME OF COUNTY], OREGON, AUTHORIZING PARTICIPATION IN THE OREGON EDUCATION DISTRICTS PENSION BOND PROGRAM; AUTHORIZING A FULL FAITH AND CREDIT PENSION BOND AND RELATED FULL FAITH AND CREDIT PENSION OBLIGATIONS, TO BE ISSUED IN ONE OR MORE SERIES.

WHEREAS, the Board of Directors of [Name of District], [Name of County], Oregon, is authorized by Oregon Revised Statutes ("ORS") 238.692 to 238.698, including any amendments thereto (the "Act"), to issue revenue bonds under ORS Chapter 287A to finance its pension liability;

WHEREAS, the Act and ORS 287A.315 permit the District to pledge its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution to pay those bonds;

WHEREAS, school districts and education service districts have a pooled unfunded pension liability to the Oregon Public Employees Retirement System ("OPERS") and, based on the District's portion of the total school district and education service district payroll, the District's allocated portion of the unfunded pension liability (the "Pension Liability") is estimated to be \$[] as of December 31, 2024;

WHEREAS, ORS 238.697 requires that the District (1) obtain a statistically based assessment from an independent economic or financial consulting firm regarding the likelihood that investment returns on bond proceeds will exceed the interest cost of the bonds under various market conditions and (2) make a report (the "Report") available to the general public that (a) describes the result of the assessment and (b) discloses whether the District has retained the services of an independent SEC-registered advisor;

WHEREAS the Report is attached hereto as Exhibit A and the District has obtained an assessment (the "Assessment"), dated June 11, 2026, from ECONorthwest, an independent economic consulting firm, which is attached to the Report;

WHEREAS, current interest rates in the bond market may be low enough to create the opportunity for the District to finance all or a portion of its unfunded pension liability and potentially reduce its costs;

WHEREAS, the Oregon Education Districts Full Faith and Credit Pension Bond Program (the "Program") is a structure whereby Oregon public school districts and education service districts electing to participate in the Program (the "Participating Districts") may simultaneously issue their full faith and credit pension bonds and, collectively, provide for the issuance, sale and delivery of Full Faith and Credit Pension Obligations, Series 2027A (the "Program Obligations") representing proportionate interests of the registered owners of the Program Obligations in the aggregate amount of full faith and credit pension bonds of the Participating Districts; and

(2) Bond proceeds shall be used to pay all or a portion of the District's Pension Liability to OPERS and to pay costs of issuing and selling the Bond and the District's allocated share of the costs of issuing and selling the Program Obligations. The District may direct that a portion of the Bond proceeds be directly paid to OPERS after closing and a portion be retained by the Program Trustee for payment to OPERS over time as directed by the School District Official. The issuance of the Bond and participation in the Program shall not obligate the District to pay any portion of another school district's liability.

(3) The Bond shall be a "federally taxable bond" which bears interest that is not excludable from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended. Interest will, however, be exempt from Oregon personal income taxation.

(4) OPERS currently charges the District a rate of 6.90 percent per annum on its unfunded liability because that is the assumed rate of return that OPERS expects, over the long term, to earn on its investments. Issuing Bonds at a lower rate of interest and depositing proceeds at OPERS in a Side Account ("Side Account") may reduce costs for the District if the rate of return on the Bond proceeds deposited in the Side Account exceeds the borrowing costs. To maximize the potential for the rate of return on the OPERS fund to exceed the rate of interest on the Bond, the Bond shall not be sold at a true interest cost of more than []% per annum.

(5) The School District Official shall compare the cash flows required to pay the Bond to the payroll rate credit currently estimated from the Side Account and determine a Bond structure which the School District Official estimates will be advantageous to the District.

(6) The School District Official is authorized to execute a letter to be sent to OPERS requesting the necessary payoff figures and to pay any fees required in connection therewith or, if such letter has been executed prior hereto, the Board hereby ratifies such action.

Section 3. Delegation.

The School District Official may, on behalf of the District, and without further action by the Board:

(1) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to the Bond or the Program Obligations.

(2) Establish the final principal amount, Bond Payment schedule, interest rates, sale price and discount, prepayment terms, payment terms and dates, and other terms of the Bond.

(3) Negotiate the terms of, and enter into a bond purchase agreement which provides for the acquisition of the Bond by the Program Trustee and, if required, execute a letter of intent prior to the sale.

(4) Execute and deliver the Program Trust Agreement, which authorizes the Program Trustee to issue the Program Obligations, and any other agreements or documents which may be required for participation in the pension bond program.

Form of Authorizing Resolution

Exhibit A

Report on Pension Bonds

Prior to the issuance of pension obligation bonds, the [Name of District] (the “District”) has obtained a statistically based assessment from ECONorthwest entitled “Issuance of Pension Obligation Bonds – A Risk/Reward Analysis” dated as of June 11, 2026 (the “Assessment”) pursuant to ORS 238.697(1)(a).

The District has prepared this report pursuant to ORS 238.697(1)(b) (the “Report”).

In connection with the issuance of pension obligation bonds, the District [has/has not] retained the services of [insert name of MA,] an independent municipal advisor registered with the Securities and Exchange Commission.

The Assessment is attached to this Report as Exhibit 1. Results of the Assessment are as follows:

[Placeholder Example Below]

Summary of PERS Employer Contribution Rates - Updated for Senate Bill 849

Rates shown reflect the effect of side account rate offsets and retiree healthcare contributions, and exclude contributions to the IAP and debt service for pension obligation bonds.

Employer Number	Employer Name	Net Employer Contribution Rate 7/1/23 - 6/30/25			Net Employer Contribution Rate 7/1/25 - 6/30/27		
			OPSRP General Service Payroll (reflects 0.65% member redirect offset)	OPSRP Police and Fire Payroll		OPSRP General Service Payroll (reflects 0.65% member redirect offset)	OPSRP Police and Fire Payroll
		Tier One / Tier Two Payroll (reflects 2.40% member redirect offset)			Tier One / Tier Two Payroll (reflects 2.40% member redirect offset)		
School Districts							
School							
4342	North Santiam School District #29J	0.24%	0.00%	2.19%	4.81%	1.63%	6.90%
4381	North Wasco County School District #21	13.33%	10.49%	15.28%	24.54%	21.36%	26.63%
3307	Oakland School District	25.93%	23.09%	27.88%	26.73%	23.55%	28.82%
3524	Oakridge School District	13.91%	11.07%	15.86%	16.90%	13.72%	18.99%
3684	Ontario School District #8C	18.21%	15.37%	20.16%	22.56%	19.38%	24.65%
3122	Oregon City School District #62	6.36%	3.52%	8.31%	10.77%	7.59%	12.86%
4345	Oregon Trail School District 46	27.38%	24.54%	29.33%	27.63%	24.45%	29.72%
3462	Paisley School District	25.61%	22.77%	27.56%	26.49%	23.31%	28.58%
3820	Parkrose School District	9.17%	6.33%	11.12%	11.80%	8.62%	13.89%
3931	Pendleton School District #16R	2.83%	0.00%	4.78%	12.14%	8.96%	14.23%
3043	Philomath School District #17J	19.18%	16.34%	21.13%	23.29%	20.11%	25.38%
3414	Phoenix-Talent School District	13.59%	10.75%	15.54%	20.97%	17.79%	23.06%
3958	Pilot Rock School District #2R	13.64%	10.80%	15.59%	19.63%	16.45%	21.72%
3470	Pleasant Hill School District	27.26%	24.42%	29.21%	27.55%	24.37%	29.64%
3818	Portland Public Schools	0.00%	0.00%	1.29%	6.92%	3.74%	9.01%
4403	Portland Village School	26.37%	23.53%	28.32%	27.05%	23.87%	29.14%
3370	Prairie City School District #4	20.48%	17.64%	22.43%	23.77%	20.59%	25.86%
4320	Rainier School District #13	12.44%	9.60%	14.39%	17.98%	14.80%	20.07%
4311	Redmond School District #2J	8.14%	5.30%	10.09%	13.33%	10.15%	15.42%
4312	Reedsport School District	15.82%	12.98%	17.77%	21.12%	17.94%	23.21%
3824	Reynolds School District	8.43%	5.59%	10.38%	17.02%	13.84%	19.11%
3847	Riverdale School	13.98%	11.14%	15.93%	19.82%	16.64%	21.91%
3310	Roseburg Public Schools	1.38%	0.00%	3.33%	10.03%	6.85%	12.12%
3735	Salem-Keizer Public Schools	16.31%	13.47%	18.26%	20.83%	17.65%	22.92%
3665	Santiam Canyon School District	14.43%	11.59%	16.38%	19.69%	16.51%	21.78%
3000	School Districts	27.87%	25.03%	29.82%	28.02%	24.84%	30.11%
3647	Scio School District #95C	23.35%	20.51%	25.30%	23.86%	20.68%	25.95%
3187	Seaside Schools	16.97%	14.13%	18.92%	20.58%	17.40%	22.67%
4440	Sheridan Allprep Academy	24.16%	21.32%	26.11%	27.10%	23.92%	29.19%
4144	Sheridan School District #48J	26.93%	24.09%	28.88%	27.17%	23.99%	29.26%
4337	Sherman County School District	19.01%	16.17%	20.96%	20.88%	17.70%	22.97%
4317	Sherwood School District #88J	22.84%	20.00%	24.79%	24.41%	21.23%	26.50%
4270	Silver Falls School District	6.34%	3.50%	8.29%	14.15%	10.97%	16.24%
3296	Sisters School District	9.51%	6.67%	11.46%	19.48%	16.30%	21.57%
3537	Siuslaw School District #97J	14.41%	11.57%	16.36%	23.16%	19.98%	25.25%
3506	South Lane School District	0.00%	0.00%	0.00%	5.49%	2.31%	7.58%



JOURNEY TO EXCELLENCE FOR EVERYONE

August 13, 2026
School Board Meeting



JOURNEY TO EXCELLENCE FOR EVERYONE



Attend School Regularly - 85% percent of students will attend **90% or more of each school year**



Success in English Language Arts and Mathematics - 45% of students in 3rd on grade-level Language Arts and 35% of students in 8th grade on grade-level Mathematics

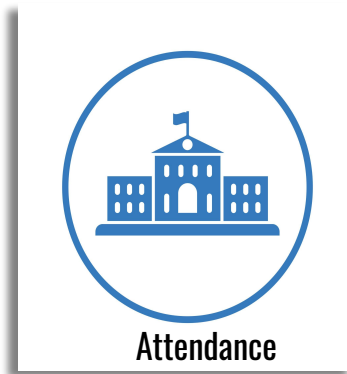


On-Track by Grade 10 - Every student at the completion of 9th grade will have six or more credits



High School Graduation - 96% of all students will graduate on time with a regular or modified diploma within four years of starting in high school

JOURNEY TO EXCELLENCE FOR EVERYONE



23	24	25	26
66%	65%	64.2%	70.5%

+6.3%

22	23	24	25	26
28%	30%	30%	37%	37%

ELA 3rd Grade +0%

GRADE	2022	2023	2024	2025	2026
3	25.3	29	31	36	34
4	18.1	26	24	38	41
5	25.5	18	22	24	29
6	5.5	16	14	24	14
7	13.9	14	17	18	21
8	11.7	22	17	18	24

8th Math +6%

JOURNEY TO EXCELLENCE FOR EVERYONE



On-track to Graduation

2023	2024	2025	2026
79%	93%	81%	90%



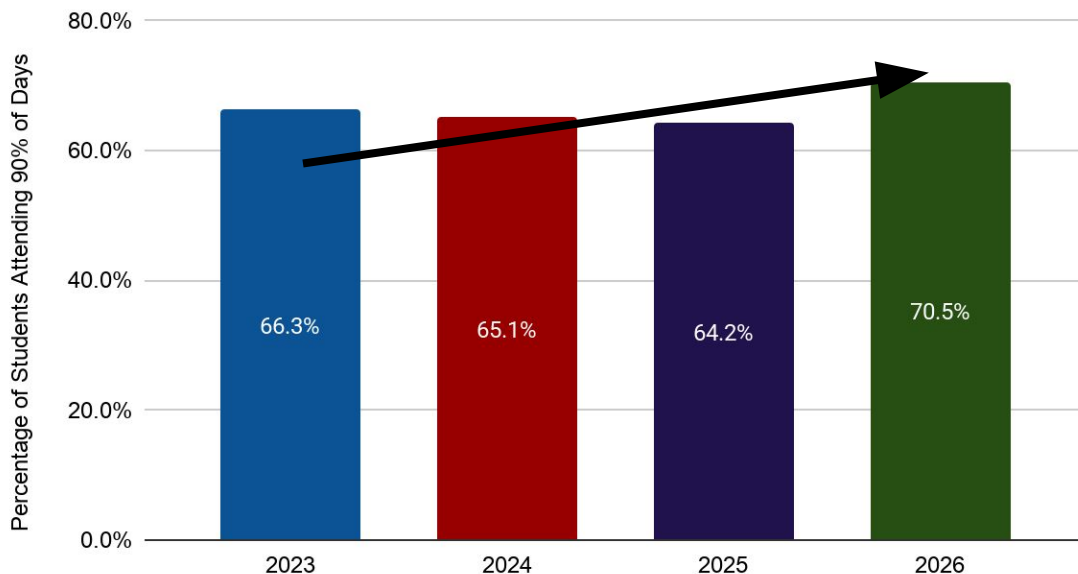
Graduation Rate - 4 Year Cohort

School	2023	2024	2025	2026
PHS	94%	95%	93%	*95%
Armadillo	74%	71%	43%	*57%
District	90%	90%	87%	*90%



Attendance - Whole District District

Attendance Percentage - District Wide



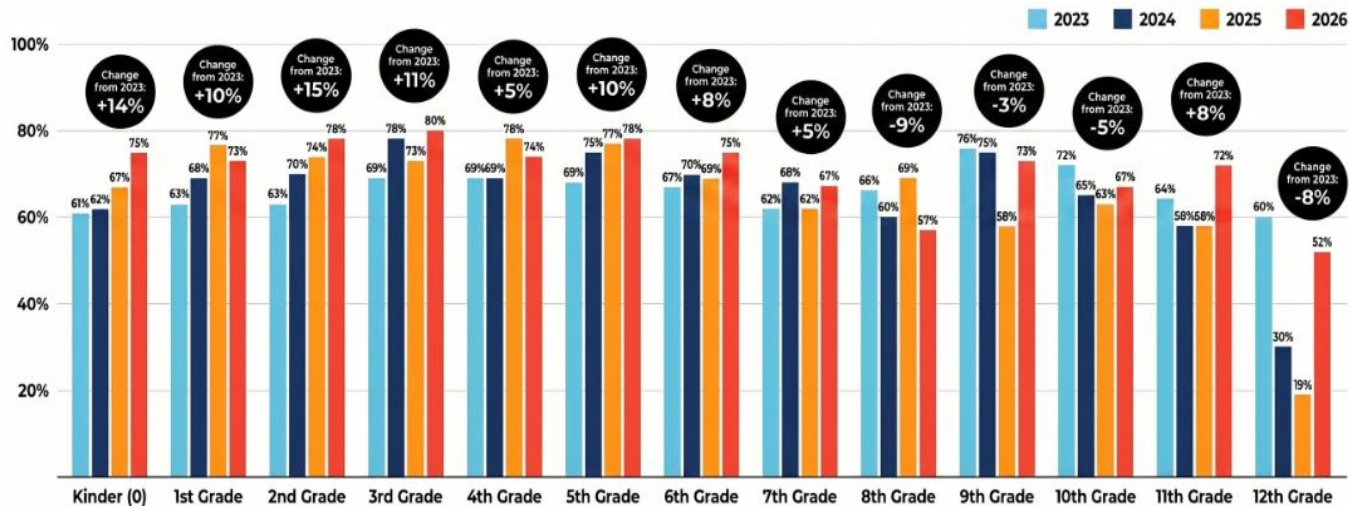
+6.3%

- **6.3% Increase in attendance from last year!**



Attendance - By Grade Grade Level

Attendance By Grade Level

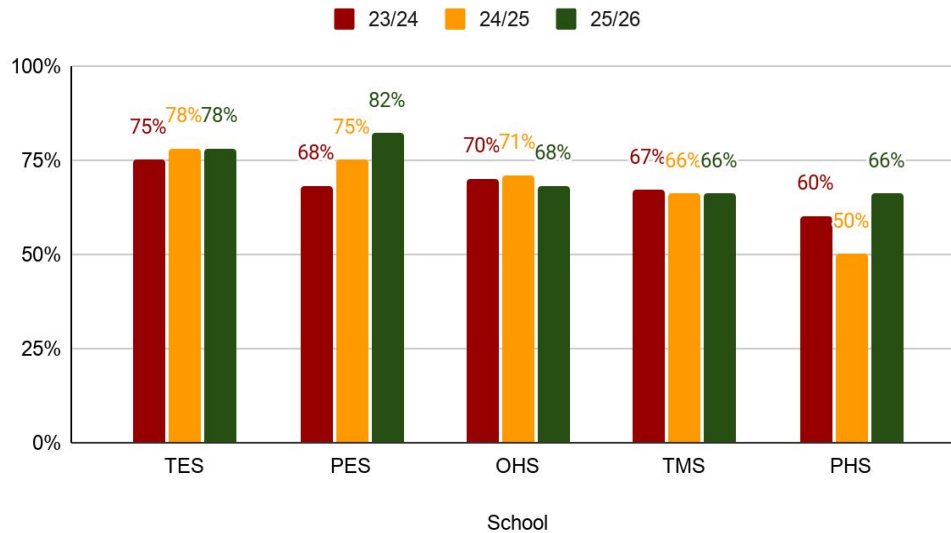


- K-7 Grades saw an increase in attendance
- High school experienced a large increase in overall attendance



Attendance - By School

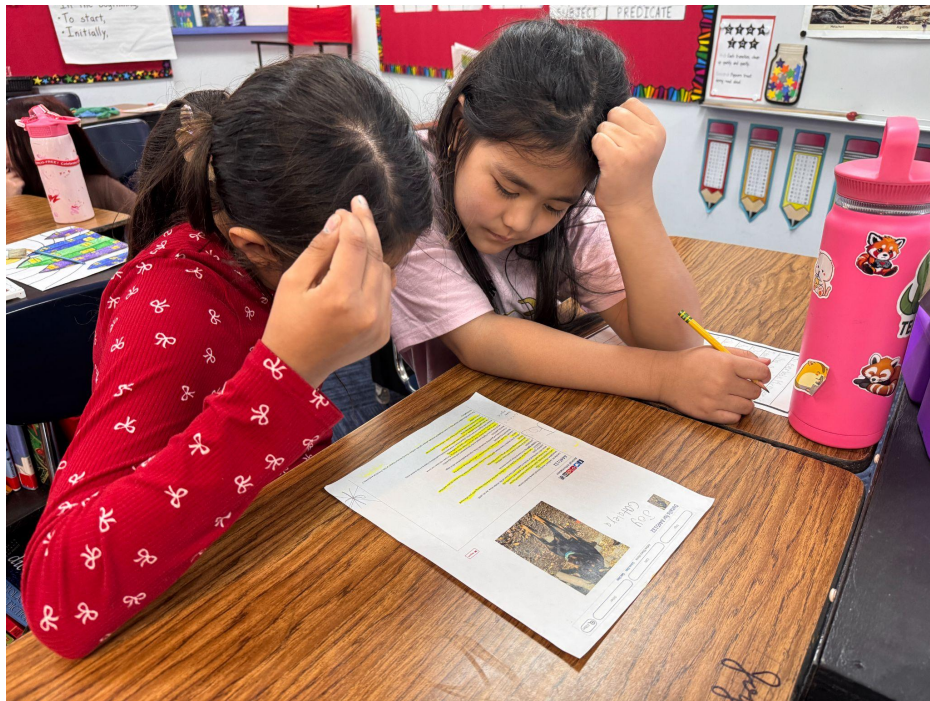
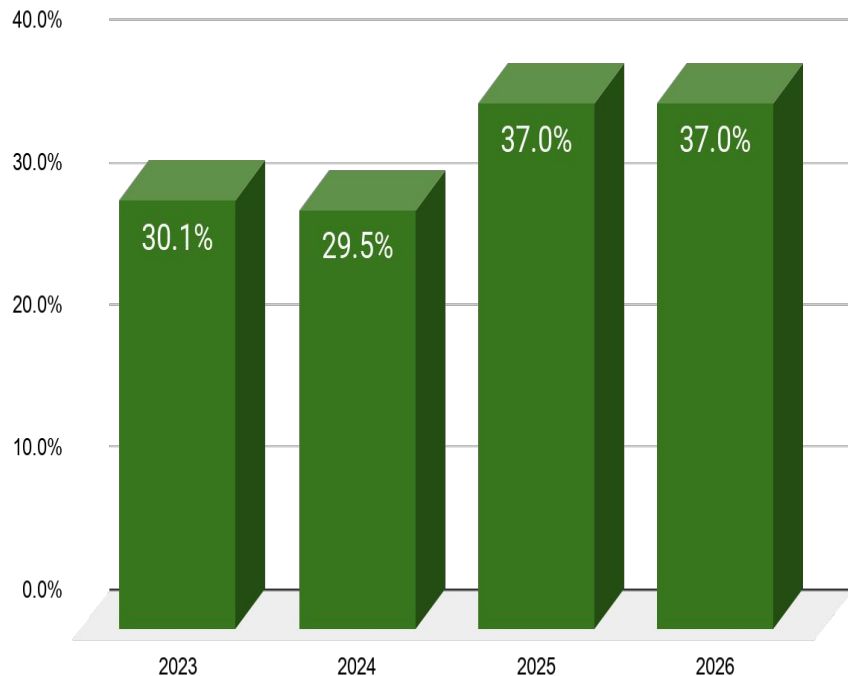
Attendance By School - 2024 to 2026





Academics - Strategic Plan

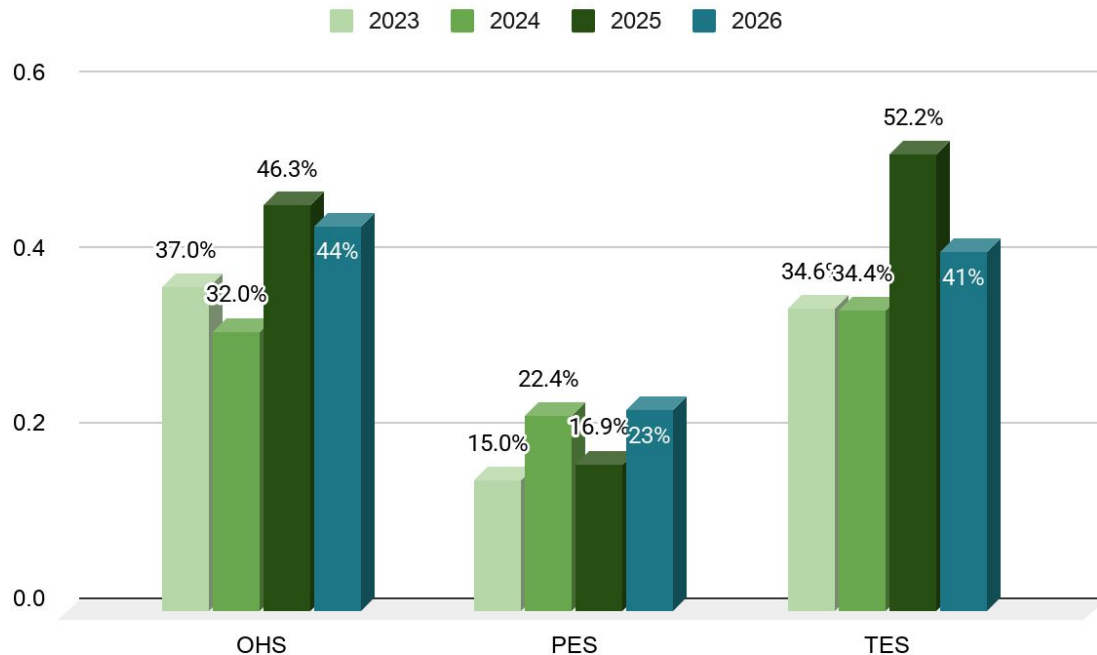
3rd Grade Reading





Academics - Strategic Plan

3rd Grade Reading - By School



Great overall growth



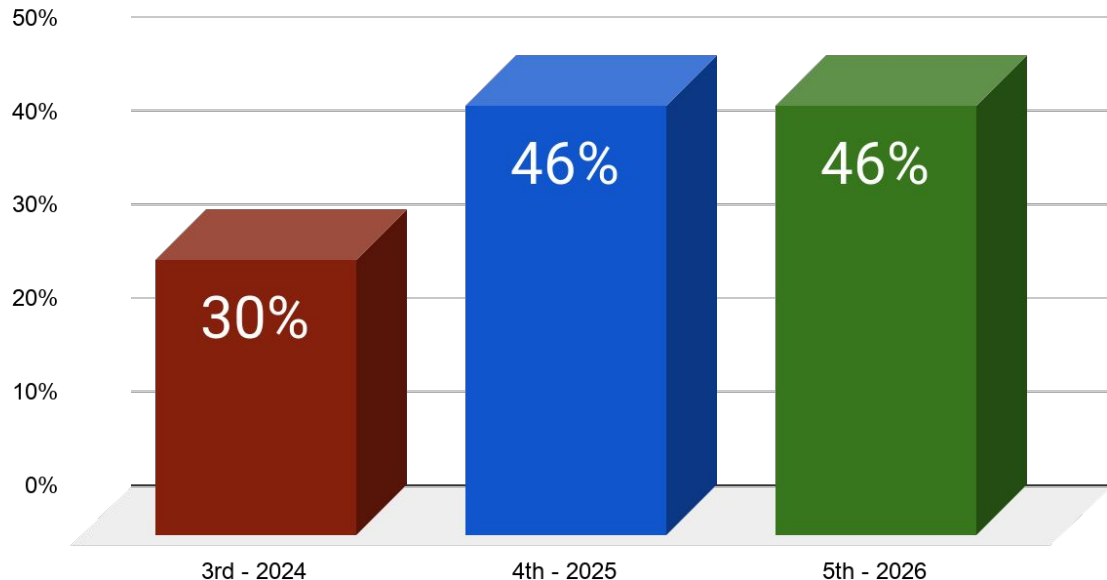
Lower grades show great promise



Academics - Strategic Plan

From 3rd in 2024 to 5th in 2026 - Cohort Data

5th Grade Cohort



No Decline as rigor increases. 16% growth in 2 years.

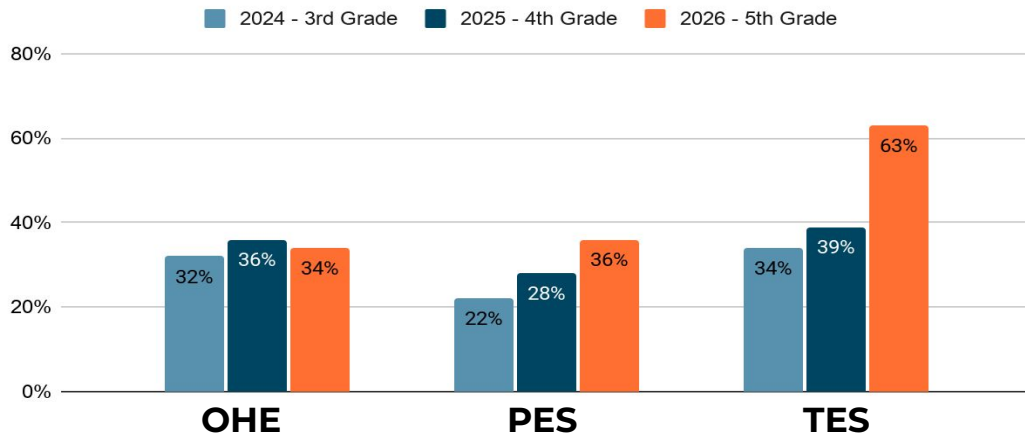
+16%



Academics - Strategic Plan

From 3rd in 2023 to 5th in 2025 - Cohort Data by School

5th Grade ELA - Cohort Data by School



Reading - 5th Grade Cohort by School

14% average increase in performance from 3rd to 5th grade.

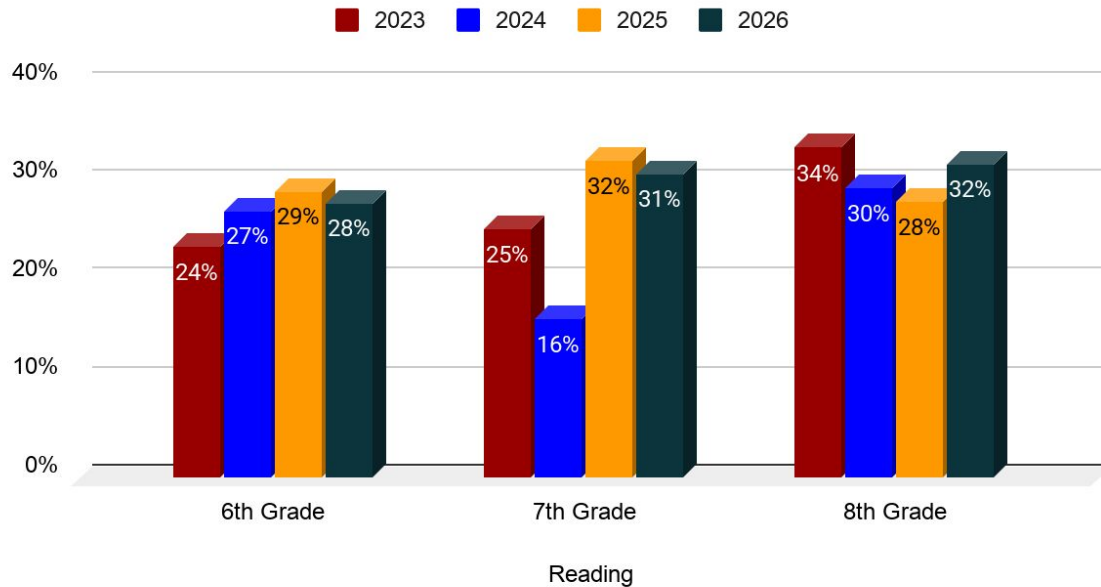
+14%



Academics - Strategic Plan

ELA - Middle School by Grade Level

Reading - 6th Grade, 7th Grade and 8th Grade

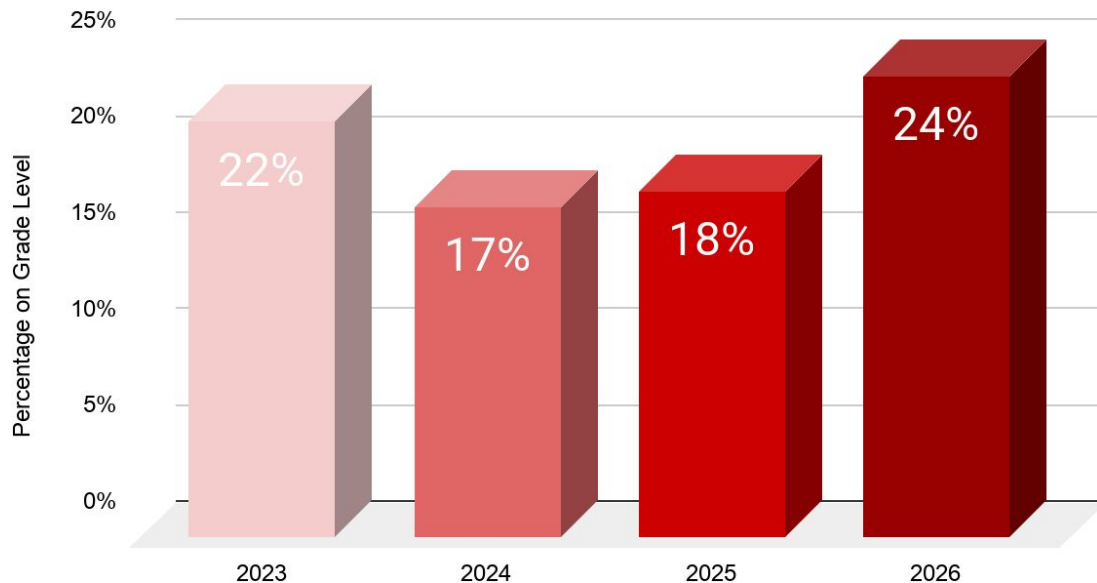




Academics - Strategic Plan

8th Grade Mathematics

8th Grade - Mathematics

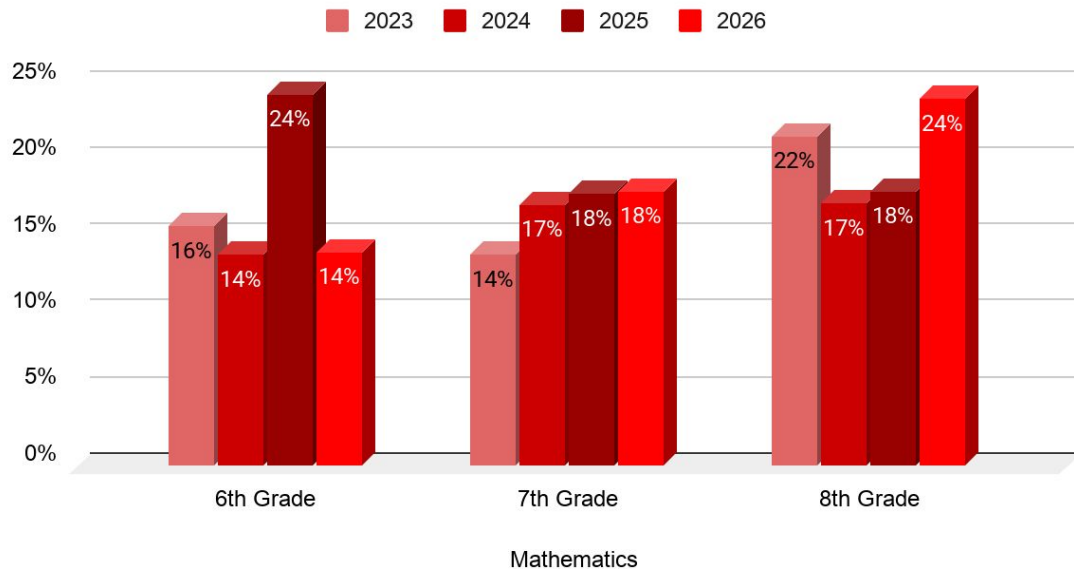




Academics - Strategic Plan

Middle School by Grade Level

6th Grade, 7th Grade and 8th Grade



+6%

- 8th Grade growth from last year 6%

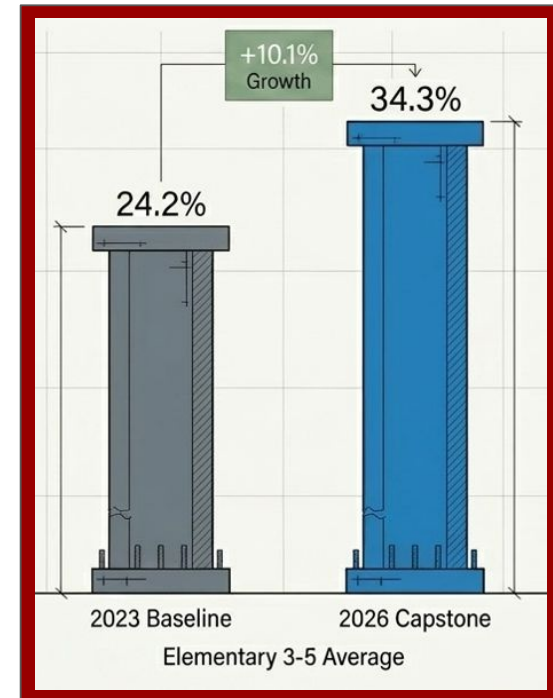
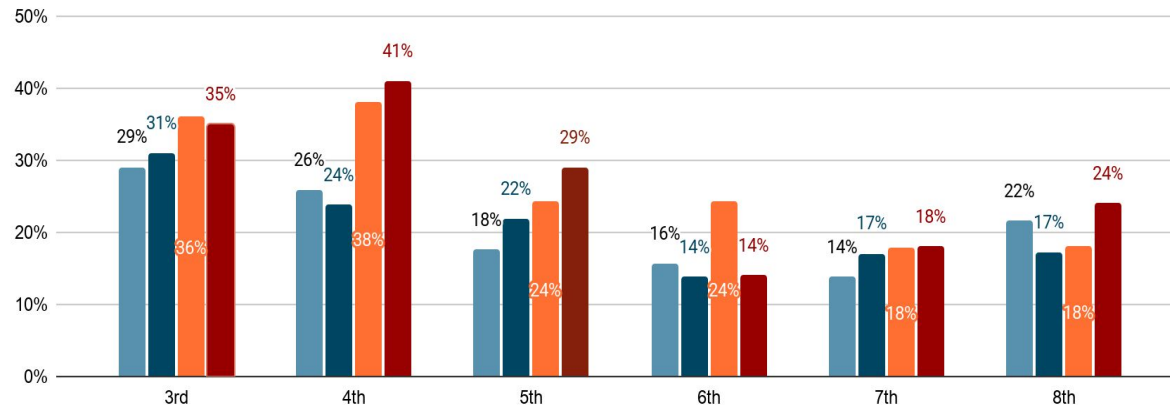


Academics - Strategic Plan

Coming up through the grades

Mathematics Performance on OSAS

■ 2023 ■ 2024 ■ 2025 ■ 2026



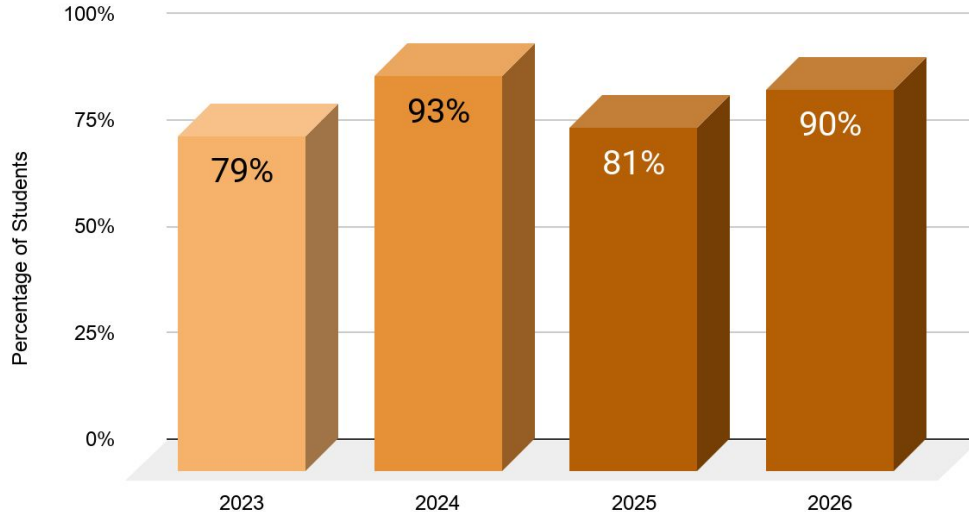


Strategic Plan

On-Track to Graduation

Every student at the completion of 9th grade will have six or more credits

6 Credits by the end of 9th Grade



- 12 Students deficient below 4.5 credits



JOURNEY TO EXCELLENCE FOR EVERYONE

Questions?



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

Board Meeting - 6:00 PM
Thursday, August 13, 2026
Orchard Hill Elementary School
1011 La Loma Dr, Medford, OR 97504

Join the [Zoom Meeting](#):

<https://us02web.zoom.us/j/81162956187?pwd%3DPzVYDred06gWro0x7N0yUQcZLOIPNa.1>

Meeting ID: 811 6295 6187 Passcode: 529933

The Phoenix-Talent School District #4 is committed to providing equal access to its public meetings in accordance with Oregon Public Meetings Law (ORS 192) and the Americans with Disabilities Act (ADA). If you require disability-related accommodations, auxiliary aids, or language interpretation services, please contact Board Secretary, Denise Skinner, at 541-535-1511 or denise.skinner@phoenix.k12.or.us at least 48 hours in advance of the meeting.

AGENDA

- A. Regular Session Call to Order – 6:00 p.m.
- B. Accentuate the Positive
- C. Citizen Comments
- D. Superintendent Report
- E. Program Report: Strategic Plan Update
- F. Consent Agenda
 - 1. Approval of Agenda
 - 2. Approval of Minutes from 7/23/26
 - 3. Personnel Report
- G. Information and Discussion
 - 1. Legislative / OSBA Update
 - 2. Budget Committee Vacancies
 - 3. Establish Meal Prices
 - 4. Review District Employee Handbook
 - 5. Superintendent Goals for 26-27
 - 6. Board Policy Packet 8-13-26
 - 7. Board Policy JFCEB – Personal Electronic Devices
 - 8. Board Vacancy
- H. Recess
- I. Action Items
 - 1. Board Policy Packet 7-23-26
 - 2. Talent SRO Contract
- J. Review of the Next Meeting Agenda
- K. Adjournment



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

Regular Board Meeting
Thursday, July 23, 2026 6:00 PM Pacific

District Office
401 West 4th St.
Phoenix, OR 97535

Michael Campbell:	Present	Diana Rasmussen:	Present
Nancy Castillo-McKinnis:	Present	Dawn Watson:	Present
Polly Farrimond:	Present	Rebecca Weathers:	Present
Rick Nagel:	Absent	Present: 6; Absent: 1	

A. **Executive Session** — 5:30 p.m. — This session is closed to the public under ORS 192.660 (2)(f)(h)

B. **Regular Session Call to Order** - Chair Campbell called the meeting to order at 6:27.

C. Action Item: Election of Board Chair

Chair Campbell asked for nominations for board chair. Polly Farrimond moved to appoint Rick Nagel as board chair for 26–27. Rebecca Weathers moved to nominate Polly Farrimond as board chair for 26–27. Polly Farrimond said that she does not wish to be nominated for chair. Nancy Castillo-McKinnis nominated Rebecca Weathers as board chair. Michael stated that since Rick Nagel was not present to be able to say whether he would be willing to serve as chair, the board will proceed to vote for Rebecca Weathers for Board Chair.

Rick Nagel: Absent, Rebecca Weathers: Abstain (With Conflict), Michael Campbell: Yea, Nancy Castillo-McKinnis: Yea, Polly Farrimond: Yea, Diana Rasmussen: Yea, Dawn Watson: Yea.
Yea: 5, Nay: 0, Absent: 1, Abstain (With Conflict): 1

D. Action Item: Election of Board Vice Chair

Michael asked for nominations for Vice Chair. I move to nominate Polly Farrimond as Vice Chair. This motion, made by Nancy Castillo-McKinnis, Carried. Polly accepted the nomination and the board voted.

Rick Nagel: Absent, Polly Farrimond: Abstain (With Conflict), Michael Campbell: Yea, Nancy Castillo-McKinnis: Yea, Diana Rasmussen: Yea, Dawn Watson: Yea, Rebecca Weathers: Yea
Yea: 5, Nay: 0, Absent: 1, Abstain (With Conflict): 1

E. Accentuate the Positive

Supt. Barry recognized the great work that Canyon Fuchs has done in his role in the tech department and for making sure that the board meetings run smoothly in regard to technology. Supt. Barry said that his expertise in technical sound and visual for our board meetings, the theater and the commons area at the high school when we have events has never run more smoothly. Supt. Barry read a note of recognition from Canyon's supervisor, Allan Quiros:

"Canyon's extensive knowledge and expertise in audiovisual systems, theater equipment, and classroom technology have made a significant impact on the district. Combined with his attention to detail, reliability, and commitment to outstanding customer service, he has played an integral role in expanding our technology capabilities and enhancing the level of service we provide to staff and students. Canyon, we are grateful to have you as part of the Phoenix-Talent family and sincerely appreciate your hard work, expertise, and the positive impact you make every day."

F. Citizen Comments

Sarah Nelson, parent of an 8th grader at Talent Middle School, said that this was her first board meeting to attend. Sara feels it is important to be involved with her son's education and the school district, so she plans to attend more meetings in the future.

G. Superintendent Report

Supt. Barry spoke about the following:

- The PES mural is getting wrapped up at Phoenix Elementary School and it looks great. Hopefully it's the first of many murals in the city of Phoenix.
- There has been a lot of talk about Instructional Hours in one of the Executive orders. We have usually been over on instructional hours, even when having a snow day. We did have a day when we had to cancel this year and the middle school had to cancel classes due to the water main leak, so it dipped a little from last year, so we had to plan for making up the hours.
- ODE sent another email about our cell phone policy. It does not totally meet compliance with the Executive Order, and he would like to bring it back as a discussion item at the next meeting.
- Rachel Garner has resigned as the Executive Director at Armadillo Community Charter School and Mimi Davis has been appointed as the new director. Tiffanie Lambert and Supt. Barry, have met with her and will work with her through that transition.
- Letters were provided to the board from students on scholarship awards from PTS Rising & the Fletcher Fish Memorial thanking them for their support.
- We heard from Alex with the City of Talent, and he said that the decision was made to keep the SRO funding in the budget for the school year. They have two candidates and the interviews are on August 19th and Rebecca was invited to participate.

H. Consent Agenda

I move to approve the consent agenda as presented. This motion, made by Diana Rasmussen and seconded by Nancy Castillo-McKinnis. Hearing no objections, the consent agenda was approved.

H.1. Approval of Agenda

H.2. Approval of Minutes from 6/04/26

H.3. Personnel Report

H.4. Resolution 26-5 - Annual Designations for 26-27

I. Information and Discussion

I.1. Legislative / OSBA Update

Director Watson said that the 80th OSBA convention is this fall in November. Director Watson attended both summer conferences in Redmond and Eugene, and she learned about the immigration bill and ICE coming to the schools. OSBA has created a draft board policy regarding this, and it is available to all schools in Oregon. Ms. Watson spoke about some of

the nuisances of the policy. Director Watson attended PACE's board retreat and spoke about a presentation given on the life of a claim and how enlightening it was. PACE day is in April, and they will pay for one person from each district to attend.

I.2. Annual Report on Restraint and Seclusion

Supt. Barry said that we had six restraints, for four different students. Overall, these are good numbers for a district our size.

I.3. Annual Agenda Items

Nancy asked to include a topic for Board Development and list available conferences and have that as a discussion several times during the year. Director Watson said that she is happy to provide Denise with some of the conferences that are scheduled for the 26–27 school year. Denise suggested that she could create a Google document and share it with the board so that they would always have access to it.

I.4. Board Guiding Principles Review

There were no new topics to add as the board felt that the changes that were made last year were good.

I.5. Board Policy Packet 7/23/26

Michael asked if there were any questions. Supt. Barry said that most of the changes were the result of new legislation being passed and most had to do with changes to Public Meetings Law changes.

J. Recess - None

K. Action Items

K.1. Resolution 26-6 - LCRG Designations

I move to adopt Resolution 26-6, LCRG Designations, as presented. This motion, made by Polly Farrimond and seconded by Rebecca Weathers, Carried.

Rick Nagel: Absent, Michael Campbell: Yea, Nancy Castillo-McKinnis: Yea, Polly Farrimond: Yea, Diana Rasmussen: Yea, Dawn Watson: Yea, Rebecca Weathers: Yea

K.2. Resolution 26-7 - Free-Reduced Lunch Info

I move to adopt resolution 26-7, Free-Reduced Lunch Info as presented. This motion, made by Polly Farrimond and seconded by Diana Rasmussen, Carried.

Rick Nagel: Absent, Michael Campbell: Yea, Nancy Castillo-McKinnis: Yea, Polly Farrimond: Yea, Diana Rasmussen: Yea, Dawn Watson: Yea, Rebecca Weathers: Yea

L. Review of the Next Meeting Agenda

M. Adjournment - The meeting adjourned at 7:12 p.m.

Rebecca Weathers, Chair

Brent Barry, Superintendent



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

August 6, 2026

To: Phoenix Talent Board

From: Amy Honts & Yazmin Karabinas

RE: 2026-2027 SY Meal Prices

Adult Meal Prices

USDA and ODE guidelines require adult meal prices to exceed the sum of the Free Reimbursement Rate and the Entitlement Commodity Rate:

- **Breakfast:** \$3.05 (Severe Need Breakfast rate) + \$0.47 (ODE commodity rate) = **\$3.52 minimum**
- **Lunch:** \$4.87 (60% or more + Menu Cert Lunch & Certified Menu rate) + \$0.47 (commodity rate) = **\$5.34 minimum**

Currently, adult meals are priced at \$3.50 for breakfast and \$5.25 for lunch.

Recommendation: Increase prices for 2026–27 school year to **\$3.75** for breakfast and **\$5.50** for lunch.

Student Meal Prices

The District is approved for **CEP** (free breakfast and lunch for all students) for the 2026–27 school year; therefore, prices apply only to second meals. Last year we did not increase second meal prices and were close to having to transfer funds into the Food Service account from general funds due to the non-program revenue totals & federal calculations that are mandatory to run annually.

- **2025–26 Second Meal Prices:**
 - Second Breakfast (K–12): \$1.75
 - Second Lunch: K–5: \$2.75 | 6–8: \$3.00 | 9–12: \$3.25
- **Recommendation:** Increase second meal prices for 2026–27.
 - Second Breakfast (K–12): \$2.25
 - Second Lunch: K–5: \$3.25 | 6–8: \$3.50 | 9–12: \$3.75

Milk: Price remains **\$0.75** (no change from 2025–26).



2026-27 EMPLOYEE **HANDBOOK**

Together, we shall meet the challenges of preparing
responsible, creative, lifelong learners



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

PREFACE

Dear colleagues,

We are pleased to provide you with this handbook, which summarizes major aspects of employment in Phoenix-Talent Schools. We hope it will become a useful and frequently referenced resource. The Employee Handbook is intended to serve as a guide, as it may not cover all aspects of the workplace and is not intended to either expand or limit any Board policy, administrative regulation, or collective bargaining agreement. It refers to selected [School Board Policies](#) to define shared understandings about professional standards and conduct. As laws and regulations change, the Employee Handbook will require updates.

We ask you to take the time to review the contents of this document carefully and to speak with your principal or supervisor regarding any areas in which you have concerns or questions. Any information contained in this staff handbook is subject to unilateral revision or elimination. Appropriate notice will be provided. Suggestions and ideas for items to be added to future handbook versions are welcome. This handbook is not intended to create a contract of employment or modify the terms of any individual employment agreement or collective bargaining agreement.

Equal employment opportunity and treatment shall be practiced by the district regardless of an individual's perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, or mental or physical disability, or economic status, if the employee, with or without reasonable accommodation, can perform the essential functions of the position.

The following administrators have been designated to serve as district compliance coordinators and liaisons for the areas identified below:

Assistant Superintendent of Human Resources – Jessica Hamlin

Title IX Coordinator | Civil Rights Coordinator | ADA Coordinator | Immigration Liaison
(541) 535-7504 (ext. 1013)

Assistant Superintendent of Teaching & Learning – Tiffanie Lambert

Section 504 Coordinator | Alternate Immigration Liaison
(541) 535-7502 (ext. 1011)

Table of Contents

WELCOME	4
2023-27 Phoenix-Talent Schools Strategic Plan	5
FOCUS ON PROFESSIONAL DEVELOPMENT	5
HISTORICAL OVERVIEW	6
IMPORTANT NOTICES:.....	6
PTS ACADEMIC GOOGLE CALENDAR	7
GOVERNANCE AND ORGANIZATION	8
→ QUICK LIST OF CONTACTS	9
SALARIES AND BENEFITS.....	12
BACKGROUND CHECKS/ONBOARDING PROCESS	13
PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.....	13
TSPC ISSUED LICENSING	13
VACATIONS AND LEAVES.....	14
PAYCHECKS.....	14
REPORTING AN ABSENCE	15
ACCESSING PAY INFORMATION – SCHOOL ERP PRO	15
PAYROLL DEDUCTIONS	15
CHANGE OF ADDRESS	15
PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS).....	15
POSITION OPENINGS/TRANSFERS.....	16
RESIGNATIONS	16
SAFETY	16
ACCIDENT REPORTS	16
TRAVEL.....	16
WORKSHOPS AND CONFERENCES.....	16
PURCHASE ORDERS	16
EXPENSE REIMBURSEMENTS	16
EQUIPMENT	17
MAIL	17
EMERGENCY SCHOOL CLOSURE	17
BILINGUAL STIPEND PROGRAM	17
ONLINE STAFF TRAINING	18
ONLINE TRAINING PROCEDURES	18
SUPERVISION AND EVALUATION.....	18
DISTRICT REGULATIONS	18
POLICIES	19
WELLNESS, HOPE, AND ENGAGEMENT	24

WELCOME

Dear Staff Member,

Welcome to PTS Rising! I often share with prospective candidates why they need to give Phoenix-Talent serious consideration when choosing a place to serve kids and the community. I truly believe we have something special in this district. Our mission to serve, with relationships at the foundation of all we do, is what motivates me to come to work every day. We are all part of this amazing PTS Family!

This is my 22nd year with the district and my 10th year as your superintendent. I am excited about the team we have built and the people who have been so dedicated to our students and families. The team that interviewed you when you were hired recognized something special in you. Thank you for choosing us!

As you know, we have experienced many challenges in the last several years responding to the pandemic and the devastating Alameda fire on September 8th, 2020. Though the impact of the fire is a distant memory for some in the Rogue Valley, it is very real for our students and families. I commend and admire you for wanting to be a part of the recovery and rebuilding process. You will find that our staff is committed to ensuring the success of every student with a special focus on supporting our fire survivors and helping them continue to access our schools and programs. Each year, bolstered by this incredibly resilient community, we continue to take hard and meaningful steps toward recovery from the fire and pandemic.

Finally, we recognize that this career we all chose is not an easy path. Educators face a variety of challenges, but the rewards are great. I want to share with you that we are committed to supporting you as you endeavor to have a positive impact on PTS students. Please do not hesitate to reach out to your supervisor or me if there is anything you need as you begin this journey with us.

Again, we are grateful for every member of our PTS Rising Family...you are in the right place!

Talk with you soon,

Brent Barry

Superintendent
Phoenix-Talent Schools

2023-27 Phoenix-Talent Schools Strategic Plan

Our Vision:

Together, we shall meet the challenges of preparing responsible, creative, lifelong learners.

Our Path:

Phoenix-Talent Schools’ four-year plan provides a roadmap that includes *four goals* to guide our work through 2027. To achieve our goals, *focus on areas* for success and identify practices that reflect our beliefs and will be incorporated into our daily work.

Strategic Outcomes:

- Decrease disparities in student achievement with all students making appropriate academic growth and progress.
- All students, staff, and community members will feel safe, respected, valued, and included in our schools.
- Provide opportunities for families to engage in 2-way communication experiences.
- Our students will develop proficient academic and social skills to allow them to access current and future opportunities.
- Our students will be prepared for college and/or careers.
- We will provide equitable opportunities for all students.

FOCUS ON PROFESSIONAL DEVELOPMENT

Staff/Student Engaged Learning High Leverage Instructional Practices Professional Learning Communities Student Engagement	Culture of Equity Equitable Grading Practices Multiple Pathways to Proficiency Foundations of Cultural Responsiveness Responding to Bias & Hate
Systems of Support Multi-Tiered Systems of Support *Academics *Behavior/SEL *Attendance	Community Engagement Family Engagement Best Practices Authentically Engage our Community Partners

HISTORICAL OVERVIEW

The Phoenix-Talent Schools are located in what the Rogue Indians called the Valley of the Rogue. With the discovery of gold in 1852, miners thronged to the valley in search of a fortune. Farmers soon followed, lured by fertile soil and favorable growing conditions. Small towns sprang up almost overnight. As the California-Oregon Stage Road grew with increasing loads of goods and supplies, the communities of Phoenix, Talent, and Medford grew as trading centers.

Today, Medford stands as the business, commercial, and professional center of Jackson County. Livability is the prime reason people reside in the Phoenix-Talent area. The climate is mild, being protected by the surrounding mountains. The District is situated largely in a rural environment with agriculture as the major industry. While being located in a rural environment, the Phoenix-Talent District has many of the advantages of urbanization.

On September 25, 1959, the Talent School District #22 was merged with the Phoenix School District #4. This was based on a resolution adopted by the Jackson County Reorganization Committee in 1958. At the suggestion of this same committee, Barnett Road was made the northern boundary of District #4. On September 16, 1959, by a vote of the people, Phoenix and Talent consolidated. This made a district of 1,238 students, comprising two grade schools (one in Talent and one in Phoenix), grades one through eight, and a high school in Phoenix (which had to be remodeled to accommodate 330 students). Today, Phoenix-Talent Schools has a K-12 student population of approximately 2,800. The District has three elementary schools (grades K-5), one middle school (grades 6-8), and one high school. Phoenix-Talent Schools have a reputation for providing quality education through dedicated staff and innovative programs. Over the years, the District has enjoyed a good relationship with the community.

We welcome you to the Phoenix-Talent School District and look forward to the positive contributions you will make. Together, we shall meet the challenges of preparing responsible, creative, lifelong learners.

IMPORTANT NOTICES:

Several board policies have been changed, expanded, or created over recent years. Please pay special attention to and review the following policies on the [District Website](#):

- [KNA](#) – Immigration Enforcement on District Property
- [KNA-AR\(1\)](#) – Interactions with Immigration Enforcement
- [Oregon Attorney General's Model Public School Policies – Immigration Enforcement](#)
- [ACB Every Student Belongs](#)
- [IIBGA](#) and [IIBGA-AR](#), Electronic Communication System
- [GBC](#) Staff Ethics
- [GCAB](#) Personal Communication Devices and Social Media
- [GBNA](#) Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying-Staff
- [JHFE/GBNAB](#) Abuse of a Child/Mandatory Reporting Responsibilities
- [JHFF/GBNAA](#) Suspected Sexual Contact with Students and Reporting Requirements

Phoenix Talent Schools 2026-2027 Academic Calendar - FINAL

JULY 2026						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
3 Independence Day Observation Schools Closed - Some staff per contracts						

AUGUST 2026						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
1/0 Schools Closed - Some staff per contracts 27 New Staff In Service Day 31 Teacher Inservice (No Classes)						

SEPTEMBER 2026						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
22/16 1-4 Teacher Inservice (No Classes) 7 Labor Day 8 1st-5th grade Students 1st day of school (K soft) Grades 6 & 9 and all Phoenix Talent Schools 9 First Day For All Students						

OCTOBER 2026						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
22/21 12 Indigenous Peoples' Day. Holiday for Certified Staff, Non-contract for some staff						

NOVEMBER 2026						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					
19/14 6 End of QTR 1 (Teacher Inservice, No Classes) 11 Veteran's Day 23-24 Parent - Teacher Conferences 25-27 Non - Contract Day (No Classes) 26 Thanksgiving - Holiday for most staff; non-contract day for some						

DECEMBER 2026						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
15/14 21-31 Winter Recess (No Classes) 25 Christmas Day						

JANUARY 2027						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
20/18 1 New Year's Day 18 Martin Luther King Jr. Day (No Classes - Non Contract) 29 End of Qtr 2 (Teacher Inservice, No Classes)						

FEBRUARY 2027						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						
19/19 15 President's Day (No Classes - Non Contract)						

MARCH 2027						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
16/16 18-26 Spring Recess (No Classes)						

APRIL 2027						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
22/21 9 End of 3rd Quarter 12 Teacher Inservice (No Classes)						

MAY 2027						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
21/20 31 Memorial Day						

JUNE 2027						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
13/12 12 PHS Graduation 16 TMS 8th Grade Recognition 17 Last Day of School (Minimum Day) 18 Teacher Inservice (No Classes) 21 Juneteenth 6/19 Observation (Year round employees) Schools Closed - Some staff per contracts						

COLOR CODE REFERENCE:

	District Closed - Holiday
	Different Schedules
	Teacher Inservice Day - No Classes - All Schools
	Regular School Day For All Schools
	All Schools - Minimum Day
	End of Quarter 3

	Parent-Teacher Conferences - All Schools - No Classes
	PHS Graduation Ceremony/TMS 8th Grade Recognition
	No Classes - Holiday Break or Spring Recess and/or Non Contract Day
	All Students Return to School
	Schools Closed - Some Staff per Contracts
	NEW Staff Inservice Day

REFERENCE OF COLOR CODE (SPANISH):

	Districto Cerrado - Dias Festivos
	Diferentes Horarios
	Dia de Capacitación para los Maestros - No hay clases en todas las escuelas
	Dia Regular para todas las Escuelas
	Todas las Escuelas - Día Mínimo
	Fin del tercer trimestre

	Conferencias de padres y maestros: todas las escuelas, no hay clase
	Graduación de PHS/Reconocimiento para el 8vo grado en TMS
	No hay clases: vacaciones o receso de primavera y/o día sin contrato
	Todos los estudiantes regresan a la escuela
	Escuelas cerradas - Algunos empleados de acuerdo a su contrato
	Dia de capacitación para personal nuevo

GOVERNANCE AND ORGANIZATION

BOARD OF EDUCATION

The District’s operations are overseen by a seven-member Board of Directors. Board elections occur in the spring of odd-numbered years, with four-year terms starting July 1. Members for positions 1, 2, 6, and 7 must reside in Zone 2, while positions 3, 4, and 5 require residency in Zone 1. Although board members must qualify by zone, they are elected at large.

What Does a School Board Do?

A school board provides citizen oversight of the district, ensuring accountability for student education and the efficient use of public funds. Elected by the community, board members set the district’s mission, establish goals, adopt policies, and approve budgets and contracts to align resources with priorities. They also hire and supervise the superintendent. Individual board members have no authority; decisions require a majority vote in public meetings.

2026-27 School Board Meeting Dates

Learn more on our [School Board Website](#)

➤ **SCHOOL BOARD:**



Rebecca Weathers, **Chair**



Polly Farrimond, **Vice Chair**



Dawn Watson



Nancy Castillo-McKinnis



Michael Campbell



Diana Rasmussen



In Memoriam ~

Phoenix-Talent Schools mourns the death of **Rick Nagel** in August 2026, following more than 25 years of dedicated service to the district since 1999. The board will fill the resulting vacancy in accordance with Oregon law and board policy.

→ QUICK LIST OF CONTACTS



DISTRICT OFFICE

401 W. Fourth St • PO Box 698 • Phoenix, OR 97535 • Main line: 541-535-1517 • Fax: 541-535-3928

NAME	TITLE	DIRECT LINE	EXT
Brent Barry	Superintendent	535-7500	1010
Jessica Hamlin	Asst. Supt. of Human Resources	535-7504	1013
Tiffanie Lambert	Asst. Supt. of Teaching & Learning	535-7502	1011
Aaron Santi	Dir of Magnet Programs	897-5107	1373
Allan Quiros	IT Manager	897-6530	1102
Yazmin Karabinas	Accounting Director	535-7503	1006
Charlene Patten	Executive Asst of Teaching & Learning	535-7520	1005
David Lappen	Computer Support Tech	897-6529	1101
Debbie Rogers	Accounts Payable	535-7523	1003
Denise Skinner	Executive Asst to the Superintendent	535-1511	1001
Derek Rodman	School Psychologist	535-1517	1009
Jason O'Brien	Information Specialist - PowerSchool	535-0200	1103
Jeremy Anders	System Administrator	897-6529	1105
Joe Zavala	Communications Specialist	535-1517	1019
Laura Weigand	Payroll/Benefits Specialist	535-7559	1007
María Lee	TOSA/Migrant Ed	535-3353	1326
Monique Strain	HR Specialist	535-1517	1017
Rachel Townsend	Accounting Specialist	897-6845	1004
Tiffany Britton	Executive Asst. of HR	897-6757	1002
Venus Estrada	Temp. Clerical Assistant	535-1517	1022
William Stearns	Computer Support	535-2199	1104
Zhalen Shirvanioun	School Psychologist	535-1517	1025

MAINTENANCE & FACILITIES

873 N. Rose St • Phoenix, OR 97535 • Main line: 541-897-5149

NAME	TITLE	DIRECT LINE	EXT
Jon McCalip	Facilities & Projects Director	535-3009	1014
Candace Selden	AP Clerk / Secretary	897-6587	1020
Randy Kirkland	Lead Maintenance	210-7621	
Daniel Torres	Custodial Coordinator	630-1898	



PHOENIX HIGH SCHOOL

745 N. Rose St • PO Box 697 • Phoenix, OR 97535 • Main line: 541-535-1526 • Fax 541-535-7511

NAME	TITLE	DIRECT LINE	EXT
Kalin Cross	Principal	535-5288	3010
Erika Ochoa	Assistant Principal	535-7545	3012
Sam Osofsky	Assistant Principal/Athletic Director	535-7508	3011
Sara Crawford	Office Manager		3005
Hilda Pantoja	Attendance Specialist	535-4456	3014
Lisa Keepes	Athletics Secretary		3001
Jessica Marsh	Registrar		3004
Mayra Silva	Accounting Assistant		3003
Janet Gutridge	Data Entry Specialist		3002
Yaneth Garcia	Student Manager	897-6756	3017
Cooper Kamp	SRO	631-8247	3066



PTS RISING EARLY LEARNING CENTER

745 N. Rose St • PO Box 697 • Phoenix, OR 97535 • 541-897-5210

NAME	TITLE	DIRECT LINE	EXT
Aaron Santi	ELC Director	535-1517	2064
Sandra Muñoz	Preschool Teacher	897-5210	
Heather Raetz	Instructional Asst.	897-5210	
Angela Glass	Preschool Teacher/Coord.	897-5210	
Deni Goodwin	Office Manager	541-414-4328	



PHOENIX ELEMENTARY

215 N. Rose St • PO Box 727 • Phoenix, OR 97535 • Main line: 541-535-3353 Ext. 1300

NAME	TITLE	DIRECT LINE	EXT
Shawna Schleif	Principal		1310
Wendy Duffie	Office Manager		1301
Lori Delgado	Secretary		1303
Cooper Kamp	SRO	631-8247	3066



PHOENIX-TALENT RISING ACADEMY

1011 La Loma Drive • Medford, OR 97504 • Room 21 • Main line: 541-897-5108

NAME	TITLE	DIRECT LINE	EXT
Aaron Santi	Principal	897-5107	2022
Deni Goodwin	Office Manager	897-5108	2002
Shannon Harley	Temp. Middle School Teacher (6-8)	897-5110	
Madeline Macias	Elementary Teacher (K-5)	890-0921	
Cooper Kamp	SRO	631-8247	3066



TALENT MIDDLE SCHOOL

102 Christian Avenue • Talent, OR 97540 • Main line: 541-535-1552 Fax: 541-535-7532

NAME	TITLE	EXT
Casey Olmstead	Principal	4110
Allison Hass	Assistant Principal	4111
Deanne Tanner	Office Manager	4102
Vanessa Vega	Attendance Clerk	4114
Julee Locket	Registrar	4101
Felipe Reyes	Bilingual Family Liaison	4125
Misty Hutsell	Student Manager	4112
Stephen McCormick	Lead Custodian	4162
Ken Lehman	SRO	4107



TALENT ELEMENTARY SCHOOL

307 Wagner Creek Rd. • Talent, OR 97540 • Main line: 541-535-1531 Fax: 541-535-1858

NAME	TITLE	EXT	
Heather Lowe	Principal	4010	
Cheryl Joseph	Office Manager	4001	
Nuvia Pineda	Community Care Specialist	4050	
Kim Saurman	Registrar	4002	
Cooper Kamp	SRO	631-8247	3066



ORCHARD HILL ELEMENTARY

1011 La Loma Drive • Medford, OR 97504 • Main line: 541-779-1766 Fax: 541-770-9037

NAME	TITLE	EXT	
Kent Vallier	Principal	2010	
Dianne Wolff	Office Manager	2001	
Holly Swift	Registrar	2002	
Kathleen McCormick	Community Care Specialist	2025	
Nicholas Elliott	Lead Custodian	2006	
Cooper Kamp	SRO	631-8247	3066

SALARIES AND BENEFITS

Employees in the Phoenix-Talent Schools bargaining unit are represented in collective bargaining with the School District by the Oregon School Employees Association (OSEA) and the Oregon Education Association (OEA). Please take time to read the collective bargaining agreement negotiated between OSEA, OEA, and the School Board that sets salaries and benefits. Copies should be available online at [PTS Staff Resources](#), in school and department offices, from the Human Resources Office, or your building representative.

Benefits Highlights - For those who work .50 FTE (4 hours per day for classified) or more. Family medical & pharmacy, dental and vision insurance, HSA options, Life insurance/AD&D (employer paid), Flex spending accounts for medical and daycare, and Employee Assistance Program (EAP). <https://www.modahealth.com/oebb/members/summaries.shtml> [OEBS Summary of Benefits 2026-27 Plan Year.pdf](#)

Employee assistance is available through Canopy and is free to employees and their dependents. This is a confidential counseling/referral service that assists in resolving a variety of personal or family concerns. The program is designed to provide immediate professional assistance in dealing with and resolving issues that affect mental health. More information may also be found online or by reaching out to the Human Resources Office. [Employee Assistance Program \(EAP\) Summary of Services.pdf](#)

District Paid Leave Features - Paid Sick leave, Personal leave, and Family leave are provided. Please refer to your CBA, as applicable, for more information. [Classified CBA](#) [Licensed CBA](#)

Retirement Overview - The District pays the employee's share (6%) of the [Public Employees Retirement System](#) contribution. Optional supplemental TSA retirement plans are available (403b and 457). Here is the PTS [403\(b\) & 457 Vendor List 2026-27](#)

Paid Family and Medical Leave – The District provides an approved equivalent plan for Paid Leave Oregon, administered by American Fidelity Assurance Company. Eligible employees may receive paid family, medical, or safe leave in accordance with Oregon law and the terms of the plan. Employees should notify Human Resources at least 30 days before foreseeable leave, or as soon as possible when leave is unexpected, and follow the notice requirements of the equivalent plan. **Paid leave under the equivalent plan will run concurrently with FMLA when the leave qualifies under both laws; it does not run concurrently with OFLA.** Employees should contact Human Resources for assistance with leave coordination and the application process.

BACKGROUND CHECKS/ONBOARDING PROCESS

Any newly hired employee not requiring licensure under Oregon Revised Statutes (ORS) 342.223 as a teacher, administrator, personnel specialist, or school nurse shall submit to a criminal records check and fingerprinting.

A criminal records check will be conducted during the initial hiring process. Fingerprinting will take place following acceptance of employment.

Every effort will be made to schedule new hire orientations during working hours.

Federal Student Aid PUBLIC SERVICE LOAN FORGIVENESS PROGRAM

The PSLF Program forgives the remaining balance on your Direct Loans after you have made 120 qualifying monthly payments under a qualifying repayment plan while working full-time for a qualifying employer.

[PSLF Website](#)

Alert! If you are ineligible for PSLF only because some or all of your payments were not made under a qualifying repayment plan for PSLF, you might still be eligible for forgiveness through Temporary Expanded Public Service Loan Forgiveness. [Learn more.](#)

TSPC ISSUED LICENSING

Teaching, administrative, and personnel services licenses are issued through TSPC. License renewal is applied for on TSPC's website through eLicensing. TSPC strives to send renewal reminders six months before the expiration date of the licenses. Notice is subject to variables such as educators supplying

up-to-date email addresses to TSPC, etc. Please note that the law does not require TSPC to provide renewal reminders; the awareness of one's expiration date and the timely application for license renewal are the sole responsibility of the educator.

Click here for the eLicensing login page: [eLicense TSPC Oregon](#)

VACATIONS AND LEAVES

Vacation and other discretionary leave requests must be submitted through Frontline and approved in accordance with the applicable collective bargaining agreement and District procedures. Sick leave, family illness leave, personal leave, bereavement leave, and other leaves are provided in accordance with applicable collective bargaining agreements, Board policy, and state and federal law. Employees should review their applicable collective bargaining agreement for eligibility, notice requirements, and use of accrued leave. Questions regarding protected family, medical, or other statutory leave should be directed to Human Resources. Employees may use accrued sick leave in accordance with Oregon law and the applicable collective bargaining agreement.

MEAL AND REST PERIODS

Nonexempt employees are provided meal and rest periods in accordance with Oregon law and applicable collective bargaining agreements. Per the Collective Bargaining Agreement between PTS and OSEA, "Each [classified] employee shall receive a fifteen (15) minute rest period during each four (4) hour work period or a major part thereof...[and] Each employee who has worked no longer than five (5) hours and one (1) minute shall receive an uninterrupted, unpaid meal period of at least one half (1/2) hour." Licensed teachers receive a continuous 30-minute duty-free lunch period as required by Oregon law. Employees are expected to take required meal and rest periods as scheduled and should notify their supervisor if they are unable to do so.

PAYCHECKS

District employees are paid on the 20th of every month. Paychecks that are not electronically deposited will be delivered to the school buildings on the morning of the 20th. Employees who work on a timesheet basis must submit their timesheets to the Office Manager on the 1st of each month. If you need to have someone else pick up your paycheck, please notify the Business Office in writing. This written request will be retained in the personnel file.

REPORTING AN ABSENCE

All employees must report absences in **Frontline Absence Management**, whether or not a substitute is required.

Absences may be reported:

- **Online:** Access Frontline Absence Management through the [Staff Resources](#) page on the District website.
- **By phone:** Call 1-800-942-3767 and follow the automated prompts.

Accessing Frontline

New employees will receive an email from Frontline with instructions for setting up their account. Follow the instructions in the email to complete your account setup.

To access Frontline online, use your Frontline username and password or the District's configured sign-in option. If you forget your username or password, use the recovery options provided on the Frontline sign-in page.

For assistance with Frontline Absence Management, contact **Monique Strain (541-535-1017)** or monique.strain@phoenix.k12.or.us.

ACCESSING PAY INFORMATION – SCHOOL ERP PRO

Employees may view pay information through the web-based **School ERP Pro** employee portal.

1. Go to the **School ERP Pro / Okta Sign-In Page**.
2. Sign in using your District account credentials.
3. After signing in, open **School ERP Pro**.
4. Use the available payroll options to view pay statements, tax information, and other payroll records.
5. Select the applicable pay statement to view or print a copy.

Employees who have difficulty signing in or accessing payroll information should contact the Business Office or Technology Department.

PAYROLL DEDUCTIONS

All employees shall be required to have deductions from their monthly salary as required by law. Voluntary deductions from paychecks may be made with the employee's written authorization, which will be retained in the personnel file. These deductions may include Rogue Federal Credit Union or other bank accounts, select voluntary contributions, Tax Deferred Annuities, HSA deposits, and Section 125. Direct questions regarding payroll to laura.weigand@phoenix.k12.or.us

CHANGE OF CONTACT INFORMATION

So that we can keep personnel and payroll records current, please submit in writing to the Human Resources Office any changes in your name, address, phone number, or number of dependents.

PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Eligibility: You are automatically a member after you have completed six (6) months of employment. If you are a prior member and have not withdrawn your funds from PERS, you are eligible immediately.

Costs/Payment: Both the employee and employer portions are paid by the District.

Withdrawal upon Termination: When an employee leaves the District, a "notice of separation" is sent to PERS. When the "notice" is received by PERS, the employee's share may be withdrawn under some conditions.

POSITION OPENINGS/TRANSFERS

Position openings are emailed to staff and posted five (5) days for Classified and seven (7) days for Licensed. If you are interested in a posted position, please go to the Employment Page of our District Website and apply by the listed deadline date. Summer job posting requests are sent to each building for classified employees in June.

RESIGNATIONS

Resignations should be submitted in writing to the Human Resources Office (humanresources@phoenix.k12.or.us) and include the employee's intended last day of employment.

Licensed employees are expected to provide at least 60 days' written notice, consistent with Board Policy GCPB/GDPB and applicable law, and to fulfill their contractual duties during the required notice period unless released earlier by the superintendent. Classified employees should provide as much advance notice as possible.

SAFETY

To provide and maintain the safest working conditions possible, the District has formed a safety committee. This committee meets once a month and also conducts safety inspections. The minutes of the meetings are posted at each building. Please report any unsafe conditions to your supervisor immediately. Contact the facilities department for more information:

candace.seldon@phoenix.k12.or.us

WORKPLACE INCIDENTS AND INJURIES

All workplace incidents, injuries, and safety-related events must be reported immediately to a supervisor, and an [Incident Report](#) must be completed. This includes incidents even when medical treatment is not initially needed.

If medical treatment is needed for a work-related injury, the employee must complete [Form 801](#) and submit it to Human Resources within two days. Following medical treatment, employees must provide Human Resources with documentation of their work status and any work restrictions within 24 hours and after subsequent medical appointments until released to return to regular work without restrictions.

Employees should review the [Workplace Incident & Injury Procedures](#) for reporting requirements and next steps. Questions regarding workplace injuries, workers' compensation, work restrictions, or return-to-work requirements should be directed to Human Resources @ptshrdept@phoenix.k12.or.us

TRAVEL

District-related travel must be approved in advance in accordance with District procedures. Employees should use District vehicles when available. Use of a personal vehicle for District business requires appropriate prior approval and current verification of automobile liability insurance on file with the District. Employees are responsible for maintaining adequate insurance when using a personal vehicle for District business. In-district use of a personal vehicle requires prior building administrator approval; out-of-district and out-of-state travel requires prior superintendent approval.

Approved mileage and other ordinary and necessary travel expenses may be reimbursed in accordance with District procedures. Employees must submit the applicable reimbursement form, receipts, and supporting documentation within required timelines. Questions regarding travel approval or reimbursement should be directed to the Business Office.

WORKSHOPS AND CONFERENCES

Employees attending workshops, conferences, or inservice training need to submit a "Request for Leave to Attend" two weeks before the event. Please use Form [B-502 for Classified](#) or Form [C-506 for Licensed](#) and have your supervisor sign it and send it to the Business Office.

PURCHASE ORDERS

Purchase orders must be authorized by your supervisor and submitted to your office manager or business office for processing. Our requisition and purchase order system must be used to place orders.

After receiving the merchandise, please submit the packing list to your office manager or business office for payment.

EXPENSE REIMBURSEMENTS

Requests for reimbursement of approved purchases must be authorized by your supervisor, and appropriate receipts must be submitted to your office manager or business office within 30 days of purchase to process payment.

EQUIPMENT

Before removing District equipment or materials from District buildings, employees will need to obtain authorization from the building supervisor.

MAIL

The District provides courier service to all buildings daily. Please check your building office for the delivery schedule. The ESD also provides courier service to all buildings in Jackson and Josephine Counties during the school year. A schedule of delivery times is printed and distributed each fall. All U. S. mail is processed in the warehouse. The deadline for outgoing mail is 2:30 p.m.

EMERGENCY CLOSURES AND SCHEDULE CHANGES

In the event of hazardous weather or other emergency conditions, the superintendent may close all or selected schools, delay school openings, dismiss students early, or modify transportation schedules as appropriate. Employees will be notified of closures, delays, and other schedule changes through District communication systems and should follow the instructions provided.

Employee reporting expectations during inclement weather closures or delays are governed by the applicable collective bargaining agreements and District procedures. Certain identified essential employees may be required to report during a closure. Employees should refer to their applicable collective bargaining agreement or contact their supervisor or Human Resources with questions.

BILINGUAL STIPEND PROGRAM

Phoenix-Talent School District values bilingual staff for their contributions to an inclusive, equitable environment. Staff who demonstrate language proficiency beyond English may qualify for a bilingual stipend.

Eligibility Criteria:

To qualify, staff must demonstrate proficiency through one of the following:

- High School Biliteracy Seal (within the last 5 years)
- OPIc Test (score of Advanced Low or higher; HR can arrange this at no cost)
- STAMP Assessment (score of 6+ in each domain)
- High School or College diploma from a non-English-speaking country

- Bilingual Specialization (TSPC certification)

New employees must demonstrate proficiency by October 1st.

Expectations for Bilingual Stipend Recipients

Recipients are encouraged to:

- Complete Introduction to Interpreting and Intermediate Interpreting training
- Interpret for parent conferences, IEP/504 meetings, and informal parent interactions
- Assist with simple translations (e.g., teacher notes) and review translations of IEP/504 plans
 - Additional pay for time interpreting and preparing to interpret for IEP/504 meetings will be provided.

To apply for the stipend and arrange the OPIc test, email Human Resources

tiffany.britton@phoenix.k12.or.us

ONLINE STAFF TRAINING

Employees are required to complete assigned online training at hire and periodically thereafter to support workplace safety and compliance with applicable legal and regulatory requirements.

Required training is assigned through [Vector Solutions](#). Employees will receive an email when training is assigned, including instructions and applicable completion deadlines. Annual training assignments are generally due by **September 30**, unless otherwise communicated.

Employees may access assigned training through the [Vector Training Portal](#) or the [Staff Resources Page](#). Employees should use their district email address and follow the login instructions provided by the system.

Vector Solutions may send automated reminders regarding incomplete assignments. Employees are responsible for completing required training by established deadlines.

SUPERVISION AND EVALUATION

Phoenix-Talent Schools acknowledges and upholds [STANDARDS FOR COMPETENT AND ETHICAL PERFORMANCE OF OREGON EDUCATORS](#)

Information and resources regarding the [Evaluation of Licensed Staff](#) can be obtained on the Human Resources page of the PTS Website.

Here is a link to information regarding the [Classified Evaluation & Frontline Professional Growth Guide](#).

DISTRICT REGULATIONS

- All personal telephone calls should be made during break or lunch periods unless they involve an emergency.
- No information regarding District employees or students shall be released without proper authorization.
- Solicitations for donations shall not be allowed without the permission of the Superintendent.

- School District keys are issued to specific personnel and must not be duplicated or loaned to other people.
- District vehicles are to be used for District business only and must be checked out according to District policies and procedures.
- All District property, including trucks, lockers, desks, etc., is subject to unannounced inspection by District officials. Please do not expect privacy or store personal articles on District premises.

POLICIES

[School Board Policies](#) are online and may be accessed through the District website. All employees should be familiar with board policies.

We have placed summaries of the following policies in this handbook because they represent important information for employees. A few have been condensed to main points; you can access the complete policy by clicking on the hyperlink attached to the title of each.

[NONDISCRIMINATION](#)

POLICY CODE: AC

The District strictly prohibits discrimination and harassment based on any legally protected characteristic, such as race, religion, sex, disability, sexual orientation, age, and more. This policy applies to various aspects, including employment, education, facilities, and public meetings. The District aims to create an inclusive and safe environment for everyone.

[WORKPLACE & SEXUAL HARASSMENT / COMPLAINT REPORTING](#)

POLICY CODE: GBEA & GBEA-AR

The District is committed to a workplace free from unlawful discrimination, harassment, sexual harassment, and sexual assault. Employees who experience, observe, or become aware of prohibited conduct should promptly report the concern to their supervisor, Human Resources, or another administrator identified in the applicable Board policy; employees are not required to report through a supervisor who is involved in the concern. Retaliation against an employee for making a good-faith report or participating in an investigation is prohibited. **See Board Policy GBEA and GBEA-AR for definitions, reporting options, and complaint procedures.**

[EMPLOYEE CONCERNS AND COMPLAINTS](#)

POLICY CODE: GBM

Employees are encouraged to raise workplace concerns promptly with their immediate supervisor or, when appropriate, Human Resources or the superintendent. Concerns involving an employee's supervisor may be brought directly to the next-level administrator or Human Resources. Nothing in this section limits any rights or procedures available under an applicable collective bargaining agreement, Board policy, or law. Complaints involving discrimination, harassment, retaliation, or other protected matters should be reported through the applicable complaint procedure.

WHISTLEBLOWER PROTECTIONS

POLICY CODE: GBMA

Employees are protected from retaliation for making good-faith reports of suspected violations of law, misuse of public resources, or other matters protected by Oregon whistleblower law. Concerns may be reported to a supervisor, Human Resources, the superintendent, or another appropriate authority. Retaliation against an employee for making a protected report or participating in an investigation is prohibited. See applicable Board policy for additional information and reporting procedures.

STAFF CONDUCT

POLICY CODE: GBCB

The Board expects staff members to conduct themselves in a manner that reflects credit on the school system by setting a positive example for students. Compliance with employment terms, directives, and school policies is essential. Staff must prioritize the safety and welfare of students, ensuring proper supervision. They should attend work promptly, refrain from alcohol and controlled substances at work, and take care of school property.

IMMIGRATION ENFORCEMENT ON DISTRICT PROPERTY

POLICY CODE: [KNA](#); [KNA-AR\(1\)](#)

Phoenix-Talent Schools follows state and federal law and Board policy governing interactions with federal immigration authorities. Employees who receive a request related to immigration enforcement, or who are approached by federal immigration authorities regarding a student, employee, volunteer, district record, or access to a nonpublic area, must **immediately contact the designated immigration liaison or alternate immigration liaison**. Employees should not independently evaluate or respond to the request.

Unless expressly authorized by the superintendent or designee, or by the immigration liaison acting on their behalf, employees shall not:

- Provide records or information about a student, employee, or volunteer;
- Confirm whether an individual is present or make an individual available;
- Provide access to nonpublic areas of district facilities or property;
- Sign documents presented by federal immigration authorities; or
- Consent to immigration-enforcement activity.

Employees must not physically interfere with or obstruct federal officers. If documents such as a warrant, subpoena, or court order are presented, employees should preserve the documents or information presented and immediately refer the matter to the immigration liaison rather than attempting to determine the document's legal validity.

Employees must maintain the confidentiality of student, employee, and volunteer information and should direct questions from students, families, community members, or others regarding immigration-enforcement activity to the immigration liaison.

When federal immigration authorities are confirmed to be on school property for immigration-enforcement purposes, the immigration liaison will coordinate notifications required by Board Policy KNA.

Immigration Liaison: Jessica Hamlin, Assistant Superintendent of Human Resources

Alternate Immigration Liaison: Tiffanie Lambert, Assistant Superintendent of Teaching and Learning

IEP & SECTION 504 PLAN IMPLEMENTATION

POLICY CODE: [IGBAF](#) / [IGBAF-AR](#); [JBAA](#) / [JBAA-AR](#)

Employees responsible for providing instruction, services, or support to a student with an IEP or Section 504 Plan are responsible for understanding and implementing the portions of the plan applicable to their role, including required accommodations, modifications, services, and supports. Employees should review applicable plans and seek clarification from the student's case manager, Section 504 coordinator, or building administrator when questions arise.

DATA PRIVACY & FERPA COMPLIANCE

POLICY CODE: [JO/IGBAB](#); [JOB](#)

The District is committed to protecting the privacy and confidentiality of student information. Employees may access, use, or share student education records and personally identifiable information only when necessary to fulfill their professional responsibilities and consistent with FERPA, state law, and District policy. Employees are expected to safeguard confidential information and use District-approved systems when accessing, storing, or sharing student information. Questions about whether information may be accessed or disclosed should be addressed before sharing the information; suspected unauthorized access or disclosure should be reported promptly to a supervisor or appropriate District administrator.

PERSONNEL RECORDS

POLICY CODE: GBL

Employees may review and request copies of personnel records in accordance with Oregon law and applicable collective bargaining agreements. Requests should be submitted to Human Resources. Certain records may be excluded from inspection as permitted by law.

EMPLOYEE ACCEPTABLE USE OF NETWORK

POLICY CODE: GBCC-AR

The District owns and operates computing and network systems provided to support District programs and operations. These systems are to be used primarily for educational, research, academic, and public service purposes. Commercial or personal use that interferes with District operations is prohibited. All users are responsible for using District systems in a responsible, ethical, lawful, and efficient manner.

ELECTRONIC COMMUNICATIONS SYSTEM

POLICY CODE: IIGA

District electronic communication systems, including email, internet access, and digital platforms, are provided for District business and educational purposes. Communications using District systems are subject to monitoring and public records laws. Staff are expected to use these systems professionally and in compliance with Board policy and administrative regulations. Violations may result in discipline, up to and including dismissal, and may be referred to law enforcement when required.

PERSONAL ELECTRONIC DEVICES & SOCIAL MEDIA

POLICY CODE: GCAB

Staff may use personal electronic devices and social media in a manner that does not interfere with job duties, student supervision, or professional responsibilities. Communication with students using personal devices or social media must be appropriate, professional, and consistent with District expectations and educator standards. Staff are responsible for protecting student privacy and maintaining professional boundaries at all times. Violations of this policy may result in disciplinary action.

DISTRICT EQUITY

POLICY CODE: JBB

Phoenix-Talent Schools is committed to creating an inclusive and equitable environment. We prioritize narrowing the opportunity gap, valuing diversity, providing culturally competent professional development, and using data for fair decision-making. The school board adopts an equity lens to ensure inclusive practices and community involvement in decision-making.

ALCOHOL/CONTROLLED SUBSTANCE USE

POLICY CODE: GBCBA

The use of intoxicants or controlled substances on District property or during work hours is strictly prohibited. Reporting for work under the influence of said substances is also forbidden. The district reserves the right to conduct searches with prior notice and reasonable suspicion, and refusal may lead to disciplinary action, including dismissal.

EVERY STUDENT BELONGS

POLICY CODE: ACB

Phoenix-Talent Schools is dedicated to upholding the worth and dignity of every individual and fostering an inclusive culture where everyone is valued. We are committed to maintaining an antiracist and equitable school environment. Discrimination or harassment based on race, color, religion, gender identity, sexual orientation, disability, or national origin is strictly prohibited for all students, employees, and visitors.

The district defines "bias incidents" as hostile expressions of animus related to perceived characteristics and "symbols of hate" as specific items associated with negative ideologies. The use or display of such symbols is prohibited on school property and in educational programs, except when used in an aligned curriculum for teaching purposes according to state standards.

STUDYING CONTROVERSIAL ISSUES

Policy Code: INB

The Board supports the inclusion of controversial issues in students' education. Teachers should present informative discussions, promoting the development of critical thinking and impartial judgment. Staff members must familiarize themselves with major theories and viewpoints, especially those held by their students.

Teachers should present an unbiased overview of controversial topics and avoid expressing personal opinions until students have gathered factual information, interpreted data, and drawn their own conclusions. This approach encourages students to seek truth and think independently. If teachers share personal views, they must identify them as such.

Before teaching a controversial topic, teachers and administrators should consider its relevance to the course, the maturity level of the students, the approach to instruction, and the materials to be used.

CHILD ABUSE REPORTING

POLICY CODE: JHFE/GBNAB

Any district employee who believes a child has been abused must immediately report it to the Oregon Department of Human Services (DHS) or local law enforcement. This includes abuse witnessed or suspected during contact with the child or any other person.

Abuse by district employees, contractors, agents, volunteers, or students is strictly prohibited and not tolerated.

Suspected abuse involving district employees, contractors, agents, volunteers, or students must also be reported to DHS or local law enforcement and a designated licensed administrator within the district.

Each school building will have a designated licensed administrator and an alternate to handle abuse reports, particularly if the primary administrator is the suspected abuser.

The district will designate a licensed administrator and an alternate licensed administrator if the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers, or students.

SUSPECTED SEXUAL CONDUCT WITH STUDENTS & REPORTING REQUIREMENTS

POLICY CODE: JHFF/GBNAA

This policy strictly prohibits sexual conduct by district employees, contractors, agents, and volunteers and applies to all individuals associated with the district, including students acting in such roles. If an employee, contractor, agent, or volunteer believes a student has been subjected to sexual conduct involving another district member or suspects sexual conduct by any of these individuals with a student, they must immediately report it to the designated licensed administrator.

If the conduct also involves child abuse, mandatory reports should be made as per Board policy GBNAB/JHFE. Failure to report or maintain confidentiality of records may result in disciplinary action, up to and including dismissal.

COMMUNICABLE DISEASES - STAFF

POLICY CODE: GBEB

Procedures will be followed as per state law and local health authority guidelines. "Restrictable diseases" include COVID-19, chickenpox, measles, and others designated as a danger to public health. Employees lacking immunity to a disease are considered "susceptible." "Reportable diseases" enable public health action. An employee may not attend work while in a communicable stage of a reportable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required by law and per administrative regulation. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

EXPRESSION OF MILK OR BREASTFEEDING IN THE WORKPLACE

POLICY CODE: GBDA

The District recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breastfeeding or expressing milk in the workplace. To meet this need and to be in compliance with Oregon law, the District has adopted a policy outlining the process and procedures.

The following locations have been identified in each facility for milk expression or breastfeeding:

1. District Office: 401 West 4th Street, Phoenix, OR; kitchen/lunch room;
2. Orchard Hill Elementary School: 1011 La Loma, Medford, OR; room 25 in the back hallway around the corner from the office.
3. Phoenix Elementary School: 215 North Rose, Phoenix, OR; office down the stairs between the main office and the Media Center.
4. Talent Elementary School: 307 Wagner Creek Rd, Talent, OR; office in the music room.
5. Talent Middle School: 102 Christian Ave, Talent, OR; family resource room.
6. Phoenix High School: 745 North Rose St, Phoenix, OR; itinerant office room D125.
7. Maintenance Shop: 873 N Rose Street, Phoenix, OR; 2nd floor, west storage room.
8. Phoenix-Talent Transition Program, 2841 Juanipero, Medford, OR; staff office.
9. PTS Early Learning Center, 745 North Rose St, Phoenix, OR; staff cottage.



WELLNESS, HOPE, AND ENGAGEMENT

These beliefs guide the work that we do and the daily experiences that make our connections with every individual we interact with meaningful and validating. Our unwavering commitment to these beliefs creates a strong community and a positive culture. On our Wellness Resource page, you'll find tools, tips, and support to help promote the well-being of our employees. Whether you're looking for:

- Mental health & counseling resources
- Identity theft
- Adult and childcare services
- Legal consultations/mediation
- Budgeting, planning, and empowerment
- Physical wellness ideas & webinars
- Build healthy financial habits

This page is designed to connect you with helpful, accessible information.

 **Explore our wellness resources here:** [PTS Wellness Resources](#)

- ❖ Everyone can learn. Learning is the result of a collaborative effort among the community, school, family, and the student.
- ❖ Our schools provide a safe environment where healthy values, minds, and bodies can grow and learn.

- ❖ It is our responsibility to provide multiple opportunities to succeed.
- ❖ Our educational program shall provide a core set of knowledge and skills that cultivate personal excellence for success.
- ❖ Diversity enriches the community; each person has a right to be treated with respect and dignity.
- ❖ In ensuring all graduates are lifelong learners who are respectful, confident, and prepared for college, career, and citizenship.

Superintendent Goals for 26-27

The following goals build off existing priorities, such as strategic-plan outcomes, equity and inclusion, community trust, organizational effectiveness, financial stewardship, and leadership development. As discussed during my 2025-26 performance evaluation, I consolidated the superintendent goals into four broader, legacy-oriented goals.

1. Accelerate Student Achievement, Belonging, and Equitable Outcomes

Goal: Lead the district in achieving measurable improvement in student learning, attendance, belonging, and postsecondary readiness, with particular attention to students and student groups experiencing persistent opportunity and achievement gaps.

- Maintain focused implementation of the district's Strategic Plan.
- Measurable academic and attendance priorities and monitor progress throughout the year include:
 - 3rd Grade ELA (Goal 45%): *Flat for '26, +7% over since '23 (37%)*
 - 8th Grade Math (Goal 35%): *+6% in '26 (24%)*
 - Attendance K-12 (Goal 85%): *+6.3% for '26 (70.5%)*
 - 9th Grade on track (100%): *+9% for '26, +21% since '23 (90%)*
 - 4-Year cohort graduation (96%): *+2% anticipating for '26 (95%)*
- Continue strengthening inclusive practices for students receiving special education services.
- Use disaggregated data to identify and respond to achievement, attendance, discipline, and belonging gaps.
- Provide the Board with regular progress updates using clearly defined measures of success. (mainly strategic plan goals for 2026-27)

2. Strengthen Leadership Capacity and Ensure Organizational Sustainability

Goal: Build systems, leadership capacity, and organizational structures that position PTS for sustained success. With the loss of Javier/Kelly and with 2 years remaining on my contract, building sustainable systems will be key for leadership transition, with the current leadership structure in place.

- Develop and support principals, district administrators, and emerging leaders through intentional supervision, and leadership opportunities.
- Identify potential successors and internal leadership capacity for key district and school positions.
- Evaluate organizational structures and staffing for effectiveness, affordability, and alignment with strategic priorities.

- Maintain disciplined financial planning that protects high-impact programs while preparing the district for uncertain funding conditions.

3. Steward District Facilities and Leave a Strong Physical Legacy

Goal: Ensure that PTS facilities are positioned for long-term sustainability, leaving the next superintendent with facilities in outstanding condition and a clear roadmap for future needs.

- Build on the comprehensive assessment of district facilities, major systems, grounds, deferred maintenance, and anticipated capital needs.
- Establish a prioritized 10-year Facilities and Capital Improvement Plan with estimated costs, timelines, funding strategies, and replacement cycles. (2-year process)
- Protect and maintain the community's investment from the 2017 bond while documenting future facility needs before they become emergencies.
- Annually report facility conditions and progress to the Board.

Simply put, I want to leave the next superintendent with facilities that are better maintained, better documented, and better positioned for the future than when I inherited them.

4. Strengthen Community Trust, Partnerships, and Long-Term Confidence in Phoenix-Talent School District.

Goal: Deepen trust and confidence in PTS through transparent communication, authentic community engagement, strategic partnerships, and clear accountability for district results and resources.

- Continue regular superintendent engagement opportunities such as Coffee with the Superintendent, school visits, and community outreach.
- Continue to expand partnerships with cities, businesses, nonprofits, service organizations, and community partners that create tangible opportunities for students.
- Communicate district successes and challenges candidly, including student outcomes, finances, facilities, and strategic-plan progress.
- Continue strengthening the PTS Rising narrative by consistently celebrating students, staff, programs, partnerships, and community contributions.

These actions preserve the primary role as your superintendent, focused on trust through visibility, transparency, authentic relationships, and consistent communication.

8-13-26 BOARD POLICY PACKET INFORMATION SUMMARY

As a reminder, policy updates are presented as a packet. The first reading will appear under Information and Discussion, and the full packet will return as a single action item on the next meeting agenda.

When making a motion to approve the packet, any policy revisions identified during discussion may either be incorporated into the motion or removed from the packet and brought back at a future meeting for further discussion.

The policy packet is organized with the current policy that is being deleted (if any), then a revised or proposed version first (changes shown in colored font), followed by a draft final version with the revisions incorporated. These policies will be presented as an action item at the September 10th meeting. The packet includes the following policies:

1. ***BBE – Vacancies on the board** (*Delete* old, *New* proposed) - OSBA has updated this policy to incorporate legal requirements into a set of steps boards can follow in order to fill the vacancy.
2. **BCB – Board Officers**, (Optional) – Language has been updated to clarify replacement of a board officer, timing of actions, board chair duties and spokesperson delegation.
3. **GBA – Equal Employment Opportunity**, (Required) - Policy Summary for GBA & GBA-AR (*below*): Senate Bill 808 (2025) amended ORS 408.225, 408.230 and 408.235, which discusses issuing preferences to veterans and disabled veterans during a hiring or promotion process, and defined and added state servicemembers and former state servicemembers. These are servicemembers who are current servicemembers of the Oregon National Guard or former servicemembers of the Oregon National Guard, and who meet the new provisions. As a result, board policy GBA – Equal Employment Opportunity and administrative regulation GBA-AR – Veteran and State Servicemember Preference has been updated to reflect SB 808 and to account for the four different employment preferences now allowed under Oregon law effective January 1, 2026. Additionally, OAR 581-022-2405 requires districts have policies regarding equal employment opportunities and affirmative action. Language has been added to more clearly meet these requirements.
4. **GBA-AR – Veteran and State Servicemember Preference**, (Highly Recommended)
5. **GBN/JBA – Sexual Harassment**, (Required) – Policy Summary for GBN/JBA & JBA/GBN - Multiple laws address sexual harassment in Oregon schools. Oregon laws include requirements to provide notice to individuals involved in reports of sexual harassment. This update is to clarify these notice requirements.
6. **JBA/GBN – Sexual Harassment**, (Required) – Exact same changes as GBN/JBA (*above*)
7. **GCBDA/GDBDA-AR(1)** – Family and Medical Leave, (Highly Recommended) – Policy Summary states many changes have been made to leave laws over the last few years. This update reflects those changes
8. **GCBDD/GDBDD – Sick Time**, (Highly Recommended) – Policy Summary: The change from Senate Bill 1108 (2025) added another allowable use for earned sick time: to donate blood in connection with a voluntary program that is approved or accredited by the American Association of Blood Banks or the American Red Cross.

Note: Those policies with an asterisk (*), the previous policy is being deleted and the new policy is proposed.

*As a reminder, letters/words shown in **red** are required (or highly recommended) by OSBA; words shown in [brackets] are *optional*. If they are in **blue**, admin is recommending that word, phrase, or sentence. If the words are shown in **green** and crossed out, admin is recommending not including.

Phoenix-Talent Schools District 4

Code:
Adopted:

BBE

Vacancies on the Board

(Version 2)

Vacancies on the Board will be filled through the following procedures:

1. At a Board meeting, the Board will declare the vacancy¹;
2. The Board or designee will establish an application period of at least 20 days. Applicants will be required to submit an application to the district office by the designated date. Deadlines and instructions will be posted on the district website. The Board can vote to extend or re-open the application period at any time;
3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:
 - a. Be an elector of the district.² This requires being registered to vote within the district;
 - b. Have resided in the district for a period of one year immediately preceding the appointment;
 - c. Be a resident of the zone of the vacant position, if the position is zoned;
 - d. Not be an employee of the district or a charter school located within the district.
4. The Board will review applicant materials in an open Board meeting;
5. The Board may select applicants to interview. Any interview will be held in an open Board meeting;
6. During an open Board meeting, the Board will vote to appoint one of the applicants. In the event that no applicant receives a majority of votes³, the Board may re-vote or vote to re-open the application period;

¹ In accordance with ORS 332.030, the Board shall declare a vacancy upon any of the following:

1. The death or resignation of any Board member;
2. When a Board member is removed from office or the election of the Board member has been declared void by the judgment of any court;
3. When a Board member ceases to be a resident of district or zone from which nominated (see exception for board members who move out of the zone, but remain residents of the district in ORS 332.030(2) - (3);
4. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
5. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
6. When a Board member is recalled.

² ORS 254.005(4) provides “‘Elector’ means an individual qualified to vote under section 2, Article II, Oregon Constitution.” District staff may verify this with local elections officials.

³ ORS 332.055 requires the affirmative vote of a majority of Board members to transact any business. Consequently four votes are necessary to appoint a board member, regardless of how many vacancies exist.

7. The newly appointed Board member(s) will take an oath of office before assuming the duties of office and will be seated immediately thereafter.

If the vacancy occurs in a zone and an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district to serve in accordance with ORS 332.124.

The appointee will serve until June 30 following the next election. At that election, either the remainder of the term for the position, or a full term for the position will be on the ballot.

If the offices of a majority of Board members are vacant at the same time, the directors of the Southern Oregon Education Service District shall appoint persons to fill the vacancies from qualified individuals.

END OF POLICY

Legal Reference(s):

[ORS 249.865 - 249.877](#)
[ORS 254.005](#)
[ORS 255.245](#)

[ORS 255.335](#)
[ORS 332.030](#)
[ORS 332.122](#)

[ORS 332.124](#)

Phoenix-Talent Schools District 4

Code: BCB
Adopted: 11/13/01
Revised/Readopted: 1/13/22
Orig. Code(s): BCB

Board Officers

~~No later than the next regular~~ At its first scheduled meeting after July 1, the Board will elect one of its members to serve as chair and one to serve as vice chair. ~~In an election year, this meeting must occur no later than the last day of July.~~ No member of the Board may serve as chair more than four years in succession. ~~If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.~~

The Board chair will:

1. ~~Prepare~~ Assist the superintendent to establish the agenda for Board meetings in accordance with Board policy BDDC – Board Meeting Agenda;
2. Call special meetings ~~when required~~;
3. ~~Preside at meetings of the Board and enforce the rules of order. The Board chair has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public comment is a part of the meeting, the Board chair may regulate the order and length of appearances and limit appearances to presentations of relevant points in accordance with Board policy BDDH – Public Comment at Board Meetings;~~
4. ~~Sign~~ Preside at all meetings of the Board and enforce the rules of order;
5. ~~4. Sign the minutes and other official documents that require the signature of the chair;~~
6. ~~5. Represent the district and the Board at official functions, unless this duty is delegated by the Board chair to another Board member;~~
7. ~~6. Appoint Board members to all committees and will be an ex-officio member of all such committees unless otherwise ordered by the Board;~~
8. ~~7. Have the right to discuss issues and vote; and -~~
9. ~~8. Perform such other duties as may be prescribed by law or by action of the Board.~~

In the absence, ~~incapacitation or death~~ of the chair, the vice chair will perform the duties of chair and, when so acting, will have the chair's powers. The vice chair will perform other functions as designated by the Board.

If a Board member is unable to continue to serve as an officer, a replacement will be elected. The replacement officer will serve the remainder of the officer's term, until the officer resigns or ceases to remain on the Board, or until the officer is removed or replaced by the Board.

Board Spokesperson

The Board may designate the chair, vice chair or another Board member as the Board's spokesperson. A Board member speaks on behalf of the Board only when specifically authorized by the Board. Official Board statements will be made using official district or Board communication channels, websites or social media accounts, or at official district events. When a Board member expresses personal opinions in public, the Board member is encouraged to clearly identify the opinions as personal. Comments made by Board members when not authorized by the Board are considered personal comments of the Board member.

The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. The secretary to the Board will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board chair. These duties will include, but not be limited to, the following:

- 1.——Record the disposition of all matters on which the Board considered action;
- 2.——Prepare and distribute minutes in advance for approval at the next Board meeting;
- 3.——Maintain properly authenticated official copies of the minutes;
- 4.——Maintain the official record of Board policies;
- 5.——Properly post all Board meetings.

District Spokesperson

The Board may appoint one of its members, usually the chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The spokesperson serves at the Board's direction and may be removed or replaced at any time by action of a majority of the Board.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)
[ORS 332.040](#)

[ORS 332.045](#)
[ORS 332.057](#)

[OAR 166-400](#)
[OAR 166OAR 199-050-0050](#)

Cross Reference(s):

BC/BCA - Board Organization/Board Organizational Meeting

Phoenix-Talent Schools District 4

Code: BCB
Adopted: 11/13/01
Revised/Readopted: 1/13/22
Orig. Code(s): BCB

Board Officers

No later than the next regular meeting after July 1, the Board will elect one of its members to serve as chair and one to serve as vice chair. In an election year, this meeting must occur no later than the last day of July. No member of the Board may serve as chair more than four years in succession.

The Board chair will:

1. Prepare the agenda for Board meetings in accordance with Board policy BDDC – Board Meeting Agenda;
2. Call special meetings;
3. Preside at meetings of the Board and enforce the rules of order. The Board chair has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public comment is a part of the meeting, the Board chair may regulate the order and length of appearances and limit appearances to presentations of relevant points in accordance with Board policy BDDH – Public Comment at Board Meetings;
4. Sign official documents that require the signature of the chair;
5. Represent the district and the Board at official functions, unless this duty is delegated by the Board chair to another Board member;
6. Appoint Board members to committees unless otherwise ordered by the Board;
7. Have the right to discuss issues and vote; and
8. Perform such other duties as may be prescribed by law or by action of the Board.

In the absence of the chair, the vice chair will perform the duties of chair and, when so acting, will have the chair's powers. The vice chair will perform other functions as designated by the Board.

If a Board member is unable to continue to serve as an officer, a replacement will be elected. The replacement officer will serve the remainder of the officer's term, until the officer resigns or ceases to remain on the Board, or until the officer is removed or replaced by the Board.

Board Spokesperson

The Board may designate the chair, vice chair or another Board member as the Board's spokesperson. A Board member speaks on behalf of the Board only when specifically authorized by the Board. Official Board statements will be made using official district or Board communication channels, websites or social media accounts, or at official district events. When a Board member expresses personal opinions in public,

Board Officers – BCB

the Board member is encouraged to clearly identify the opinions as personal. Comments made by Board members when not authorized by the Board are considered personal comments of the Board member.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)
[ORS 332.040](#)

[ORS 332.045](#)
[ORS 332.057](#)

[OAR 166-400](#)
[OAR 166OAR 199-050-0050](#)

Cross Reference(s):

BC/BCA - Board Organization/Board Organizational Meeting

DRAFT

Phoenix-Talent Schools District 4

Code: GBA
Adopted: 2/20/20
Revised/Readopted: 5/19/22
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status², service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability³ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

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

The superintendent will develop other specific recruitment, interview~~recruiting, interviewing~~ and evaluation procedures as are necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.305](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 408.225 – 408.237](#)
[ORS 652.210 - 652.220](#)

[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)
[ORS 659A.147](#)
[ORS 659A.820](#)

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

² ~~The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.~~

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

Cross Reference(s):

AC - Nondiscrimination

ACA - Americans with Disabilities Act

Phoenix-Talent Schools District 4

Code: GBA
Adopted: 2/20/20
Revised/Readopted: 5/19/22
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability² if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

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

The superintendent will develop other specific recruitment, interview and evaluation procedures necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.305](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 408.225 – 408.237](#)
[ORS 652.210 - 652.220](#)
[ORS 659.850](#)

[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.109](#)

[ORS 659A.112](#)
[ORS 659A.147](#)
[ORS 659A.820](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-006-0435 - 0480](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

Cross Reference(s):

AC - Nondiscrimination

ACA - Americans with Disabilities Act

Phoenix-Talent Schools District 4

Code: GBA-AR
Revised/Reviewed: 2/16/17; 5/19/22
Orig. Code(s): GBA-AR

Veterans' Preference

~~Oregon's Veterans' Preference Law~~ requires the district to grant a preference to qualified and eligible veterans, ~~and disabled veterans, state servicemembers and former state servicemembers~~ at each stage ~~during~~ in the hiring ~~or~~ and promotion process ~~who claim a preference.~~ To be **qualified** for veterans' preference, ~~an applicant a veteran or disabled veteran~~ must meet the minimum **qualifications** and any other special qualifications required for the position sought. To be **eligible** for veterans' preference¹ ~~an applicant a veteran or disabled veteran~~ must provide certification they are a veteran, ~~or~~ disabled veteran, **state servicemember or former state servicemember** as defined by Oregon law².

The district is not obligated to hire or promote a qualified and eligible veteran, ~~or~~ disabled veteran, **state servicemember or former state servicemember**. The district is obligated to interview all minimally qualified veterans or disabled veterans, and **is also obligated** to hire or promote a qualified or eligible veteran, ~~or~~ disabled veteran, **state servicemember or former state servicemember** if the individual is equal to or better than the top candidate after the veterans' preference has been applied.

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum **qualifications** and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide ~~a veterans and disabled veterans with~~ preference as required by **Oregon** law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and ~~OAR 839-006-0440~~ for definitions of veteran, ~~and~~ disabled veteran, **state servicemember and former state servicemember**.

³ ~~See Verification of Veteran's Preference (OAR 839-006-0465).~~ An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. **(OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)**

Selection Procedures

- Step 1: Before the review of any applications the ~~acting-human~~ **resources** ~~resource~~ director will establish an evaluation scoring guide based on the minimum **qualifications** and any special qualifications listed in the job posting.
- Step 2: The ~~acting-human~~ **resources** ~~resource~~ director will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the ~~acting-human~~ **resources** ~~resource~~ director shall evaluate whether the skill experience obtained in ~~service~~ **the military** are transferable **skills** to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the ~~acting-human~~ **resources** ~~resource~~ director determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the ~~acting-human~~ **resources** ~~resource~~ director shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. **Preference** ~~Veterans' preference~~ shall be applied by adding 5 percentage points to an eligible veteran, **state servicemember or former state servicemember** and 10 percentage points to an eligible disabled veteran.
- Step 6: The **district will appoint an otherwise qualified** ~~acting human resource director makes the offer to the applicant~~ **claiming preference to the position** ~~with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.~~
- ~~The district is obligated to hire or promote a qualified or eligible veteran or disabled veteran if the applicant's results of their application examination, when combined with the preference, they are equal to or better than the results for the top candidate after the veterans' preference has been applied.~~
- The district** ~~A veteran~~ **may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect** ~~submit a written request to the position.~~
- In the event the district chooses** ~~for an explanation of the reasons why they were not to appoint an applicant covered by this administrative regulation, the selected for the position. The district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant for not selecting the candidate when requested.~~

Filing a Complaint

A veteran, ~~or disabled veteran~~, ~~state servicemember or former state servicemember~~ is encouraged to contact the human ~~resources~~ resource office if ~~there are~~ they have any concerns or questions concerning the application of or the process used for veterans' preference.

An applicant

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

Phoenix-Talent Schools District 4

Code: GBA-AR
Revised/Reviewed: 2/16/17; 5/19/22
Orig. Code(s): GBA-AR

Veterans' Preference

Requires the district to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference¹ an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law².

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide a preference as required by Oregon law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures

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

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 for definitions of veteran, disabled veteran, state servicemember and former state servicemember.

³ An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

- Step 2: The human resources director will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the human resources director shall evaluate whether the skill experience obtained in service are transferable skills to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the human resources director determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the human resources director shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.
- Step 6: The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.

The district may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

In the event the district chooses not to appoint an applicant covered by this administrative regulation, the district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.

Filing a Complaint

A veteran, disabled veteran, state servicemember or former state servicemember is encouraged to contact the human resources office if there are any concerns or questions concerning the application of or the process used for preference.

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

Phoenix-Talent Schools District 4

Code: GBN/JBA
Adopted: 8/02/21
Revised/Readopted: 5/19/22; 9/05/24
Orig. Code(s): GBN/JBA

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ 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.

¹ "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.

3. Assault when sexual contact occurs without consent²

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):

Name	Position	Phone	Email
Jessica Hamlin	Assistant Superintendent	541-535-1517	jessica.hamlin@phoenix.k12.or.us or TitleIX@phoenix.k12.or.us

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a 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 report their concerns to district officials, this includes officials such as the principal, compliance officer or

² "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.

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.

Notices

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 persons^s 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.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

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 ~~V~~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* GBN/JBA-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 ~~E~~cordinator receiving the person's verbal or written report. The report can be made at any time.

Jessica Hamlin, Assistant Superintendent, is designated as the Title IX ~~E~~cordinator and can be contacted at 541-535-1517. The Title IX ~~E~~cordinator will coordinate the district's efforts to comply with its responsibilities related to this ~~AR~~policy. The district prominently will display the contact information for the Title IX ~~E~~cordinator 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* GBN/JBA-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 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	

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).

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):

AC - Nondiscrimination

¹¹ Of the United States Department of Education.

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

ACB - Every Student Belongs

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

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

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

Phoenix-Talent Schools District 4

Code: GBN/JBA
Adopted: 8/02/21
Revised/Readopted: 5/19/22; 9/05/24
Orig. Code(s): GBN/JBA

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

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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.

¹ "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.

3. Assault when sexual contact occurs without consent²

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):

Name	Position	Phone	Email
Jessica Hamlin	Assistant Superintendent	541-535-1517	jessica.hamlin@phoenix.k12.or.us or TitleIX@phoenix.k12.or.us

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a 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 report their concerns to district officials, this includes officials such as the principal, compliance officer or

² "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.

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.

Notices

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 persons 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.

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.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

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* GBN/JBA-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.

Jessica Hamlin, Assistant Superintendent, is designated as the Title IX coordinator and can be contacted at 541-535-1517. 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* GBN/JBA-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 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).

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):

AC - Nondiscrimination

ACB - Every Student Belongs

¹¹ Of the United States Department of Education.

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

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

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

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

DRAFT

Phoenix-Talent Schools District 4

Code: JBA/GBN
Adopted: 9/15/20
Revised/Readopted: 8/02/21; 9/01/22; 9/05/24
Orig. Code(s): 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 procedures

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ 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.

¹ "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.

3. Assault when sexual contact occurs without consent²

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):

Name	Position	Phone	Email
Jessica Hamlin	Assistant Superintendent	541-535-1517	jessica.hamlin@phoenix.k12.or.us or TitleIX@phoenix.k12.or.us

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. *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 report their concerns to district officials, this includes officials such as the principal, compliance officer or

² "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.

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.

Notices

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 persons^s 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.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

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.

Jessica Hamlin, Assistant Superintendent, is designated as the Title IX Coordinator and can be contacted at 541-535-1517. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook

Response

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))

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

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))

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.

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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 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 342.850	ORS 659A.030
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Cross Reference(s):

GBN/JBA - Sexual Harassment

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

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JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

Phoenix-Talent Schools District 4

Code: JBA/GBN
Adopted: 9/15/20
Revised/Readopted: 8/02/21; 9/01/22; 9/05/24
Orig. Code(s): 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 procedures

OREGON DEFINITION AND PROCEDURES

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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.

¹ "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.

3. Assault when sexual contact occurs without consent²

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):

Name	Position	Phone	Email
Jessica Hamlin	Assistant Superintendent	541-535-1517	jessica.hamlin@phoenix.k12.or.us or TitleIX@phoenix.k12.or.us

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. 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 report their concerns to district officials, this includes officials such as the principal, compliance officer or

² "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.

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.

Notices

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 persons 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.

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.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

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.

Jessica Hamlin, Assistant Superintendent, is designated as the Title IX coordinator and can be contacted at 541-535-1517. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. 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 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	
ORS 342.700	ORS 659.850	OAR 581-021-0038
ORS 342.704	ORS 659A.006	OAR 584-020-0040
ORS 342.708	ORS 659A.029	OAR 584-020-0041

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

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

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

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

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

¹¹ Of the United States Department of Education.

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

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff
JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

DRAFT

Phoenix-Talent Schools District 4

Code: GCBDA/GDBDA-AR(1)
Adopted: 1/14/21
Revised/Readopted: 6/16/22; 1/04/24; 2/06/25
Orig. Code(s): GCBDA/GDBDA-AR(1)

Family and Medical Leave

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. ~~In such instances, the employee may not need to requalify as an eligible employee.~~

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days¹ immediately prior to the first day of the start of the requested leave.² **In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.³**

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines. An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of the district **who has separated** ~~is eligible to take leave for purposes of OFLA if the employee:~~

- ~~1. Separates from employment with the district, irrespective of any reason:~~

¹ ~~Thirty days during a declared public health emergency.~~

² The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options, employee leave at least as generous as the leave required by OFLA.

³ ~~The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.~~

- a. ~~Is eligible to take leave OFLA at the time the employee separates; and is~~
- b. ~~Is reemployed by the district within 180 days, of separation from employment; or experiences~~

2. ~~Is eligible to take OFLA leave:~~

- a. ~~At the beginning of a temporary cessation of schedulescheduled hours may be eligible for OFLA in accordance with ORS 659A.156of 180 days or less; and~~
- b.a. ~~Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.~~

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period. In addition:

- 1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
- 2. ~~An employee who has taken 2 weeks of OFLA child placement leave need not requalify for up to an additional 12 weeks of leave within the same leave year when used for the purposes of OFLA sick child leave;~~
- 3.2. An employee unable to work because of a disabling compensable injury⁴ need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

~~In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.~~

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

~~In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.~~

⁴ As defined in ORS 656.005.

Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care⁵ or continuing treatment by a health care provider⁶.
2. Parental leave⁷ (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and caring for the employee's newborn child (within 12 months following birth);
 - b. Bonding with and caring for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
 - c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin of the who is a covered servicemember with a serious injury or illness;
4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee's spouse, child or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care; ~~or: Under OFLA, sick child leave taken includes leave to care~~

⁵ "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

⁶ "Continuing treatment" includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

⁷ Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

for an employee's child whose school or child care provider has been closed⁸ in conjunction with a statewide public health emergency declared by a public health official.⁹

4. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.¹⁰ When such leave is used for a family member who is related by affinity, the district requires an attestation form signed and submitted by the employee. ~~Leave previously protected by OFLA¹¹: 1) leave to which an eligible employee was entitled under ORS 659A.150 – ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 – ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).~~
5. Eligible employees may also access OMFLA ~~under OFLA~~ for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

Definitions

1. Family member:
 - a. For the purposes of FMLA, “family member” means:
 - (1) Spouse¹²;
 - (2) Parent¹³; **or**
 - (3) Child¹⁴; **or**
 - ~~(4) Persons who are “in loco parentis.”~~

⁸ “Closure” (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

⁹ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include: The name of the child being cared for;

1. The name of the school or child care provider that has closed or become unavailable;
2. A statement from the employee that no other family member of the child is willing and able to care for the child; and
3. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

¹⁰ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹¹ ~~OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.~~

¹² “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹³ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹⁴ **“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.**

- b. For the purposes of OFLA, “family member” means an eligible employee’s:
- (1) Spouse or domestic partner;
 - (2) Child or the child’s spouse or domestic partner;
 - (3) Parent or the parent’s spouse or domestic partner;
 - (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
 - (5) Grandparent or the grandparent’s spouse or domestic partner;
 - (6) Grandchild or the grandchild’s spouse or domestic partner; or
 - (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹⁵

2. Child:

- a. For the purposes of FMLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee’s spouse or domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
- d. For the purposes of ~~child placement leave and sick child leave~~ only under OFLA, the child must be under the age of 18 or ~~an adult dependent child~~ substantially limited by a physical or mental impairment **as described in ORS 659A.104.**

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for or financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

¹⁵ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

- a. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- b. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
- c. The expectation to provide care because of the relationship or the prior provision of care;
- d. Cohabitation and its duration and purpose;
- e. Geographic proximity; and
- f. Any other factor that demonstrates the existence of a family-like relationship.

- b. For the purposes of OFLA, “in loco parentis” means person in the place of ~~a~~the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA , “next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Grandparents;
- d. Siblings of parents and their spouses; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means:

- a. ~~A~~a current member of the Armed Forces, including a member of the National Guard or Reserves, who:
 - (1) ~~Is~~is undergoing medical treatment, recuperation or therapy;
 - (2) ~~Is~~is otherwise in outpatient status; or
 - (3) ~~Is~~is otherwise on the temporary disability retired list for a serious injury or illness; or

~~A~~a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, “covered veteran” means an individual who was:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee's leave period for FMLA, the district will use the 12-month period measured forward from the date the employee's leave begins.

For the purposes of calculating an employee's leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences. ~~The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.~~

The leave period for the purposes of Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district's designated leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period (12-month period)¹⁶. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for:

1. Birth of a child or to care for a child after birth;
1. Placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement; or

Care of the employee's parent with a serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, during the designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

¹⁶ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district's leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁷

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA may also run concurrently with leave taken under the sick ~~time~~leave law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁸. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.²⁰ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

Intermittent Leave

With the exception of parental leave under FMLA which must be taken in one continuous block of time, a eligible employee is permitted under FMLA or OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in separate periods of time (i.e., hours, days, weeks, etc.), rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes

¹⁷ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

¹⁸ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

²⁰ See 29 CFR § 825.200(h).

but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

When ~~an exempt employee is eligible for~~ OFLA leave ~~but is not covered by~~ FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Alternate Work Assignment

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, ~~son, or child~~ daughter, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as ~~signers~~ interpreters²⁴ for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

FMLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible instructional employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

²⁴ ~~29 CFR 825.600(c)~~ uses "signers."

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible instructional employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember or for the employee's own serious medical condition, the district may require the eligible instructional employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the employee's regular position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

2. Limitation on Leave Near the End of the Term²²

When an eligible instructional employee requests leave near the end of the term, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.
- b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the district to remain on leave until the end of the term if:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the term.
- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

²² "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

If the district requires an eligible instructional employee to remain on leave until the end of the term as described above, additional leave required by the district until the end of the school term shall not count against the eligible instructional employee's leave entitlement.

For the purposes of OFLA leave, if an employee²³ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or vacation leave during the leave period to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave. The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA-, OFLA - or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²⁴ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days

²³ Applies only to an employee who is employed principally in an instructional capacity by the district.

²⁴ See also ORS 342.934(4)(d) in reduction force situations.

late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

For purposes of FMLA, an eligible employee requesting FMLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. ~~An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.~~

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; **the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave;** or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²⁵ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²⁶ to determine the requested leave qualifies as FMLA or OFLA leave **as provided by law**. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

²⁵ Oral notice may be given by any other person on behalf of the employee taking the leave.

²⁶ **See OAR 839-009-0260 for OFLA and 29 CFR § 825.305 et. al. for FMLA.** ~~Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.~~

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. “As soon as practicable,” for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee’s leave up to 30 days after the notice is ultimately given.²⁷

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁸ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee’s return to work.

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁹, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee’s request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district’s notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate³⁰, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district’s request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district, or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

²⁷ See 29 CFR § 825.304.

²⁸ Notice may be given by any other person on behalf of the employee taking the leave.

²⁹ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

³⁰ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.³¹ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.³²

Record Keeping

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

Federal vs. State Law

Both federal and state law contain provisions for family and medical leave. Federal regulations state an employer must comply with all leave laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and OFLA leave, the leave used counts against the employee's entitlement under both laws. State law requires that FMLA and OFLA or other state leave entitlements run concurrently when for the same purpose.

³¹ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf {Electronic; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.}:-

³² <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf> {Electronic; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.}:-

Phoenix-Talent Schools District 4

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Orig. Code(s): GCBDA/GDBDA-AR(1)

Family and Medical Leave

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.¹ In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines. An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.
 - a. An employee of the district who has separated and is reemployed within 180 days, or experiences a temporary cessation of schedule hours may be eligible for OFLA in accordance with ORS 659A.156.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options, employee leave at least as generous as the leave required by OFLA.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period. In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
2. An employee unable to work because of a disabling compensable injury² need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care³ or continuing treatment by a health care provider⁴.
2. Parental leave⁵ (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and caring for the employee's newborn child (within 12 months following birth);
 - b. Bonding with and caring for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
 - c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.

² As defined in ORS 656.005.

³ "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

⁴ "Continuing treatment" includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

⁵ Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin of the servicemember with a serious injury or illness;
4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee's spouse, child or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care; or leave taken to care for an employee's child whose school or child care provider has been closed⁶ in conjunction with a statewide public health emergency declared by a public health official.⁷
4. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.⁸ When such leave is used for a family member who is related by affinity, the district requires an attestation form signed and submitted by the employee.
5. Eligible employees may also access OMFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

Definitions

1. Family member:
 - a. For the purposes of FMLA, "family member" means:
 - (1) Spouse⁹;

⁶ "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

⁷ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include: The name of the child being cared for;

1. The name of the school or child care provider that has closed or become unavailable;
2. A statement from the employee that no other family member of the child is willing and able to care for the child; and
3. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁸ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

⁹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage.

- (2) Parent¹⁰; or
- (3) Child¹¹.

b. For the purposes of OFLA, “family member” means an eligible employee’s:

- (1) Spouse or domestic partner;
- (2) Child or the child’s spouse or domestic partner;
- (3) Parent or the parent’s spouse or domestic partner;
- (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- (5) Grandparent or the grandparent’s spouse or domestic partner;
- (6) Grandchild or the grandchild’s spouse or domestic partner; or
- (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹²

2. Child:

- a. For the purposes of FMLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee’s spouse or domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
- d. For the purposes of sick child leave under OFLA, the child must be under the age of 18 or substantially limited by a physical or mental impairment as described in ORS 659A.104.

¹⁰ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹¹ “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

¹² “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

- a. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- b. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
- c. The expectation to provide care because of the relationship or the prior provision of care;
- d. Cohabitation and its duration and purpose;
- e. Geographic proximity; and
- f. Any other factor that demonstrates the existence of a family-like relationship.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for or financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means person in the place of a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA, “next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Grandparents;
- d. Siblings of parents and their spouses; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means:

- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:
 - (1) Is undergoing medical treatment, recuperation or therapy;
 - (2) Is otherwise in outpatient status; or
 - (3) Is otherwise on the temporary disability retired list for a serious injury or illness; or

A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, “covered veteran” means an individual who was:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.

- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee's leave period for FMLA, the district will use the 12-month period measured forward from the date the employee's leave begins.

For the purposes of calculating an employee's leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

The leave period for the purposes of Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district's designated leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period (12-month period)¹³. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for:

1. Birth of a child or to care for a child after birth;
1. Placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement; or

Care of the employee's parent with a serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, during the designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

¹³ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district's leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁴

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA may also run concurrently with leave taken under the sick time law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁵. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁶. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.¹⁷ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

Intermittent Leave

With the exception of parental leave under FMLA which must be taken in one continuous block of time, a eligible employee is permitted under FMLA or OFLA to take intermittent leave for any qualifying reason.

¹⁴ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

¹⁵ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁶ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

¹⁷ See 29 CFR § 825.200(h).

Intermittent leave is taken in separate periods of time (i.e., hours, days, weeks, etc.), rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

When an exempt employee is eligible for OFLA leave but not FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Alternate Work Assignment

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, or child, or a serious injury or illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as signers for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

FMLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible instructional employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible instructional employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember or for the employee's own serious medical condition, the district may require the eligible instructional employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the employee's regular position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

2. Limitation on Leave Near the End of the Term¹⁸

When an eligible instructional employee requests leave near the end of the term, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.
- b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the district to remain on leave until the end of the term if:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the term.
- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

¹⁸ "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

If the district requires an eligible instructional employee to remain on leave until the end of the term as described above, additional leave required by the district until the end of the school term shall not count against the eligible instructional employee's leave entitlement.

For the purposes of OFLA leave, if an employee¹⁹ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or vacation leave during the leave period to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave. The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA-, OFLA - or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²⁰ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days

¹⁹ Applies only to an employee who is employed principally in an instructional capacity by the district.

²⁰ See also ORS 342.934(4)(d) in reduction force situations.

late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

For purposes of FMLA, an eligible employee requesting FMLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²¹ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²² to determine the requested leave qualifies as FMLA or OFLA leave as provided by law. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as

²¹ Oral notice may be given by any other person on behalf of the employee taking the leave.

²² See OAR 839-009-0260 for OFLA and 29 CFR § 825.305 et. al. for FMLA.

soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.²³

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁴ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁵, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate²⁶, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

²³ See 29 CFR § 825.304.

²⁴ Notice may be given by any other person on behalf of the employee taking the leave.

²⁵ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

²⁶ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.²⁷ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.²⁸

Record Keeping

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

Federal vs. State Law

Both federal and state law contain provisions for family and medical leave. Federal regulations state an employer must comply with all leave laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and OFLA leave, the leave used counts against the employee's entitlement under both laws. State law requires that FMLA and state leave entitlements run concurrently when for the same purpose.

²⁷ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf {Electronic posting is not sufficient to satisfy this requirement but may be used to supplement the physical posting.}

²⁸ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf> {Electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.}

Phoenix-Talent Schools District 4

Code: GCBDD/GDBDD
Adopted: 7/07/16
Revised/Readopted: 6/16/22; 2/06/25
Orig. Code(s): GCBDD/GDBDD

Sick Time

“Employee” means an individual who renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers, ~~or~~ independent contractors **or others excluded by law**.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the 91st calendar day of employment with the district and may use sick time as it is accrued.

The district employs 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive care, or for reasons consistent with qualifying Family **and** Medical Leave (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time **earned by an employee** may also be used **for the following reasons**:

1. **In** the event of a public health emergency **compliant with Oregon Revised Statute (ORS) 653.616**;
2. **To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or**
3. **For** leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272 (safe leave).

When sick time is used to care for, or to deal with the death of, an individual related by **blood or** affinity whose close association with the district employee is the equivalent of a family relationship, the district requires an attestation form signed and submitted by the employee.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right , after an employee uses sick time for more than three consecutive scheduled workdays, to require verification or certification in accordance with law of the need for the sick time,

¹ “Family member” is defined in OAR 839-007-0000.

including a medical verification or certification² paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or OFLA leave, sick time leave and qualifying FMLA, PFMLI or OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an employee to provide advance notice of the intention to use sick time 10 days prior to when the requested sick time is to begin or as soon as otherwise practicable. When an employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district, or when circumstances prevent the employee from providing notice as required, as soon as practicable.

The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 - 653.661](#)

[ORS 659A.150 - 659A.186](#)
[OAR 839-007-0020 – 007-0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2024); Family and Medical Leave Act, 29 C.F.R. Part 825 (2025).

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Expression of Milk or Breast-feed in the Workplace
GCBDA/GDBDA - Family Medical Leave

² In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

Phoenix-Talent Schools District 4

Code: GCBDD/GDBDD
Adopted: 7/07/16
Revised/Readopted: 6/16/22; 2/06/25
Orig. Code(s): GCBDD/GDBDD

Sick Time

“Employee” means an individual who renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers, independent contractors or others excluded by law.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the 91st calendar day of employment with the district and may use sick time as it is accrued.

The district employs 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive care, or for reasons consistent with qualifying Family and Medical Leave (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time earned by an employee may also be used for the following reasons:

1. In the event of a public health emergency compliant with Oregon Revised Statute (ORS) 653.616;
2. To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or
3. For leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272 (safe leave).

When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the district employee is the equivalent of a family relationship, the district requires an attestation form signed and submitted by the employee.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right , after an employee uses sick time for more than three consecutive scheduled workdays, to require verification or certification in accordance with law of the need for the sick time,

¹ “Family member” is defined in OAR 839-007-0000.

including a medical verification or certification² paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or OFLA leave, sick time leave and qualifying FMLA, PFMLI or OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an employee to provide advance notice of the intention to use sick time 10 days prior to when the requested sick time is to begin or as soon as otherwise practicable. When an employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district, or when circumstances prevent the employee from providing notice as required, as soon as practicable.

The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601](#) - 653.661

[ORS 659A.150](#) - 659A.186
[OAR 839-007-0020](#) – 007-0065

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2024); Family and Medical Leave Act, 29 C.F.R. Part 825 (2025).

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Expression of Milk or Breast-feed in the Workplace
GCBDA/GDBDA - Family Medical Leave

² In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

7-13-26 BOARD POLICY PACKET INFORMATION SUMMARY

All board policy updates are now consolidated into a single agenda item to help streamline the agenda. Policy updates are presented as a packet. The first reading will appear under Information and Discussion, and the full packet will return as a single action item on the next meeting agenda.

When making a motion to approve the packet, any policy revisions identified during discussion may either be incorporated into the motion or removed from the packet and brought back at a future meeting for further discussion.

The policy packet is organized with the current policy that is being deleted (if any), then a revised or proposed new version first (with changes shown in colored font), followed by a draft final version with the revisions incorporated. These policies will be presented as an action item at the August 13 meeting. The packet includes the following policies:

1. *BBAA - Board Member's Authority and Responsibilities (Highly Recommended)
2. *BCE – Board Committees (Optional)
3. BCF – Advisory Committee to the Board – **DELETE** (Optional)
4. BD/BDA – Board Meetings/Regular Board Meetings – **DELETE**
4. *BD - Board Meetings, Notices and Communications, **New** (Highly Recommended)
5. *BDC – Executive Sessions, **New** (Highly Recommended)
6. BDD – Board Meeting Procedures, (Highly Recommended)
7. *BDDC – Board Meeting Agenda, **New** (Highly Recommended)
8. *BDDG – Recordings and Minutes of Board Meetings, **New** (Highly Recommended)
9. CBA - Qualifications and Duties of the Superintendent, (Highly Recommended)
10. CBG – Evaluation of the Superintendent, (Required)

All of the above policies have been changed (or newly proposed) due to changes in the Public Meetings Laws:

There have been several changes to Oregon Public Meetings laws over the last few years. These include statutes from the Oregon Legislature and rules from the Oregon Government Ethics Commission. In 2026, the Legislature passed House Bill 4177, but it will not go into effect as it was vetoed by the governor. The policies included in this update include language that matches the new laws.

Note: Those policies with an asterisk (*), the previous policy is being deleted and the new policy is proposed.

Policy BD is replacing policy BD/BDA and is being renamed and completely rewritten.

*As a reminder, letters/words shown in **red** are required (or highly recommended) by OSBA; words shown in [brackets] are *optional*. If they are in [blue], admin is recommending that word, phrase, or sentence. If the words are shown in [green] and crossed out, admin is recommending not including.

Phoenix-Talent Schools District 4

Code: BBAA
Adopted: 6/13/19
Revised/Readopted: 1/13/22
Orig. Code(s): BBAA

Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

When expressing personal opinions in public, the Board member should clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

2. Requests for Legal Opinions

Requests for legal opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent.

4. Board Member's Relationship to Administration

Individual Board members will be informed about the district's educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

Cross Reference(s):

BHD - Board Member Compensation and Expense Reimbursement
DFEA - Admissions to District Events

Phoenix-Talent Schools District 4

Code:
Adopted:

BBAA

Board Member's Authority and Responsibilities (Version 2)

An individual Board member exercises the authority and responsibility of their position when the Board is in a meeting which is being held in accordance with Oregon's Public Meetings Law. A Board member has the authority to act in the name of the Board only when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business.

When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

Board members may speak on behalf of the Board or district only when specifically authorized to do so. Any other statements do not represent the position of the Board or district. When expressing personal opinions in public, Board members are encouraged to clearly identify the opinions as their own.

All Board members shall maintain awareness of relevant district information and participate in Board functions and professional Board development activities.

All members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Records

Any individual Board member who desires a copy of an existing record may make such a request to the superintendent. Requests involving confidential records or significant staff time will be referred to the Board for approval.

2. Requests for Legal Opinions

Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to a Board Member

When a Board member receives complaints or requests for action from staff, students or members of the public, the Board member will direct the staff, students, members of the public to the public complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent. An individual Board member is not authorized to independently act on complaints.

4. Board Member's Communication with Administration

No individual Board member may direct the superintendent or other staff to action without Board authorization. No Board member will intervene in the administration of the district or its schools.

5. Contracts or Agreements

All district contracts must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

6. Visits to Schools

A Board member may visit schools in accordance with Board policy BG – Board–Staff Communications.

7. Public Meetings Law

All Board members will comply with Public Meetings Law , including participating in an approved¹ training at least once during each term of office.

8. Mandatory Reporting

A Board member having reasonable cause to believe that any child with whom the Board member comes in contact has suffered abuse or that any person with whom the Board member comes in contact has abused a child shall immediately make an oral report or cause an oral report be made to Department of Human Services² or local law enforcement.

9. Oregon Ethics Laws

All Board members will adhere to Oregon Government Ethics laws, including filing the statement of economic interest as required by Oregon Revised Statute (ORS) 244.

10. Confidential Information

All Board members will not disclose confidential information received as part of Board service.

11. Other Laws, Policies, Agreements and Procedures

All Board members will follow all laws, Board policies, working agreements, and any other procedures established by the district.

END OF POLICY

Legal Reference(s):

¹ Approved by the Oregon Government Ethics Commission.

² (855) 503-SAFE (7233)

[ORS 192.311 – 192.478](#)
[ORS 192.610 – 192.705](#)
[ORS Chapter 244](#)

[ORS 332.045](#)
[ORS 332.055](#)
[ORS 332.057](#)

[ORS 332.075](#)
[ORS 332.107](#)
[ORS 419B.010](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass’n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

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Phoenix-Talent Schools District 4

Code: BCE
Adopted: 3/05/09
Revised/Readopted: 1/13/22
Orig. Code(s): BCE

Board Committees

The Board will not have standing committees. Special committees may be appointed by the Board for specific purposes to serve until their assignment is completed. Such committees shall be comprised of three or less board members and shall serve until their assignment is complete or until the end of the fiscal year following appointment. The entire Board may meet as a committee-of-the-whole.

The function of special committees will be fact-finding, deliberative and advisory, rather than legislative or administrative. The committee will make recommendations directly to the Board as a whole, which alone may take action. Committee meetings may be called by the Board chair, the committee chair or any committee member.

Committee-of-the-whole meetings, called “work sessions,” may be held. Committee-of-the-whole meetings may be called by the Board chair or any two Board members.

All meetings of special committees and of committees-of-the-whole will follow the Public Meetings Law. The Board or its committees may sit in an executive session to discuss matters when such session is required or permitted by law.

All matters referred to a committee will be thoroughly investigated. A committee will not have the power to act for the Board except as the Board has specifically authorized, but will make recommendations to the Board. Committee recommendations and reports will become an official part of Board minutes.

A Board committee may appoint advisory members from the staff, student body or community with approval of the Board. Advisory members will be instructed in the committee’s functions and their status. Advisory members may not be included in considering whether a quorum of the committee is present, nor may they vote on recommendations to be made to the Board. Either an advisory member or an ex-officio member may present a written minority report to the Board.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) to -192.690

[ORS 332.045](#)

[ORS 332.105](#)

Cross Reference(s):

BCF - Advisory Committees to the Board

Phoenix-Talent Schools District 4

Code:
Adopted:

BCE

Board Committees

(Version 2)

The Board may establish committees. A Board committee is a group of Board members, staff, students and/or community members tasked by the Board to make a decision on behalf of the Board or make a recommendation to the Board on policy or administration. The district may have additional administrative committees.

Board committees may be classified into two general types based on membership:

1. Board subcommittees are primarily made up of Board members, e.g., superintendent evaluation committee, long-range planning committee, policy committee;
2. Advisory committees are primarily made up of non-Board members, e.g., bond steering committee.

Regardless of classification, the Board can include Board members and non-Board members on committees.

Board committees will not have the power to act for the Board except as the Board has specifically authorized. Committee meetings may be called by the committee in accordance with any direction from the Board and committee procedures. Committee recommendations and reports will be provided to the Board.

All meetings of Board committees will follow the Public Meetings Law¹, including the requirement to record the meetings or take meeting minutes. A committee may sit in an executive session when such meeting is in accordance with the committee's assigned purpose and when such session is permitted by law. Administrative committees, including superintendent committees, are generally not subject to Public Meetings Law.²

When establishing a Board committee, the Board will determine:

1. Committee membership and appointment process;
2. The task of the committee;
3. What resources are needed and will be provided to the committee;

¹ OAR 199-050-0010(1)(b) provides that Public Meetings Law apply to bodies "with authority to make recommendations to a public body on policy or administration."

² OAR 199-050-0010(2)(b) provides that Public Meetings Law does not apply to "bodies appointed by an individual public official with authority to make recommendations only that individual public official who has the authority to act on the body's recommendation and is not required to pass the recommendations on unchanged to a public body."

4. The length of time the committee will exist³;
5. Expectations regarding any actions or recommendations of the committee.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.705](#)
[ORS 332.045](#)

[ORS 332.105](#)

[OAR 199-040](#)
[OAR 199-050](#)

³ The Board can establish a standing committee, which has a continuing existence or a special committee, which goes out of existence as soon as the committee has completed a specified task.

Phoenix-Talent Schools District 4

Code: BCF
Adopted: 12/08/16
Revised/Readopted: 1/13/22; 2/16/23; 1/08/26
Orig. Code(s): BCF

Advisory Committees to the Board

In an ongoing effort to increase communication with the public and to provide for community involvement, the Board may appoint advisory committees which include community members to consider matters of districtwide importance.

Recommendations of such committees will be given careful consideration by the Board, but such recommendations will not relieve the Board of its legal responsibility to make final decisions about such matters.

All meetings of advisory committees shall follow the Public Meetings Law. The press may attend and report proceedings. Visitors shall sit apart from the committee members and shall speak only when invited to do so by the committee chair.

The composition of advisory committees to the Board will be broadly representative and will take into consideration the specific tasks assigned to the committee. The process for the appointment of community members to an advisory committee will be determined by the Board. When requested and approved by the Board, appointment of staff members, when appropriate, will be made by the superintendent.

The Board will adopt guidelines for each committee as appropriate, which will include, but not be limited to, the following:

1. The committee's written charge which shall include, but not be limited to, a statement of purpose and responsibility;
2. The resources the Board will provide;
3. The length of time the committee is asked to serve and the approximate date(s) on which the Board wishes to receive the committee report(s).

Except as specifically provided by the Board, advisory committees will cease to function when their reports have been received by the Board or when the purposes for which they were established have been accomplished.

The Board may be represented on lay and professional committees that serve the Board in an advisory capacity, with specific Board members appointed by the chair, but normally such Board members will function as ex-officio members of the committees.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#)
[ORS 192.630](#)

[ORS 294.414](#)
[ORS 329.704](#)

[ORS 332.107](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

DELETED

Phoenix-Talent Schools District 4

Code: BD/BDA
Adopted: 12/07/99
Revised/Readopted: 1/13/22; 12/07/23
Orig. Code(s): BD/BDA

Board Meetings/Regular Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening¹ of a quorum of the Board as the district’s governing body to make a decision² or to deliberate³ toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Board, i.e. a work session. “Meeting” does not include any on-site inspection of any project or program the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings and/or posted on the district’s website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law⁴. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they are not included in the notice.

¹ “Convening” means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

² “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

³ “Deliberation” means discussion or communication that is part of a decision-making process.

⁴ ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

If requested to do so at least 72 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may be scheduled if less than a quorum is present at a meeting, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons. At least 24 hours' notice must be provided to all Board members, the news media which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Communications outside of a Board meeting may contain:

- a. Communications to, between or among members of a governing body that are:
 - (1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
 - (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
 - (3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or
- b. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members will have the following notice:

Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by public meetings law.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law.

4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. The Board may make official decisions during a work session. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

5. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC - Executive Sessions)

Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.⁵

⁵ See House Bill 2805 (2023) Section 5(2) for requirements of the response.

Mandatory Training

Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGE) at least once during the Board member's term of office and shall verify attendance in accordance with OGE procedures.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

[ORS 255.335](#)

[ORS 433.835 - 433.875](#)

[ORS 332.040 - 332.061](#)

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).

OR. ATTY. GEN. Public Records and Meetings Manual.

[House Bill 2805](#) (2023).

Cross Reference(s):

ACA - Americans with Disabilities Act

BDC - Executive Sessions

OSBA Model Sample Policy

Code:
Adopted:

BD

Board Meetings, Notices and Communications

Definitions

“Communication” means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

“Convening” means gathering in a physical location, using electronic, video or telephonic technology to be able to communicate contemporaneously among participants, using serial electronic written communication among participants, or using an intermediary to communicate among participants.

“Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the Board¹ is required, at any meeting at which a quorum is present.

“Decision-making process” means the process the Board engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

“Deliberation” means discussion or communication that is part of a decision-making process.

“Executive session” means any meeting or part of a meeting of the Board that is closed to certain persons for deliberation on certain matters.

“Intermediary” means a person who is used to facilitate communications among members of the Board about a matter subject to deliberation or decision by the Board, by sharing information received from a member of the Board with other members of the Board. The term “intermediary” can include a member of the Board.

“Meeting” means the convening of the Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program or the attendance of members of the Board at any national, regional or state association to which the Board or the members belong.

“Public Meetings Law” means Oregon Revised Statutes (ORS) 192.610 – 192.705 and Oregon Administrative Rules (OAR) 199-040 and 199-050.

“Quorum” means the minimum number of members of the Board required to legally transact business. For the Board, a quorum is four Board members.

¹ This policy is written to apply to the Board. Other bodies, including Board committees, may be subject to public meeting laws. This policy may help other bodies understand what is required, but is intended as direction for the Board.

“Work session” or “workshop” means meetings held for the purpose of either presenting information to the Board to prepare for a regular or special meeting, or to allow the Board to engage in preliminary discussions or deliberations.

Board Authority at Meetings

The Board has the authority to act only when a quorum is present at a properly noticed regular, special or emergency meeting. The affirmative vote of four members of the Board is required to transact any business.

Types of Meetings

The Public Meetings Law applies to all regular, special, emergency, executive session and work session meetings of the Board.

1. Regular Meetings

The regular meeting schedule will be established at the annual organizational meeting each year and may be changed by the Board with public notice. The purpose of each regular meeting will be to conduct the regular Board business.

2. Special Meetings

A special meeting may be scheduled when less than a quorum is present at a regular meeting and therefore no business may be conducted, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district, or other reasons. Special meetings may be convened by the Board chair, upon request of three Board members, or by common consent of the Board.

3. Emergency Meetings

Emergency meetings may be called in the case of an actual emergency upon appropriate notice under the circumstances. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with Public Meetings Law. The Board may make official decisions during a work session.

5. Executive Sessions

Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC – Executive Sessions).

Communications Outside of a Board Meeting (Serial Meetings Prohibited)

Private meetings where a quorum of the Board engages in discussions or communications that are part of the Board's decision-making process on matters within the authority of the Board violate Public Meetings Law, except as part of an executive session.

A quorum of Board members shall not, outside of a meeting conducted in compliance with Public Meetings Laws, use a series of communications of any kind, directly or through intermediates, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the Board. This prohibition applies to using any one or a combination of the following methods of communication:

1. In-person;
2. Telephone calls;
3. Videos, videoconferencing, or electronic video applications;
4. Written communication, including electronic written communications, such as email, texts, and other electronic applications;
5. Use of one or more intermediaries to convey information among members; and
6. Any other means of conveying information.

Communications outside of a Board meeting may contain communications between or among members of the Board, including a quorum, that are:

1. Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board;
2. Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
3. Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

E-mails sent to other Board members are encouraged to have the following notice:

Important: Please do not reply or forward this communication if this communication could constitute a decision or deliberation toward a decision between and among members of the district board. Board member electronic communications on district business are subject to Public Meetings and Public Records Law.

A quorum of Board members may attend social meetings or gatherings so long as no discussions or deliberations are had.

Meeting Location, Public Accommodations and Logistical Requirements

All meetings will be open to the public except as provided by law.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law². The Board may attend training sessions outside the district boundaries but may not deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced. Meeting locations shall be accessible to persons with disabilities.

Any Board meeting may be held in person, through the use of electronic or telephonic means, or in some combination of in-person, electronic or telephonic means.

Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. For Board meetings (excluding executive session) held by telephone or other electronic means of communication, the district shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no Board member is present.

For executive sessions where the media are statutorily authorized to be present, if any person, including any Board member, is attending the executive session by telephone, video, or other electronic means, the district shall provide members of the media the same attendance option. The district may establish reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for persons who are deaf or hard of hearing. The request should include the name of the requester, sign language preference and any other relevant information requested. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate aids and services may be provided upon request and appropriate advance notice.

If requested to do so at least 72 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.

Recordings or minutes will be kept for all meetings in accordance with state law and Board policy BDDG – Recordings or Minutes of Board Meetings.

All meetings shall comply with applicable provisions of the Oregon Indoor Clean Air Act.

The possession of a firearm, deadly weapon or any other instrument used as a dangerous weapon is prohibited at Board meetings, except as authorized by law.

Public Notice Requirements

The district posts public notice of its meetings on the district's website or on a publicly accessible website hosted by a third-party that is linked to the district's website.

The public notice shall identify the following:

² ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

1. The time, date, location of the meeting, and, to the extent reasonably possible, will include the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means;
2. The agenda or list of the principal subjects anticipated to be considered at the meeting and will be specific enough to permit the public to recognize matters in which they are interested. The Board may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting. See Board policy BDDC – Board Meeting Agenda for additional meeting agenda information; and
3. The name, telephone number, and email address of a person at the district office to contact to request an interpreter or other communication aids or a statement that the district will provide a sign language interpreter or other communication aids at the meeting.

The district will provide notice to interested persons and news representatives who have requested notice through means reasonably calculated to provide actual notice to interested persons known to the Board.

For all regular meetings, the meeting notice shall be provided with as much advance notice as reasonably possible, but no less than 48 hours' advance notice.

For all special meetings, the meeting notice shall be provided with no less than 24 hours' advance notice.

For an emergency meeting, public notice shall be provided with as much advance notice as reasonably possible given the emergency circumstances. The district shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, email, social media, or other method reasonably calculated to provide actual notice. If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the district's website or on a publicly accessible website hosted by a third-party hosted and linked to the district's website.

If a meeting will include an executive session, the notice shall comply with the above notice requirements and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. Example:

“The Board will meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.”

If an executive session is to be part of an open regular, special, or emergency meeting, the notice shall comply with the above notice requirements and prior to entering the executive session, the Board chair shall make a public announcement and identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization (See Board policy BDC – Executive Sessions for additional information on executive sessions.)

Complaints

Complaints regarding Public Meetings Laws can be filed in accordance with Public Meetings Law complaint procedures outlined in Board policy KL – Public Complaints. Complaints must be filed within 30 days of the alleged violation.

Mandatory Training

Every member of the Board shall attend or view a training on Public Meetings Law as required by ORS 192.700 and Board policy BBAA – Board Member’s Authority and Responsibilities.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[ORS 332.040 - 332.061](#)

[ORS 332.107](#)
[ORS 433.835 - 433.875](#)

[OAR 199-050-0005 – 199-050-0085](#)

OR. ATTY. GEN. *Public Records and Meetings Manual*.

Phoenix-Talent Schools District 4

Code: BDC
Adopted: 2/06/20
Revised/Readopted: 1/13/22; 12/07/23
Orig. Code(s): BDC

Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be included as an agenda item of an existing meeting or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, the presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.¹ (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer², employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))

¹ This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. Prior to holding an executive session under ORS 192.660(2)(a), the Board must ensure

- a. The vacancy has been advertised;
- b. Regular hiring procedures have been adopted;
- c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and
- d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

² To determine whether the individual involved is considered a public officer, consult with legal counsel.

6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
9. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))
10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))
11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))
12. To review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and
3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential except as provided by law. Board members and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required by law.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.045](#)

[ORS 332.061](#)

OR. ATTY. GEN. Public Records and Meetings Manual.

Oregon Government Ethics Commission, [Staff Advisory Opinion](#) No. 22-106S

[House Bill 2806](#) (2023)

Cross Reference(s):

BD/BDA - Board Meetings/Regular Board Meetings

BDDG - Minutes

CBG - Evaluation of the Superintendent

Phoenix-Talent Schools District 4

Code:
Adopted:

BDC

Executive Sessions

(Version 2)

The Board may meet in executive session to discuss subjects allowed by statute under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 but may not take final action in executive session except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student in accordance with ORS 332.061.

An executive session may be included as an agenda item of a meeting open to the public in accordance with Board policy BDDC - Board Meeting Agenda or held as its own meeting. Public notice is required as outlined in Board policy BD – Board Meetings, Notices and Communications.

If an executive session is held as part of a meeting open to the public, the Board chair will announce the executive session in compliance with Board policy BD – Board Meetings, Notices and Communications and include and identify the appropriate statutory citation, appropriate subsection and the paragraph authorizing the session under ORS 192.660 or ORS 332.061 for holding such session and by noting the general subject of the executive session.

Example:

“The Board will now meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.”

Prior to or at the beginning of the executive session, the Board chair may read the following¹:

“Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.”

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent; may not include a discussion or negotiation of compensation (including salaries and benefits).²

¹ This statement should be amended if ORS 192.660 does not require that representatives of the news media be allowed to attend, ORS 332.061 allows the Board to vote in executive session, or the Board will not be returning to open session following the executive session. This statement can also be included on the agenda.

² This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. It also does not apply to the employment of the chief executive officer, other public officers, employees and staff members of the district unless:

- a. The vacancy has been advertised;

(ORS 192.660(2)(a))

2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer³, employee, staff member or individual agent who does not request an open hearing⁴; may not include a discussion or negotiation of compensation (including salaries and benefits). (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection.⁵ (ORS 192.660(2)(f))
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.⁶ (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing⁷; may

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- b. Regular hiring procedures have been adopted;
 - c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and
 - d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

³ To determine whether the individual involved is considered a public officer, consult with legal counsel.

⁴ Notice must be provided to the public officer, employee, staff member or individual agent in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the governing body before which the matter will be considered (the Board);
- b. The time, date and location of the meeting;
- c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
- d. Information on how the public official may make a request for an open hearing.

⁵ Consider including a reference to the law that exempts the information or records from public inspection in the notice.

⁶ Legal counsel must be present in the executive session, either in-person or via electronic or telephonic communications.

⁷ Notice must be provided to the chief executive officer, public officer, employee or staff member in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the governing body before which the matter will be considered (the Board);
- b. The time, date and location of the meeting;
- c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
- d. Information on how the public official may make a request for an open hearing.

not include a discussion or negotiation of compensation (including salaries and benefits or a general evaluation of an agency, goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
(ORS 192.660(2)(i))

8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
9. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))
10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))
11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))
12. To review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and
3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Recordings or minutes shall be kept for all executive sessions in accordance with state law and Board policy – BDDG – Recordings and Minutes of Board Meetings.

Content discussed in executive sessions and recordings or minutes for executive sessions are confidential except as provided by law. Board members, district employees and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required or allowed by law.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 192.685](#)
[ORS 192.705](#)

[ORS 332.045](#)
[ORS 332.061](#)
[OAR 199-040-0015 - 0060](#)

[OAR 199-050-0015](#)
[OAR 199-050-0040](#)
[OAR 199-050-0050](#)

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Phoenix-Talent Schools District 4

Code: BDD
Adopted: 5/03/07
Revised/Readopted: 1/13/22
Orig. Code(s): BDD

Board Meeting Procedures

1. Quorum

A quorum ~~will consist of the majority of the Board~~ is four Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of ~~four a majority of~~ Board members will be necessary for exercising any of the Board's powers. All votes of the Board shall be taken by public vote, except when authorized in executive session under Oregon Revised Statute (ORS) 332.061.

3. Board Member Voting

The results of all votes shall be recorded, including the vote of each member's vote by name, on all votes taken by the Board. A written ballot, if used, shall identify the individual Board member by name and their vote, and shall be announced during the meeting at which the vote occurred. Secret ballots are prohibited.

~~Each member's vote on all motions will be recorded in the minutes.~~

4. Abstaining from Vote

Any conflicts of interest will be handled in accordance with ORS 244.120 and Board policy BBFA – Board Member Ethics and Conflicts of Interest. Board member abstentions will be documented in the meeting minutes or recording.

~~If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board member will state the reason for the abstention and such abstention will be recorded.~~

5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at properly noticed¹ ~~duly called regular or special~~ meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards"² as modified by the Board will govern the Board in its deliberation. Modifications ~~will~~ include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

¹ See ORS 192.640, OAR 199-050-0040 and Board policy BD/BDA – Board Meetings for notice requirements.

² See *Robert's Rules of Order*, 12th Edition, § 49:21.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

Failure to follow *Robert's Rules of Order* will not invalidate a lawful Board decision.

END OF POLICY

Legal Reference(s):

[ORS 192.650](#)

[ORS 244.120\(2\)](#)

[ORS 332.045](#)

[ORS 332.055](#)

[ORS 332.057](#)

[ORS 332.107](#)

[OAR 199-050-0005 \(9\)](#)

[OAR 199-050-0055](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

Phoenix-Talent Schools District 4

Code: BDD
Adopted: 5/03/07
Revised/Readopted: 1/13/22
Orig. Code(s): BDD

Board Meeting Procedures

1. Quorum

A quorum of the Board is four Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of four Board members will be necessary for exercising any of the Board's powers. All votes of the Board shall be taken by public vote, except when authorized in executive session under Oregon Revised Statute (ORS) 332.061.

3. Board Member Voting

The results of all votes shall be recorded, including the vote of each member's vote by name, on all votes taken by the Board. A written ballot, if used, shall identify the individual Board member by name and their vote, and shall be announced during the meeting at which the vote occurred. Secret ballots are prohibited.

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Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards"² as modified by the Board will govern the Board in its deliberation. Modifications include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

Failure to follow *Robert's Rules of Order* will not invalidate a lawful Board decision.

END OF POLICY

¹ See ORS 192.640, OAR 199-050-0040 and Board policy BD/BDA – Board Meetings for notice requirements.

² See *Robert's Rules of Order*, 12th Edition, § 49:21.

Legal Reference(s):

[ORS 192.650](#)

[ORS 244.120\(2\)](#)

[ORS 332.045](#)

[ORS 332.055](#)

[ORS 332.057](#)

[ORS 332.107](#)

[OAR 199-050-0005 \(9\)](#)

[OAR 199-050-0055](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

DRAFT

Phoenix-Talent Schools District 4

Code: BDDC
Adopted: 8/20/92
Revised/Readopted: 1/13/22
Orig. Code(s): BDDC

Agenda Preparation and Dissemination

The Board chair, in consultation with the superintendent, shall prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or community member of the district by notifying the superintendent or Board chair at least five working days prior to the meeting. Any item requested by three or more Board members must be placed upon the agenda as soon as feasible.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

- A. Call to Order
- B. Public Comment (if provided)
- C. Approval of Agenda
- D. Consent Agenda (includes approval of minutes)
- E. Action Items
- F. Information and Discussion Items
- G. Adjournment

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least three full working days prior to the meeting. The agenda will be available to the press and to interested persons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

The superintendent shall provide the Board with available information to support knowledgeable decisions about the business of the district. Requests by individual Board members for additional information shall be directed to the superintendent, recognizing that requests for materials which require substantial time or expense must be authorized by the Board.

A copy of the agenda will be posted on the district website on the day of the meeting. Members of the public may request a copy of the agenda through the superintendent's office.

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the request of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such a request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an alternate, equally effective communication will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2015); 28 C.F.R. Part 35 (2015).

Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

BDDG - Minutes

BDDH - Public Comment at Board Meetings

Phoenix-Talent Schools District 4

Code:
Adopted:

BDDC

Board Meeting Agenda (Version 2)

The Board chair will direct the preparation of an agenda for all meetings of the Board. The Board chair may seek assistance from the superintendent, [board executive assistant,] or another Board member. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the Board chair or superintendent at least [seven] working days prior to the meeting. The agenda will include the principal subjects anticipated to be considered at the meeting and be specific enough to permit the public to recognize the matters in which they are interested. When the agenda includes an executive session, the agenda shall identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See Board policy BDC – Executive Sessions for additional information.)

The Board chair may direct an amendment to the agenda until it is posted, including adding or removing items. The Board may also amend the agenda during a meeting by a majority vote of the Board. This includes adding items to the agenda during the meeting.

A consent agenda may be used by the Board. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be voted on and approved at the same time. An item on the consent agenda will be removed from the consent agenda upon request of a Board member prior to the consent agenda's consideration. The item removed from the consent agenda will then be placed on the regular agenda.

The agenda, together with supporting materials, will be distributed to Board members at least [three] full working days prior to the meeting. A copy of the agenda will be posted on the district website at least 48 hours prior to any regular meeting and 24 hours prior to any special meeting.

Copies of the agenda for the press and public will not contain any confidential information included in Board member packets.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

[OAR 199-050-0040](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Phoenix-Talent Schools District 4

Code: BDDC
Adopted:

Board Meeting Agenda (Version 2)

The Board chair will direct the preparation of an agenda for all meetings of the Board. The Board chair may seek assistance from the superintendent, board executive assistant, or another Board member. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the Board chair or superintendent at least seven working days prior to the meeting. The agenda will include the principal subjects anticipated to be considered at the meeting and be specific enough to permit the public to recognize the matters in which they are interested. When the agenda includes an executive session, the agenda shall identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See Board policy BDC – Executive Sessions for additional information.)

The Board chair may direct an amendment to the agenda until it is posted, including adding or removing items. The Board may also amend the agenda during a meeting by a majority vote of the Board. This includes adding items to the agenda during the meeting.

A consent agenda may be used by the Board. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be voted on and approved at the same time. An item on the consent agenda will be removed from the consent agenda upon request of a Board member prior to the consent agenda's consideration. The item removed from the consent agenda will then be placed on the regular agenda.

The agenda, together with supporting materials, will be distributed to Board members at least [three] full working days prior to the meeting. A copy of the agenda will be posted on the district website at least 48 hours prior to any regular meeting and 24 hours prior to any special meeting.

Copies of the agenda for the press and public will not contain any confidential information included in Board member packets.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

[OAR 199-050-0040](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Phoenix-Talent Schools District 4

Code: BDDG
Adopted: 2/06/20
Revised/Readopted: 1/13/22
Orig. Code(s): BDDG

Minutes

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;
2. All motions, proposals, resolutions, orders, and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name;
4. The substance of any discussion on any matter;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of minutes from the district office. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain a hard copy¹ of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including a student's confidential records; the discussion; and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.710](#)

[ORS 332.061](#)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

¹ Oregon Administrative Rule 166-400-0010(9)

Phoenix-Talent Schools District 4

Code:
Adopted:

BDDG

Recordings and Minutes of Board Meetings (Version 2)

The Board will ensure a video recording is made of all of its meetings and portions of meetings that are not held in executive session. These recordings will be posted on the district's website or social media site within seven days following the meeting.

A video or audio recording of a meeting can be kept as the official record as long as all required content is included and it is kept in an allowable format¹. Alternatively, the district may create written minutes. Written minutes do not need to be a verbatim transcript and can be kept in hard copy or electronic form².

The official record must give a true reflection of the matters discussed at the meeting and the views of the participants, and must include the following information:

1. All members of the Board present;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name for all actions taken³;
4. The substance of any discussion on any matter; and
5. A reference to any document discussed at the meeting.

If written minutes are created for meetings which do not take place in executive session, those minutes shall be available to the public within a reasonable time after the meeting. These minutes will be published to the district website and may be requested from the district office.

Recordings or minutes⁴ of executive sessions will be kept in the same manner as other meetings of the Board. If disclosure of material from executive session recordings or minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure. Executive session minutes of a hearing held under ORS

¹ Oregon Administrator Rule (OAR) 166-017-0045(4) requires moving images or audio recordings be kept in MP2, MP3, MP4, or WAVE formats.

² Oregon Administrator Rule (OAR) 166-017-0045(4) requires textual data or still images be kept in XML, ODT, TXT, PDF, RTF, PREG, JFIF, PNG, or TIFF formats.

³ If minutes are kept in a recorded form, all voting will use a roll call vote and if minutes are kept in written form the minutes will identify the vote of each member by name under each board action.

⁴ "...a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law." ORS 192.650(2)

332.061 shall contain only material not excluded under ORS 332.061(2) and information⁵ will not be disclosed in accordance with ORS 332.061.

Either the recording or minutes of Board meetings will be kept permanently. If written minutes are created for any meetings of the Board, any recordings will be kept for at least one year after the minutes are created.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) - 192.705
[ORS 332.061](#)

[OAR 166-017-0005](#) - 0095
[OAR 166-400-0010](#)(9)

[OAR 199-050-0060](#)

Attorney General's PUBLIC RECORDS AND MEETINGS MANUAL.

⁵ ORS 332.061 prohibits the disclosure of:

1. The name of the minor student;
2. The issue, including a student's confidential records;
3. The discussion; and
4. The school board member's vote on the issue.

Phoenix-Talent Schools District 4

Code: CBA
Adopted: 8/04/83
Revised/Readopted: 4/08/10; 6/03/21; 2/17/22

Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district;
2. A master's degree or higher in the field of education, preferably in educational administration;
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;
2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
8. Ability to motivate other administrators and significantly involve them in the decision-making process;
9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;
2. Serve as educational leader to the Board, staff and community;
3. Act as the district's chief administrative officer;
4. Serve as district school clerk, performing such duties as required by law or by the Board;
5. **Support the Board with scheduling** Schedule meeting places, **providing for required notices,** prepare an agenda and **ensuring any required recordings or record minutes are created** for all Board meetings and **for all other committee meetings authorized by the Board, as appropriate;**
6. Attend all regular and special meetings of the Board, except when excused;
7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;
8. Administer adopted Board policies;
9. Regularly review adopted Board policies and make recommendations for needed changes;
10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;
11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;
12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;
13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;
14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;
15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;
16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;
17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;
18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;
20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;
21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;
23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;
25. ~~Evaluate the performance~~ **Provide for** ~~evaluations~~ of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
26. Assign and control the promotion of students;
27. Maintain a continuous inventory of all district property, furniture, material and supplies;
28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;
29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;
30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;
31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;
32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;
33. Direct the district in its relationships with federal, state and local government agencies;
34. Cooperate with universities and colleges in their student-teacher training programs;
35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;

36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;
37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;
38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;
39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 342.143](#)
[ORS 342.173](#)

[ORS 342.850](#)
[OAR 584-020](#)-0000 - 0035
[OAR 584-046](#)-0003 - 0024

[OAR 584-080](#)-0151
[OAR 584-080](#)-0152
[OAR 584-080](#)-0161

Cross Reference(s):

CBG - Evaluation of the Superintendent

Phoenix-Talent Schools District 4

Code: CBA
Adopted: 8/04/83
Revised/Readopted: 4/08/10; 6/03/21; 2/17/22

Qualifications and Duties of the Superintendent

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2. A master's degree or higher in the field of education, preferably in educational administration;
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The superintendent will have the following personal and professional qualities:

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2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
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9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

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1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

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The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;
2. Serve as educational leader to the Board, staff and community;
3. Act as the district's chief administrative officer;
4. Serve as district school clerk, performing such duties as required by law or by the Board;
5. Support the Board with scheduling meeting places, providing for required notices, and ensuring any required recordings or minutes are created for all Board meetings and for all committee meetings authorized by the Board, as appropriate;
6. Attend all regular and special meetings of the Board, except when excused;
7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;
8. Administer adopted Board policies;
9. Regularly review adopted Board policies and make recommendations for needed changes;
10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;
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12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;
13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;
14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;
15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;
16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;
17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;
18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;
20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;
21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;
23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;
25. Provide for performance evaluations of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
26. Assign and control the promotion of students;
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28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;
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END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 342.143](#)
[ORS 342.173](#)

[ORS 342.850](#)
[OAR 584-020-0000 - 0035](#)
[OAR 584-046-0003 - 0024](#)

[OAR 584-080-0151](#)
[OAR 584-080-0152](#)
[OAR 584-080-0161](#)

Cross Reference(s):

CBG - Evaluation of the Superintendent

Phoenix-Talent Schools District 4

Code: CBG
Adopted: 8/03/17
Revised/Readopted: 2/17/22; 6/06/24
Orig. Code: CBG

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance at least once each year. The evaluation will be based on the superintendent's job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public.¹ Such an executive session will not include a general evaluation of any district goal, objective or **operation or of any directive to personnel concerning district goals, objectives, operations or programs.** Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)
[ORS 332.505](#)

[OAR 199-040-0027](#)
[OAR 199-040-0030](#)

[OAR 581-022-2405](#)

¹ Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the Board;
- b. The time, date and location of the meeting;
- c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
- d. Information on how the superintendent may make a request for an open hearing.

Evaluation of the Superintendent – CBG

Hanson v. Culver Sch. Dist. (FDAB 1975).

Cross Reference(s):

BDC - Executive Sessions

CB - Superintendent

CBA - Qualifications and Duties of the Superintendent

Phoenix-Talent Schools District 4

Code: CBG
Adopted: 8/03/17
Revised/Readopted: 2/17/22; 6/06/24
Orig. Code: CBG

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At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)
[ORS 332.505](#)

[OAR 199-040-0027](#)
[OAR 199-040-0030](#)

[OAR 581-022-2405](#)

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- a. Identification of the Board;
- b. The time, date and location of the meeting;
- c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
- d. Information on how the superintendent may make a request for an open hearing.

Hanson v. Culver Sch. Dist. (FDAB 1975).

Cross Reference(s):

BDC - Executive Sessions

CB - Superintendent

CBA - Qualifications and Duties of the Superintendent

DRAFT

**AGREEMENT BETWEEN
CITY OF TALENT AND PHOENIX-TALENT SCHOOLS
REGARDING SCHOOL RESOURCE OFFICER
FOR
2026-2027**

School Resource Officer Program

This Agreement is entered into by and between the Phoenix-Talent Schools (herein referred to as the "**District**"), and the City of Talent (herein referred to as the "**City**"):

The goals and objectives of this Agreement are:

- a. To provide a safe learning environment at Talent Middle School and Talent Elementary School and help reduce school violence;
 - b. To improve school-law enforcement collaboration on issues impacting students, staff and the local community;
 - c. To improve the perceptions and relations between students, school faculty, parents, and law enforcement officials; and,
 - d. To provide a resource for students, school faculty, parents, law enforcement, and other governmental agencies.
2. In order to meet those goals and objectives, the District and the City desire to provide policing and community-oriented services to the Talent Middle School and Talent Elementary School located within the jurisdictional boundaries of the City of Talent, Oregon by providing one School Resource Officer (SRO) for both school campuses.
 3. The District and the City recognize the potential for outstanding benefits to the residents of the Phoenix-Talent School District and to the students and faculty of both Talent Middle School and Talent Elementary School by providing an SRO.
 4. It is in the best interest of the District and the City, and the residents within the boundaries of the Phoenix-Talent School District to initiate this program.

NOW, THEREFORE, in consideration of mutual promises and covenants herein contained, the District and the City agree as follows:

ARTICLE I

Term

The term of this agreement is for the 2026-27 school year, which is currently scheduled to begin August 31, 2026 and continue through June 18, 2027; provided that the school dates are subject to change by District for unforeseen circumstances.

Roles and Responsibilities

The City will be responsible for the roles and responsibilities outlined below as they pertain to the School Resource Officer:

1. Provide one School Resource Officer (SRO) to serve for both Talent Middle School and Talent Elementary School, the costs of which are to be shared between City and District as further described below. Such costs shall include salary for the SRO and duty-appropriate law enforcement equipment required to perform the applicable duties.
2. Engage in information sharing with the District and the Talent Middle School and Talent Elementary School Administrative Team to the extent necessary to ensure the safety of students, staff, and visitors, so long as such sharing does not violate or compromise any privileges or confidentiality rights, any criminal investigations, or the identity of confidential informants.

ARTICLE II

Rights and Duties of the City

The City shall provide a School Resource Officer (SRO) as follows:

1. The City shall assign one police officer to serve both Talent Middle School and Talent Elementary School, located at 102 Christian Ave and 307 Wagner Creek Rd, Talent, Oregon.
2. The City shall assign the supervision of the SRO to the Chief of Police, or their designee, who shall perform scheduled and non-scheduled visits to the school for the purpose of evaluating the performance of the SRO.
3. Regular Duty Hours of the SRO shall be as follows:
 - a. The SRO shall be assigned to the school for up to 40 hours per week during the hours that the schools are in regular session. The SRO may also be responsible for law enforcement coverage at after-school activities such as football games, basketball games, dances, and other similar events. The SRO's schedule will be at the discretion of the City, in consultation with the District.
 - b. The SRO will make every effort to schedule time off periods when school is not in session.

The District will be notified if the SRO will be absent for any reason during his/her regularly scheduled hours.

4. Duties, Obligations and Procedures of the SRO:

The SRO shall/will:

- a. Wear the established patrol uniform unless another form of dress is approved by his/her supervisor.
- b. Make classroom presentations when reasonably requested by a teacher on such topics as the role of policing in the community, search and seizure, laws of arrest, traffic laws, crime prevention, victim's rights, community involvement, drug and alcohol issues, youth programs, and the like.
- c. Participate in discussions during class to establish rapport with students.
- d. Take appropriate law enforcement action in and around the school as required by law and consistent with the policies and procedures of the police department and District. Appropriate law enforcement action includes all those duties normally performed by a police officer, such as issuing traffic citations; investigating crimes and motor vehicle accidents; conducting interviews of suspects, victims and witnesses; collecting evidence; making arrests; and writing reports.
- e. Notify the District as soon as practical of any violations or actions which impact school discipline, order, or safety, and such other violations and actions as the District reasonably requests to be reported.
- f. Assist other law enforcement personnel in conducting investigations involving students or employees of the District when requested and required to do so.
- g. Obtain prior permission, advice, and guidance from school administrators before enacting any program within the school.
- h. Provide assistance to school administrators, faculty, and staff, upon request, in developing emergency procedures and emergency management plans to include prevention and/or minimization of dangerous situations that may result from students' unrest, unauthorized intruders, terrorist acts, bombs threats, active shooters, and the like.
- i. Be thoroughly familiar with District policies and regulations related to safety and student conduct and discipline issues, including the District's Code of Conduct.
- j. Assist the District, its administrators, faculty, and staff with violations of such policies as requested by District administrative personnel. However, the SRO shall not be expected to, or asked, to detain or take into physical custody any student or other individual who has only violated a District policy or the District's Code of Conduct. The SRO, as a law enforcement officer, can only detain or take into physical custody those students or other persons for whom there is reasonable suspicion or probable cause that they have committed a crime as defined under Oregon Revised Statutes or Federal laws.

- k. Be familiar with and abide by all relevant District policies and regulations while on District property.
- l. Work to develop rapport with students and a working relationship with student organizations, faculty, staff members, district administrators, parents, law enforcement, other governmental agencies, and community members.
- m. Coordinate efforts with campus supervisory personnel, i.e., student managers, campus supervisors, hall monitors, parking attendants, and building security personnel.
- n. Maintain detailed, accurate, and up to date records as required by the City and District.
- o. Meet regularly with juvenile authorities concerning information of juvenile delinquency issues and problems, as well as work proactively with all law enforcement agencies and other governmental agencies that service the District's community.
- p. Attend parent, faculty, student, administration, and other meetings to provide information regarding the SRO program and provide opportunities for involvement and support.
- q. Provide information regarding community programs so that proper referrals can be made and appropriate assistance can be accessed by students in need of such services. These programs may include mental health programs, drug treatment programs, and/o other similar types of services. The SRO may refer students to such agencies when necessary, thereby acting as a resource person to the students, staff faculty, parents, and administration. The SRO may also refer students to school counselors as needed. Referral guidelines shall be determined by District.
- r. Maintain confidentiality of any and all information obtained during investigations and interviews and shall not disclose the information, except as provided by law or court order, or as deemed necessary to ensure the safety of students and staff and the physical security of the middle school.
- s. Maintain confidentiality of District records and information, discussions, and other sensitive information, in accordance with District policies and State and Federal law. Without limiting the foregoing, the Talent Police Department and SRO acknowledge and agree that student education records are subject to the provisions of the Family Educational Rights To Privacy Act (FERPA), that SROs are deemed to be "school officials" under FERPA, that SROs are under the direct control of District with respect to the use and maintenance of education records by SROs, and that SROs will only use personally identifiable information from education records in connection with the purposes of this Agreement and will not redisclose any such personally identifiable information,

including but not limited to any other employees of the Talent Police Department who are not also SROs, without the consent required by FERPA, unless such disclosure is otherwise exempt from the FERPA consent requirements.

- t. Perform other duties that will promote the purpose of the SRO program and which are mutually agreed upon by the District and the City; however, the SRO shall not be used for regularly assigned lunchroom duties, hall monitoring, or other monitoring duties. If there is a temporary problem or emergency, the SRO may assist the school, if the SRO's duties permit, until the problem is resolved.

ARTICLE III

Duties of the District

The District shall provide the SRO with the following materials, facilities, and assurances that are deemed necessary for the performance of the SRO Program:

1. A private, secure office at Talent Middle School and Talent Elementary School to conduct interviews and investigations and other law enforcement activities in a confidential environment and access to records that are deemed necessary and appropriate by the District in order for the SRO to successfully accomplish his/her assigned task. The SRO shall maintain the confidentiality of all such activities. The school administrator, or his/her designee, shall be apprised of any information of a sensitive nature once the SRO has conferred with the Chief of Police or his/her designee, if there is a possibility of any impact upon the school, faculty, or students. The school administrator shall discuss such information only with those necessary on a "need to know" basis.
2. A desk, filing cabinet with locking system, telephone, computer with peripherals, internet access, office supplies and office furniture for use of the SRO.
3. Assurance District employee cooperation in investigations and interviews consistent with District policies and procedures in those cases where the District employee **is not** a suspect in a criminal investigation.

ARTICLE IV

Funding

The City shall be responsible for paying the SRO's salary and supplying duty-appropriate law enforcement equipment to SRO. District agrees to pay the City up to \$50,000 toward the employment costs of the SRO during the term of this Agreement. The District's payment toward the employment costs of the SRO is based upon the expectation that the SRO will be on duty for both the Talent Middle School and Talent Elementary School an average of forty (40) hours per week when school is in regular session during the term of this Agreement. Upon the expiration of the term of this Agreement, if it is determined that the SRO's average weekly hours on duty at Talent Middle School and Talent Elementary School were fewer than 40 hours per week, the City

shall reimburse the District on a pro-rata basis.

ARTICLE V

Evaluation and Future Funding

Prior to June 30th of the current year of agreement, the parties shall meet to evaluate the effectiveness of the School Resource Officer (SRO) Program and consider whether modifications to the program are necessary or advisable to accomplish its purpose prior to the next school year. The parties agree to cooperate and negotiate in good faith in fulfilling the intent of the parties concerning continuation of the program. Neither the City nor the District make any representations in this agreement regarding future funding availability for an SRO at Talent Middle School and Talent Elementary School after the 2026-2027 school year.

ARTICLE VI

Appropriations

The obligations of each party under this agreement are contingent upon adequate funds for that purpose being available, budgeted, appropriated, and otherwise made available.

ARTICLE VII

Employment Status of School Resource Officer

The School Resource Officer shall remain at all times an employee of the City and shall not be an employee of the Phoenix-Talent School District. The City shall be responsible for paying all salary and other compensation to the SRO pursuant to an employment agreement between the City and the SRO. The District and the City acknowledge that the School Resource Officer is a law enforcement officer who shall uphold the law under the direct supervision and control of the Talent Police Department. The School Resource Officer shall observe the chain of command structure of the Talent Police Department at all times.

The District has the rights and responsibilities to report any alleged misconduct, malfeasance, or nonfeasance of office; non-compliance with the District's policies, or other questionable behavior on the part of the SRO to the Chief of Police or his/her designee. Such reports shall be made in writing unless circumstances dictate making such reports in person or by phone. All such reports, either written or verbal, shall have, as a minimum, a statement of the allegations, a description of any supporting documentation and/or evidence, and a list of all witnesses that have any knowledge of such allegations.

ARTICLE VIII

Qualifications of the School Resource Officer

1. The School Resource Officer must meet all of the following requirements and perform in accordance with the attached position description:

- a. Must voluntarily agree to be assigned to the position of School Resource Officer.
- b. Must be a certified police officer with a preferred minimum of three (3) years law enforcement experience.
- c. Must have maintained the requirements necessary for employment as a police officer with the Talent Police Department and State of Oregon.
- d. Must agree that if voluntarily assigned for the position of School Resource Officer, he/she will not seek a transfer from the position until the end of the school year and that he/she will not schedule time off or vacations during the periods when school is in session.
- e. Must have sufficient job knowledge, experience, training, education, appearance, attitude, communication skills and bearing, ability to deal with difficult individuals, and ability to mediate disputes and engage in conflict resolution. Annual training should include such topics as explicit bias, mental health awareness, suicide prevention and trauma informed practices.

ARTICLE IX

Termination of Agreement

Any party may terminate this agreement by giving the other party not less than fifteen (15) days prior written notice. The District may also terminate this Agreement for cause as provided in Article X, Section 1. In the event of the termination of this Agreement for any reason, the amount to be paid by the District under Article IV for the costs of the SRO shall be prorated accordingly.

ARTICLE X

Dismissal or Replacement of the School Resource Officer

In the event that the District believes the School Resource Officer is not effectively performing his/her duties and responsibilities, the District may request, that the School Resource Officer be removed from the program, and shall state the reasons in writing. The Chief of Police, or his/her designee, may formally meet with the School Resource Officer and the District to mediate or resolve any problems that may exist.

1. Notwithstanding anything herein to the contrary, the District may terminate this agreement without prior notice and demand the immediate removal of the SRO for unlawful conduct or conduct that violates any terms of this agreement or the employment agreement between City and the SRO.
2. The Chief of Police may dismiss or reassign the School Resource Officer based upon violation of departmental rules, regulations, and/or departmental directives, or

when it is in the best interest of the Talent Police Department to do so in emergency situations.

3. In the event of any resignation, dismissal, or reassignment of the SRO, the Talent Police Department shall use its best efforts to provide a replacement SRO to fulfill the duties under this Agreement. The amount to be paid by the District under Article IV for the costs of the SRO shall be prorated accordingly for any period of time during the Term in which there is no SRO assigned to Talent Middle School and Talent Elementary School.

ARTICLE XI

Good Faith

The Parties, their agents, and employees agree to cooperate in good faith in fulfilling the terms of this agreement. The parties agree that they will attempt to resolve any disputes concerning the interpretation of this agreement and unforeseen questions and difficulties that may arise by good faith negotiations before resorting to any litigation.

ARTICLE XII

Modification

This document constitutes the full understanding of the parties, and no terms, conditions, understanding, or agreement purported to modify or vary the terms of this agreement shall be binding, unless hereafter made in writing and signed by the affected parties.

ARTICLE XIII

Non-Assignment

This agreement, and each and every covenant herein, shall not be capable of assignment except with prior consent of all parties.

ARTICLE XIV

Merger

This agreement constitutes a final written expression of all terms and conditions of this agreement and is a complete and exclusive statement of these forms

ARTICLE XV

Insurance and Indemnification

Each Party is responsible, to the extent required by the Oregon Tort Claims Act (ORS 30.260 through 30.300), only for the acts, omissions, or negligence of its own officers, employees, or agents. Each Party shall maintain at its own expense and keep in effect during the term of this SRO AGREEMENT -- 8

Agreement comprehensive general liability insurance or self-insurance including contractual liability, with minimum limits that are not less than the limits stated in ORS 30.270. The City of Talent Police Department shall be included as additional insured on the District's policy, and the District shall be included as additional insured on the City of Talent's policy. To the extent permitted by the Oregon Tort Claims Act, each Party (the Indemnifying Party) shall be responsible for and shall indemnify, defend, and hold the other (the Indemnified Party) free and harmless from any and all costs, claims, losses, expenses (including but not limited to attorneys' fees), actions or causes of action, and liability of any nature including, without limitation, liability for any damages to property (whether real or personal) and injury (up to and including death) to persons, suffered by the Indemnified Party directly or from a third-party claim arising out of or relating to the actions of the Indemnifying Party under this Agreement.

ARTICLE XVI

Effective Date

This agreement is effective upon the date of the last party to sign.

By: _____
Rebecca Weathers, Board Chair
Phoenix-Talent Schools

Date: _____

By: _____
Brent Barry, Superintendent
Phoenix-Talent Schools

Date: _____

By: _____
Alex Campbell, City Manager
City of Talent

Date: _____



PHOENIX-TALENT SCHOOLS

EXCELLENCE *for* EVERYONE

Board Meeting - 6:00 PM
Thursday, September 10, 2026
Phoenix Elementary School
215 N. Rose St, Phoenix, OR 97535

Join the [Zoom Meeting](#):

<https://us02web.zoom.us/j/85756372099?>

Meeting ID: 857 5637 2099 Passcode: 770267

The Phoenix-Talent School District #4 is committed to providing equal access to its public meetings in accordance with Oregon Public Meetings Law (ORS 192) and the Americans with Disabilities Act (ADA). If you require disability-related accommodations, auxiliary aids, or language interpretation services, please contact Board Secretary, Denise Skinner, at 541-535-1511 or denise.skinner@phoenix.k12.or.us at least 48 hours in advance of the meeting.

AGENDA

- A. **Executive Session – 5:30 p.m.** - This session is closed to the public under ORS 192.660 (2)(f)
- B. Regular Session Call to Order
- C. Student Representative Oath of Office and Reports
- D. Accentuate the Positive
- E. Citizen Comments
- F. PTEA/OSEA Association Updates
- G. Superintendent Report
- H. Integrated Program Plan Report – Public Comments Welcome
- I. Consent Agenda
 - 1. Approval of Agenda
 - 2. Approval of Minutes from 8/13/26
 - 3. Personnel Report
- J. Information and Discussion
 - 1. Legislative / OSBA Update
 - 2. Committee Reports
 - 3. Review Budget Committee Applications
 - 4. Review Budget Calendar for 27-28 Budget Year
 - 5. OSBA Board Nomination for Southern Region, Position #5
 - 6. OSBA Board Policies KNA, KNA-AR(1), KNA-AR(2)
- K. Recess
- L. Action Items
 - 1. Establish Meal Prices
 - 2. Board Policy Packet 8-13-26
 - 3. Board Policy JFCEB – Personal Electronic Devices
 - 4. Integrated Program Plan
- M. Review of the Next Meeting Agenda
- N. Adjournment