PHOENIX-TALENT SCHOOLS

EXCELLENCE for EVERYONE

Regular Board Meeting - 6:00 PM
Thursday, September 10, 2026
In-Person at Phoenix Elementary School
https://us02web.zoom.us/j/85756372099?pwd=tkG3i4p65FioWgKKaTAFITDaKZUKnE.1
Password: 770267

Agenda Español

Minutas Español

AGENDA

A. **Executive Session – 5:30 p.m. — This session is closed to the public under ORS 192.660 (2)(d)(f)(h)**
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. **Superintendent Contract Amendment**
   4. **Review Budget Committee Applications**
   5. **Review the Budget Calendar for the 27–28 Budget Year**
   6. **Review Board Vacancy Applications**
   7. **OSBA Board Nomination for Southern Region, Position #5**
   8. **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. **Integrated Program Plan**
   4. Resolution 26-8 - Vote for OSBA Governance Southern Position #5
M. **Review of the Next Meeting Agenda**
N. **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 SCHOOLS

EXCELLENCE for EVERYONE

PHOENIX-TALENT SCHOOLS

STUDENT REPRESENTATIVE

OF THE BOARD OF DIRECTORS

OATH OF OFFICE

I, **(state your name)**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Oregon and the laws thereof, and the policies of the Phoenix-Talent School District. During my term, I will faithfully and impartially discharge the responsibilities of a Student Representative to the School Board to the best of my ability *(so help me, God)***.**

_____ _____

Signature Date

Attested To:

_____ _____

Brent Barry, Clerk of the Board Date

Brent Barry
Talent- Phoenix School District 4 Superintendent
401 W 4th Street
Phoenix, Oregon 97535

August 19, 2026

Dear Mr. Barry,

I feel you should be aware of this Fact... to be Honest when I first saw that the new High School was built across the street from the Phoenix Pioneer Cemetery, I was very concerned. (Vandalism, headstones being turned over and broken, & other destruction) I have a Very Special Uncle buried there since 1964. *NOTHING has been disturbed, vandalized, absolutely Nothing* has been touched by a Student. Your Staff & the Students need to know HOW MUCH WE RELATIVES APPRECIATE THEIR RESPECT & COURTESY while walking through it. I have personally seen them walk through the cemetery & *stay on the main road as they trek through it.*

PLEASE THANK THEM FOR ME (Us Relatives). They Deserve the recognition.

Sincerely,

Betty Jo (Goodnight) Bowman
7655 Garrison Avenue
Apt 14
White City, Oregon 97503
503>779-4217

Phoenix-Talent Schools District 4

Code: FF
Adopted: 11/15/84
Revised/Readopted: 4/21/22
Orig. Code(s): FF

Naming Facilities

Insofar as possible, the Board will name a district facility after the name of the geographic section which it serves. The Board shall appoint a committee to include a representative group of parents.

In naming a facility, the committee will receive name suggestions from the community and make a recommendation to the Board based as much as possible upon the following guidelines:

1. The committee will present a list of three names to the superintendent for presentation to the Board;

2. The names should be easily identifiable with the district;

3. The name should avoid confusion with the names of other schools, facilities or institutions, street names, or other geographic features;

4. If possible, the name should be selected on a geographical basis, but most important, it should have significance for the students who will attend a proposed school; and

5. The names of people, particularly living people, should be avoided.

The Board will make the final selection from the list the committee submitted.

END OF POLICY

Legal Reference(s):

ORS 332.107

Phoenix-Talent Schools District 4

Code: FFB
Adopted: 7/13/06
Revised/Readopted: 4/21/22
Orig. Code(s): FFB

Names on Building Plaque

In keeping with the practice to recognize elected officials and others for their efforts and public service in providing new and/or improved facilities to the public, the Board wishes to have plaques installed on new construction projects giving the names of persons at the time of acceptance of the project bid as reflected in Board minutes. The plaques will provide the following information:

1. Name of the school or building;

2. Board approved construction date;

3. Names of the Board members listed alphabetically with the Board approved construction date;

4. Name of superintendent;

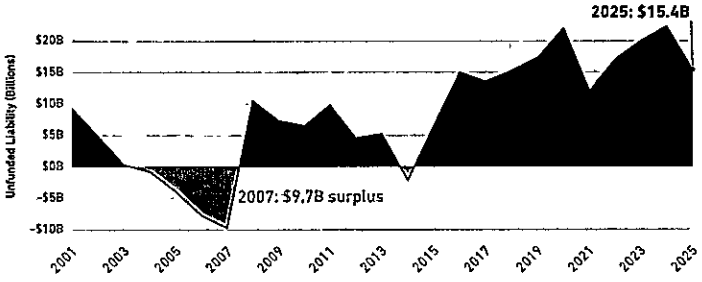
5. Others as deemed appropriate by Board.

END OF POLICY

Legal Reference(s):

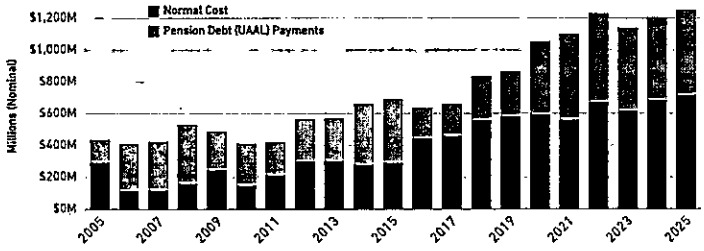
ORS 332.107

Growth in Oregon PERS Unfunded Liabilities, 2001–2025



School District Contributions to OPERS, 2005–2025

Nominal dollars, as reported to ODE. Split between normal cost and pension debt (UAAL) payments using liability-weighted employer rate shares.



To pay for this pension debt, additional contributions into OPERS have been necessary. The second chart above shows how the growth in OPERS contributions from school districts has increased over time for pension debt as well as the growing "normal cost" of benefits (which factors in changes to demographics, and investment forecasts).

However, the contributions actually paid for each district also depend on the amount of money in their Side Accounts at OPERS, which can be used to provide "rate relief" (e.g., lower the actual annual payment required). The contributions displayed above would have been higher if not for this Side Account based "rate relief." But, as a result, these contributions do not fully capture what school districts pay for pensions because they don't include the debt service payments from school districts to pay off the pension obligation bonds used to fund the Side Accounts in the first place. In total, Side Accounts have paid more than $6.7 billion in contributions on behalf of school districts since 2005.

Are K-12 Budgets Keeping Up with Pension Costs? No.

A key driver of growing OPERS costs has been unfunded liabilities. Since 2005, roughly $7.25 billion of school districts' reported contributions has gone toward paying off their share of OPERS pension debt.

Over 100 districts have also been paying off pension obligation bonds taken out to reduce future OPERS costs. Across district and county financial statements, we estimate more than $321.49 million in bond payments were made in FY 2025 alone—not counting interest accruals, which could add millions more.

Cost increases are not inherently a problem—a state without pension debt might raise costs by increasing benefits, and longer life expectancy can raise the cost of future promised benefits. The problem for districts comes when (1) variable unfunded liability costs stress budgets, and (2) state processes to estimate education resources and costs and funding formulas don't comprehensively account for rising pension costs.

In Oregon, K-12 expenditures more than doubled from $6.8 billion (2005) to $14.6 billion (2025)—a 30% increase after inflation. Meanwhile reported OPERS contributions roughly tripled from $433 million to $1.25 billion—a 74% increase after inflation.

Even these figures understate the problem: some districts borrowed money (pension obligation bonds) and used it to reduce the direct contributions they pay OPERS, yet still must make debt service payments on those bonds.

$321.49M

Total POB Debt Payments Made by School Districts to OPERS in 2025

$7.25B

Total unfunded liability (UAAL) payments made by school districts to OPERS, 2005–2025

34.6%

The share of K-12 expenditures going to OPERS contributions has increased 34.6% from 2005 to 2025.

How Does Oregon Compare to Other States?

The majority of states (27) plus Washington D.C. provide state contributions toward school district K-12 employer obligations. Many states cover unfunded liability payments centrally, shielding district budgets from pension debt payment volatility. Oregon's arrangement places the full risk on individual districts—meaning budget pressures are absorbed locally unless the overall school finance system is accounting for changes in pension costs.

27 + D.C.

states contribute toward school district K–12 pension obligations. Oregon does not—its districts carry the full cost and risk.

Considerations for Policymakers

- Reported contribution figures alone may give an incomplete picture of actual school district pension costs because there is no centralized repository of school districts' pension debt, bond payments, amounts, and true costs.
- Pension costs have grown twice as fast as overall education spending over the past two decades.
- Districts using Pension Obligation Bonds have reduced their visible OPERS costs—but those costs have been shifted to bond debt.
- Oregon school districts bear more pension cost risk than districts in the majority of states, because they are responsible for both normal costs and unfunded liability payments.

EQUABLE | ONE OREGON NETWORK FOR EDUCATION EXCELLENCE

DATA CURRENT THROUGH FY 2025

Oregon PERS: What School Districts Really Pay for Pensions

A Policymaker's Briefing on Hidden Pension Costs in K–12 Education

Key Takeaways

Pension Costs Growing Faster than Budgets: Pension costs have grown faster than K–12 education budgets over the last two decades, and Oregon's school funding formulas may not be fully accounting for the total burden.

Hidden and Undercounted Costs: Oregon school districts are required to cover the full cost of K–12 employer pension obligations to the Public Employees' Retirement System (OPERS). The officially reported contribution figure—$1.25 billion in 2025—understates the true cost. Many districts have borrowed money through Pension Obligation Bonds (POBs) to pre-pay into OPERS. This lowers the contributions they actually pay each year—but they still make annual debt payments on those bonds. Those debt payments are not captured in the $1.25 billion figure.

Key Numbers

Adjusted for inflation, OPERS contributions from school districts increased 74% from 2005 to 2025. Over those two decades Oregon also increased K-12 spending, but the cost of OPERS has increased faster.

$1.25B

Reported school district contributions to OPERS (2025)

This is what districts report paying directly to OPERS—but it does not include debt service payments on Pension Obligation Bonds.

+74%

Real increase in school district OPERS contributions, 2005–2025

Inflation-adjusted growth in reported contributions over two decades.

27.6%

OPERS employer contribution rate as % of payroll (2025)

Up from 18.3% in 2005, averaged across all benefit tiers. Some districts use pre-paid "Side Accounts" to reduce this rate.

Pension Costs vs. Education Spending

The table below shows how pension contributions have grown relative to the overall K–12 budget.

Metric	2005 (nominal)	2005 (infl. adj.)	2025
Total K–12 expenditures	$6.80B	$11.27B	**$14.58B**
School district OPERS contributions	$433.91M	$719.60M	**$1.25B**
Increase in K–12 total spending, 2005–2025 (infl-adj)			**+30%**
Increase in OPERS contributions, 2005–2025 (infl-adj)			**+74%**

Conclusion: Pension costs have grown significantly faster (74%) than the growth rate of total education spending (30%).

Important caveat: The $1.25 billion figure above still doesn't tell the full story. Districts that issued Pension Obligation Bonds make annual debt service payments on those bonds separately—payments that are not counted in OPERS contribution totals. The true cost of pensions to Oregon school districts is higher than what's reported.

Why Are Costs Growing?

In 2007, OPERS had a $9.7 billion surplus. By 2025, it carries a $15.4 billion unfunded liability. Three factors drove this swing:

1. **Investment shortfalls.** When actual investment returns fall below assumptions, unfunded liabilities grow.
2. **Updated actuarial assumptions.** Revised estimates (e.g., people living longer) increased projected benefit costs.
3. **Interest on existing debt.** Unpaid pension debt compounds over time, making it harder to close the gap.

ABOUT THIS BRIEF

This analysis is a collaboration between Equable Institute and the Oregon Network for Education Excellence. Data is sourced from ODE and OPERS. Visit **www.equable.org** and **www.oregonedexcellence.org** for more information.

Phoenix-Talent SD - Outcomes and Strategies 25-27

Identifier	Outcome or Strategy	2025-27 Application Response	CSI/TSI Schools
Outcome Early Lit	**Improve phonemic awareness and phonics in our primary grade students.**	**New for 2025-27**	
Strategy Early Lit 1	Engage in high dosage, online tutoring for students who are not making adequate progress.	New for 2025-27	
Strategy Early Lit 2	Provide job-embedded PD for primary teachers regarding reading instruction and strategies.	New for 2025-27	
Strategy Early Lit 3	Offer extended summer learning opportunities to support skill attainment.	New for 2025-27	
Outcome A	**Decrease disparities in student achievement with all sub groups making appropriate academic growth and progress.**	**Continue from 2023-25 through 2025-27**	
A1	Offer extended learning opportunities.	Continue from 2023-25 through 2025-27	
A2	Use a broad range of data sources to identify areas of inequity.	Continue from 2023-25 through 2025-27	
A3	Maximize instructional supports and strategies.	Continue from 2023-25 through 2025-27	
Outcome B	**All students, staff, and community members will feel safe, respected, valued, and included in our schools.**	**Continue from 2023-25 through 2025-27**	
B1	Maximize students' physical and mental health.	Continue from 2023-25 through 2025-27	
B2	Review policies, practices, resources, and facilities with an equity lens.	Continue from 2023-25 through 2025-27	
B3	Support a broad array of clubs and activities for focal group students.	Continue from 2023-25 through 2025-27	
B4	Provide opportunities for staff members to increase their cultural competencies.	Edited from 2023-25 for 2025-27	
Outcome C	**Provide opportunities for families to engage in 2-way communication experiences.**	**Continue from 2023-25 through 2025-27**	
C1	Break down barriers that prevent families from engaging in school decision-making and conversations.	Edited from 2023-25 for 2025-27	
C2	Develop cohesive and coordinated calendar of parent/family meetings for staff as well as district families.	Edited from 2023-25 for 2025-27	
Outcome D	**Empower families with the tools, knowledge, and confidence to actively engage as valued partners in their child's K-12 educational journey.**	**Continue from 2023-25 through 2025-27**	
D1	Create pathways and systems for families to access and engage in school decision-making.	Edited from 2023-25 for 2025-27	
D2	Continue to partner with outside providers to support family engagement efforts.	Continue from 2023-25 through 2025-27	
Outcome E	**Our students will develop proficient academic and social skills to allow them to access current and future opportunities.**	**Continue from 2023-25 through 2025-27**	
E1	Use a broad range of data sources to identify areas of inequity.	Continue from 2023-25 through 2025-27	
E2	Offer extended learning opportunities.	Continue from 2023-25 through 2025-27	
Outcome F	**Our students will be prepared for college and/or careers.**	**Continue from 2023-25 through 2025-27**	
F1	Support and expand CTE opportunities.	Edited from 2023-25 for 2025-27	
F2	Develop a PTS District compact for community partners.	Edited from 2023-25 for 2025-27	
F3	Provide graduation counseling and support.	Continue from 2023-25 through 2025-27	
Outcome G	**We will provide equitable opportunities for all students.**	**Continue from 2023-25 through 2025-27**	
G1	Maximize special programs (TWI, ODP, TAG, PTRA, ELC, Alt. Ed.)	Edited from 2023-25 for 2025-27	
G2	Support/enhance fine and performing arts programs.	Edited from 2023-25 for 2025-27	

Phoenix-Talent - Reporting Rollup of Budgets 25-27

	Description	Early Literacy	EIIS	HSS	SIA
1	**Total Allocation 2025-26**	**$168,090.75**	**$7,749.42**	**$622,965.21**	**$2,224,706.96**
2	Total Budgeted Amounts 2025-26	$168,090.75	$7,749.42	$622,965.21	$2,224,706.96
3	Unbudgeted (Autocalculate) 2025-26	$0.00	$0.00	$0.00	$0.00
4	Total Reported Spent Q1 2025-26	$0.00	$0.00	$0.00	$0.00
5	Total Reported Spent Q2 2025-26	$40,668.23	$0.00	$167,831.05	$743,565.81
6	Total Reported Spent Q3 2025-26	$0.00	$0.00	$0.00	$0.00
7	Total Reported Spent Q4 2025-26	$0.00	$0.00	$0.00	$0.00
8	**Total Reported Spent (Autocalculate) 2025-26**	**$40,668.23**	**$0.00**	**$167,831.05**	**$743,565.81**
9	Unspent 2025-26 (Autocalculate)	$127,422.52	$7,749.42	$455,134.16	$1,481,141.15
10					
11	**Total Allocation 2026-27**	**$174,951.60**	**$8,662.85**	**$662,886.00**	**$2,335,115.89**
12	Total Budgeted Amounts 2026-27	$174,951.60	$6,424.56	$648,392.36	$2,315,511.33
13	Unbudgeted (Autocalculate) 2026-27	$0.00	$2,238.29	$14,493.64	$19,604.56
14	Total Reported Spent Q1 2026-27	$0.00	$0.00	$0.00	$0.00
15	Total Reported Spent Q2 2026-27	$0.00	$0.00	$0.00	$0.00
16	Total Reported Spent Q3 2026-27	$0.00	$0.00	$0.00	$0.00
17	Total Reported Spent Q4 2026-27	$0.00	$0.00	$0.00	$0.00
18	**Total Reported Spent (Autocalculate) 2026-27**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
19	Unspent 2026-27 (Autocalculate)	$174,951.60	$8,662.85	$662,886.00	$2,335,115.89

Phoenix-Talent SD 4 - Annual Questions 25-27

	Ident... #	Annual Response Question	2025-26 Annual Progress Reflection
1	AR1	As you review your progress markers/overall reflection responses and reflect on plan implementation, how do you see your progress contributing to the Outcomes and Strategies in your plan and your Longitudinal Performance Growth Targets (LPGT)/Local Optional Metrics (LOM)? Discuss at least one Outcome where you have seen progress in implementation.	The district continues to make progress toward the growth targets that were established in the original LPGT plan that was created. We continue to be very pleased with the direction and outcomes of our family engagement efforts at every level. This is true both in terms of the event and activities we hold at our campuses as well as the robust and authentic two-way communication that we have implemented and are continuing to refine. As the district prepares to begin working toward the new Performance Growth Targets selected last month we feel very well positioned to show significant and sustained growth across all seven mandatory metrics of accountability as well as our district-selected local metric. One outcome in which the district has seen significant progress has been our Early Literacy outcome. Over the past year we have expanded high dosage tutoring opportunities across all three of our elementary schools. Additionally, we have been able to provide a number of professional development opportunities for our primary teaching and paraprofessional staff that has increased their expertise and capacity to provide targeted, research-based instruction to our youngest students. This has been a high growth area for the district and we look forward to continuing to offer similar opportunities to both students and staff in the coming years.
2	AR2	Where have you experienced barriers, challenges, or impediments to progress toward your Outcomes and Strategies in your plan that you could use support with? Discuss at least one Outcome where you have seen challenges or barriers to implementation.	The greatest challenge that the district continues to face regarding our Outcomes and Strategies is our progress toward Outcome A: Decrease disparities in student achievement with all subgroups making adequate growth and progress. Our students' achievement on the Smarter Balanced Math and English/Language Arts assessments have lagged the state average consistently over the past several years. Additionally, we have not seen sustained progress in closing the achievement gap between our total population and our traditionally underserved populations, especially on the 3rd grade ELA and 8th grade math measures. We are hopeful that a renewed focus on these areas required by the SB 141 accountability bill will prompt growth in these areas.

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)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations and (2)(f) to consider information or records that are exempt by law from public inspection.

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. Superintendent Contract Amendment
   4. Review Budget Committee Applications
   5. Review Budget Calendar for 27-28 Budget Year
   6. Review Board Vacancy Applications
   7. OSBA Board Nomination for Southern Region, Position #5
   8. 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. Integrated Program Plan

M. Review of the Next Meeting Agenda

N. Adjournment

PHOENIX-TALENT SCHOOLS

EXCELLENCE for EVERYONE

Orchard Hill Elementary School
1011 La Loma Drive
Medford, OR 97540

Regular Meeting
Thursday, August 13, 2026 6:00 PM Pacific

Michael Campbell:	Present	Diana Rasmussen:	Present
Nancy Castillo-McKinnis:	Absent	Dawn Watson:	Present
Polly Farrimond:	Present	Rebecca Weathers:	Present
Vacancy (Rick Nagel)		Present: 5; Absent: 1	

A. **Regular Session Call to Order**

- Chair Rebecca Weathers called the meeting to order at 6:00 p.m. and then asked Supt. Barry to speak.
- Supt. Barry said that our thoughts are with our friends and colleagues in Rogue River who are dealing with the fires.
- Supt. Barry said that this was our first meeting without our beloved board member, Rick Nagel, who volunteered and served on our board for 27 years. Supt. Barry read the following:
    - *For 27 years, Rick has dedicated himself to serving the students, families, staff, and community of Phoenix-Talent Schools. Since first being elected to the School Board in 1999, he brought wisdom, compassion, thoughtful leadership, and an unwavering belief that every student deserves the opportunity to succeed, not only while they are with us, but wherever life takes them.*

      Rick's service was never simply about attending meetings or making decisions. It was about people. He cared deeply about our students, our staff, and this community, and he demonstrated that commitment time and time again.

      Rick was a tireless advocate for school safety. His support for safe school initiatives played an important role in establishing the school resource officer presence we have today at Phoenix High School and Talent Middle School. That is just one example of the lasting impact his leadership will continue to have on generations of Phoenix-Talent students.

      On a personal level, Rick was much more than a board member to me. He was a friend, a mentor, and someone whose counsel and support I valued tremendously. I am deeply grateful for the years I had the privilege of working alongside him and learning from him.

      Twenty-seven years of service is an extraordinary legacy. But Rick's legacy cannot be measured simply in years. You see it in the schools he helped make safer, in the colleagues he mentored, in the friendships he built, and in the community he loved.

DRAFT

Rick made Phoenix-Talent Schools a better place. We will miss his wisdom, his friendship, his familiar presence, and his steadfast commitment to our kids

On behalf of the Phoenix-Talent School District, our staff, our students, and our entire community, I extend our deepest condolences to Rick's family and friends. We are grateful that they shared him with us for so many years.

His seat at this table will be deeply missed, but the impact of his service will remain with us for many years to come.

Thank you, Rick, for 27 years of extraordinary service to Phoenix—Talent Schools and this community. We are better because you were part of us.

- Director Polly Farrimond shared on behalf of Director Nancy Castillo-McKinnis. Nancy said that she shares her gratitude for Rick for all of his years of service, and that he was quiet and committed to making our schools better.
- Director Polly Farrimond said that she spent many hours with Rick and she would miss him greatly. She worked with him on the Britt hill, and he had such a big presence and he touched so many people. He has made a huge impact on our district and in our community. Polly is very grateful that she got to know him and be his friend.
- Director Campbell said that Rick always put kids first and cared deeply for staff. He was a champion for school safety, serving 27 years on the board with grace, humility, kindness, and an incredible sense of humor. A little bit underrated. His financial expertise helped the district navigate some of its most challenging times, and I just appreciate his background and knowledge in that area. And I'm going to miss that. Even at 90 years old, this is probably what I appreciate most about him. He remained a lifelong learner, and he was always helping us learn from the past without clinging to it. And I just think that the character trait in a person to carry themselves with such humility, having all those years of wisdom and knowledge, and yet still showing up every day with the willingness to learn and with a heart like that, is something I think we all can learn from and carry forward. I'm going to miss him terribly, and I'm so honored to have known him and to have served with him. I don't know if we're going to talk about it tonight, and I kind of hope not, but someday we're going to have to fill his seat, but we'll never fill his shoes, and we're going to miss him.
- Dawn Watson spoke about how Rick was a great mentor for her. When she was first a board member, Rick told her she was going to be a great board member and that he was going to help her along the way and he did. She told stories about him being a lifelong learner.
- Rebecca Weathers said that Rick meant a lot to her, and she was happy that he made it to his 90th birthday as he really wanted that. He was a very dear friend of mine.

B. **Accentuate the Positive**

OHES Principal Kent Vallier shared the following:

- Kent said that early in his time with this district, Rick Nagel made him feel like he belonged here.

DRAFT

- Kent thanked Jessica Hamilin and Tiffany Britton for their help with making sure that they would start the year fully staffed and onboarding the new staff. Kent welcomed new staff Whitney Winans, who will be teaching first grade, and Davalin Ontiveros, who will be our new K-2 special education teacher. Also, with the help, support and creativity of Tiffanie Lambert, she was able to help us recruit Davalin Ontiveros.
- Kent thanked the summer maintenance staff for getting the building ready for everyone to come back to.
- Kent thanked Denise Skinner for always getting us yummy lunches, snacks and such for our AdTeam and board meetings.

TES Principal Heather Lowe shared the following:

- Things are shaping up to be a great year at TES. We are fully staffed with an incredible team and enrollment numbers are looking good for the year. As we get closer to the welcoming staff and students back to our buildings, I wanted to share a few shout-outs:
- First, many thanks to Cheryl Joseph for her work over the summer to help ensure our power school enrollment numbers are accurate so we can plan accordingly. She has been gently nudging families to complete forms, which is no small feat.
- Second, I want to extend my thanks to our HR team — Jessica Hamlin, Tiffany Britton, and Monique Strain, for all they do to support us in our hiring processes over the summer. There are a lot of processes and moving parts, and they help keep us moving in the right direction.
- Finally, I want to thank our entire AdTeam for the work they put in over the spring and summer to develop an in-service schedule that is going to be meaningful for our entire staff, bringing coherence to our strategic plan and building level goals and priorities.

PES Principal Shawna Schleif shared the following:

- Shawna said that she had the opportunity to volunteer at Britt last summer, and she got to work with Rick Nagel. Shawna is so grateful to hear all the ways that he touched everyone, and all of us are better for knowing him.
- Shawna gave a shout-out to Tiffanie Lambert and her team for all they did to make summer school such a success. There was so much happening at PES and it was so organized and wonderful. Such creative energy to make sure that kids are getting services. Tiffanie was creative with our partnership with the Boys and Girls Club and Tiffanie will talk more about that.
- Shawna gave a shout-out to Lori Delgado, who worked as our office assistant during summer school, and so she was able to keep up with our registrations. Our enrollment numbers are looking good, so we are excited about that.
- Lastly, Shawna said that we are so excited to have our new mural on our building. It was a great collaboration between the City of Phoenix and their Art Council. It is the first mural in the city of Phoenix. The artist who painted the mural commented that our town is so alive and there is so much community here.

TMS Principal Casey Olmstead shared the following:

- Casey gave a shout-out to Alyssum Barber, who is taking on some new responsibilities at the middle school this year, specifically in math. Alyssum and myself and Kalin Cross have been spending a lot of time together. We are excited about what we are building and the

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alignment that we are working on with the high school, but also Alyssum's specific support at the middle school, supporting teachers and being in classrooms.

- Casey gave a shout-out to Maria Lee, who will be working with the middle school this year and leading professional development. We will be tackling this throughout the year, and her support will help us be more intentional in planning and our delivery of support to staff and all students.
- Casey is so grateful to the maintenance & custodial staff for the amount of work that they do, and are doing, to get our buildings ready for students and staff.
- Casey shared that he was at a conference in June and there was a quote that shared, "Our School is Better When You Are Here" and it definitely is something that stuck with me. Thinking about every staff, student and community member that enters our buildings. Our buildings are better because they/you are there.

PHS Principal Kalin Cross shared the following:

- Kalin shared that she read a couple of books this summer and the word that kept appearing was coherence. The idea of getting really focused and moving in the same direction is what she keeps thinking about.
- Kalin gave a shout-out to anyone who had anything to do with summer school. It takes so much planning, preparation, time and commitment. We had great programs this summer and our high school students were able to gain some more credits, and we were able to get our last graduate.
- Our facilities and custodial staff have been working so hard. We are so grateful for our new sensory garden. It is so beautiful and amazing. We are blessed to have such great facilities on campus.
- Because we have such a wonderful building, it allows us to secure great candidates. We have some great new hires, and I am excited to see all the great things they will do.
- Kalin also mentioned that she is thankful for the work that Alysum Barber, Casey Olmstead and she are doing together as a secondary team to support the strategic plan.
- Kalin gave a shout-out to our new Assistant Principal and Athletic Director, Sam Osofsky. Sam has hit the ground running and is at PHS right now supporting coaches by providing them with tools to set them up for success. Kalin is excited to be working with him.

Assistant Superintendent of Teaching and Learning, Dr. Tiffanie Lambert shared the following:

- Tiffanie spoke about board member Rick Nagel and his quiet leadership and big heart. Tiffanie said she had never read one of our audits because she always wanted to hear from Rick as he was our financial guru.
- Our summer school was a magical experience and there were too many people to thank. We had Jes Marsh at PHS and Yaneth Garcia. We had Lori Delgado at the elementary school, and Charlene Patten at the district office, and others.
- We took our elementary groups out for our fun Fridays, and everywhere we took the kids, we had such great comments about the students being so well-behaved.

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- Tiffanie spoke about our partnerships with Talent Maker City, Rogue Valley Farm 2 School, Bugs R Us, Jackson County libraries, and the Boys and Girls Club. We started a new program this summer and the Boys and Girls Club was so awesome to work with. They really went above and beyond for us. Tiffanie gave several examples of their exemplary service and how they went out of their way to help staff and students and accommodate parents' schedules.

C. **Citizen Comments** - None

D. **Superintendent Report**

- Supt. Barry commended the summer school staff and all the work that went into having a 4-week, full day, Monday-Friday summer school. Thank you to Tiffanie Lambert and her team of people who continuously show up during the month of July to help serve kids and families! And Tiffanie just explained the amazing partnerships that we have.
- Supt. Barry thanked Dawn Watson for coming to the Talent City Council meeting with him last week. The discussions were around raising the residential surcharge and then using a new formula to charge non-residential customers a trip charge. This new trip fee would change our annual fees from $200 a year to over $10,000 a year. Thankfully, the decision last week by the Talent City Council was for now, to raise the public safety surcharge from $5.66/month to $8/month for this coming year and bump it to $10.50/mo. starting July 1, 2027. No other decision was made on the non-residential transportation fee or the trip-based model for non-residential public safety surcharge, which is good for us. We were listening to discussions about the non-residential transportation fee, and it sounded like there would be an opportunity to appeal those charges. We are currently exploring our option to appeal this fee or look at how it is calculated should they move forward with it. At minimum, we feel there should be adjustments to how they calculate the number of trips to our schools.
- There have been many discussions about accountability over the last several years, and it heated up in the legislature last year with Senate Bill 141. There are a number of accountability measures that are coming into play this coming year, so we are looking at having to set Longitudinal Growth Targets. We are in the process of submitting this data based on 2024–25 data. These are due Aug 31, and we will bring this information back to the board in the fall.
- Supt. Barry said that in the board's packets, they have information on pension bonds. The district went out for a bond in 2002 and those payments are coming to an end. We have saved $6.5 million dollars over the life of that bond. Yazmin and I have been involved in pension bonds analysis work with Piper Sandler, and we will look to see if this is an option for PTS. We are preparing to decide when the right time for the process of going out for a pension bond would be.
- We have an amazing administrative team, and we did a lot of work in the spring and at our retreat in June, and we came up with a good plan for our in-service week.

E. **Program Report: Strategic Plan Update**

Supt. Barry gave updated information on the district's strategic plan goals, which include the four main areas below:

1. **Attend School Regularly** — 85% percent of students will attend 90% or more of each school year. We had a 6.3% increase in attendance from last year.

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2. **Success in English Language Arts and Mathematics** —Eighth-grade math saw a 6% jump, though a dip was noted in sixth-grade math scores, which Brent attributed to staffing challenges and increased rigor.
3. **On-Track by Grade 10** — Every student at the completion of 9th grade will have six or more credits. For the 25–26 school year, we should be at around 90%.
4. **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. We won't have our graduation rate until they release the state report cards in January, but as of now, it appears as though the district will come in around 90%, and PHS at 95%.

F. **Consent Agenda**

Director Watson moved to approve the consent agenda. Director Campbell seconded the motion. Chair Weathers asked for those in favor to say yes and all members present said yes.

F.1. Approval of Agenda
F.2. Approval of Minutes from7/23/26
F.3. Personnel Report

G. **Information and Discussion**

G.1. **Legislative / OSBA Update**

- Director Watson said that OSBA is still working on their governance restructure and they will most likely change the caucus model. Any changes will need to go to the board to vote on any new bylaws.
- Director Watson spoke about an email that Pooja Bhatt sent from One Education, and she shared a first-of-its-kind look into how Oregon approaches paying for educator pensions (PERS), one of a handful of major spending drivers for public K-12 education. COSA, OSBA, and OASBO were also engaged in this product's development. Here are a few top lines from the brief verbatim:
    - "The analysis tracks how district PERS contributions changed between 2005 and 2025, a period in which reported contributions rose 74% after inflation while total K-12 expenditures rose 30%. It documents the swing in the PERS system from a $9.7 billion surplus in 2007 to a $15.4 billion unfunded liability in 2025 and the factors behind it: investment returns below assumptions, updated actuarial assumptions, and interest compounding on existing pension debt."
    - "The brief also situates Oregon among other states. Twenty-seven states plus Washington, D.C. contribute toward K-12 school district pension obligations. Oregon does not, leaving individual districts responsible for both normal costs and their share of unfunded liability payments."
- Director Watson said that COSA, OSBA, and others will be hosting workshops for school board members, finance directors, and legislators, so when the legislative session starts, they will understand the PERS dilemma that school districts are facing.
- OSBA has just released the sample immigration policies which need to be adopted prior to September 30. Denise said they will be on the Sept. 10 agenda as info and discussion and the Sept. 24 agenda as an action item.

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- The Legislative Policy Committee (LPC) of OSBA met early this week. They talked about topics coming up in the legislative session. We will most likely see policies coming after the legislative session on student screen time even though there are a lot of pros and cons to it, including hardbound textbooks, whereas most districts use digital curriculum. This could create a lot of expenditures for districts, which would be another unfunded mandate. Other topics included truancy and absenteeism; state-wide bargaining; and assessments.
- Director Watson spoke about an OSBA southern regional position that will be open on the board and there are different scenarios that make it very confusing. Dawn will get more information and let the board know.

G.2. **Budget Committee Vacancies**
The Budget Committee has two members whose terms expired on June 30, 2026. Therefore, there are two vacancies that will need to be filled either by the previous committee member(s) and/or district residents. Applications will be taken through September 7th or until the vacancies are filled.

G.3. **Establish Meal Prices**
A food pricing memo was presented to the board with slight price increases over last year. This will be an action item at the next meeting.

G.4. **Review District Employee Handbook**
Supt. Barry commended Jessica Hamlin and her HR team for updating the handbook that included many changes.

G.5. **Superintendent Goals for 26-27**
Supt. Barry shared his goals for 26–27 with the board. Based on prior conversations during his evaluation last spring, the board discussed having him reduce the number of his goals, so they have been streamlined. The four main goals include:

- Accelerate Student Achievement, Belonging, and Equitable Outcomes
- Strengthen Leadership Capacity and Ensure Organizational Sustainability
- Steward District Facilities and Leave a Strong Physical Legacy
- Strengthen Community Trust, Partnerships, and Long-Term Confidence in Phoenix-Talent School District.

Supt. Barry wants to be sure and have a successful transition in the next couple of years and would like to set the district up as best as possible, especially with our facilities and strengthening our teams and our leaders.

G.6. **Board Policy Packet 8-13-26**
There was no discussion other than there being some adjustments to our new format. These policies will be an action item at the next meeting.

G.7. **Board Policy JFCEB — Personal Electronic Devices**

- Director Campbell doesn't feel we need any more discussion about this policy at this time. Director Campbell asked Principal Cross how the last school year went at PHS with our current policy, and she said it went great and there was an increase in attendance. There were very few cell phone incidents.

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- Supt. Barry is concerned that having students going off campus at lunch is a bigger risk.
- Director Campbell said that if our graduation data had dropped, if our attendance had dropped, and if our discipline and behavior incidents went up, then we would be having a different conversation.
- Director Watson shared her opinion and there were comments about checking in on all the schools at lunchtime to see how the policies are actually working. The decision was to leave the policy as it reads now.
- Supt. Barry will keep the board informed if something else changes.

G.8. **Board Vacancy**
Chair Weathers gave several choices that the board could make with regard to the board vacancy due to Rick Nagel's death. After some discussion, the board decided to start taking applications until the meeting on September 10th and the board can review any applications received to date and then either have interviews and make a decision to appoint someone or extend the application period. Denise will publish the notice as soon as possible.

H. **Recess -** None

I. **Action Items**

I.1. **Board Policy Packet 7-13-26**
I move to approve Board Policy Packet dated 7-13-26 as presented. This motion, made by Michael Campbell and seconded by Diana Rasmussen, Carried.
Nancy Castillo-McKinnis: Absent, Michael Campbell: Yea, Polly Farrimond: Yea, Diana Rasmussen: Yea, Dawn Watson: Yea, Rebecca Weathers: Yea (Yea: 5, Nay: 0, Absent: 1)

I.2. **Talent SRO Contract**
I move to approve the SRO contract with the City of Talent as presented. This motion, made by Polly Farrimond and seconded by Dawn Watson, Carried.
Nancy Castillo-McKinnis: Absent, Diana Rasmussen: Abstain (Without Conflict), Michael Campbell: Yea, Polly Farrimond: Yea, Dawn Watson: Yea, Rebecca Weathers: Yea
Yea: 4, Nay: 0, Absent: 1, Abstain (Without Conflict): 1

J. **Review of the Next Meeting Agenda**
- Add to Info and Discussion: Review Board Vacancy Applications.

K. **Adjournment -** The meeting adjourned at 7:35 p.m.

_____ _____

Rebecca Weathers, Chair Brent Barry, Superintendent

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BUDGET CALENDAR
2027-2028 Budget Year

APRIL 13, 2027	Administrative Team	Complete Formulating 2026–27 Budget Guidelines and Priorities
APRIL 20, 2027	Administrative Team	Budgets Due to Business Office
APRIL 21, 2027	Business Office	Notice of Budget Committee Meeting to Newspaper.
APRIL 28, 2027	Business Office	Publish First Notice of Budget Committee Meeting
MAY 5, 2027	Business Office	Publish Second Notice of Budget Committee Meeting
MAY 14, 2027	Business Office	Complete Budget Document Printing
MAY 18, 2027	**Budget Committee Meeting**	Budget Message 6:00 p.m. at PHS
MAY 25, 2027	Budget Committee Meeting	Optional 2nd Meeting, If Needed 6:00 p.m. - PHS
MAY 26, 2027	**Business Office**	**Notice of Budget Hearing to Newspapers**
MAY 28, 2027	Business Office	Budget Document Completed
JUNE 2, 2027	Business Office	Publish Notice of Budget Hearing
JUNE 10, 2027	**School Board**	**Hearing—Board Adopts Budget, Levies Taxes, Makes Appropriations**
JULY 9, 2027	Business Office	Submit Budget to Assessor

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PHOENIX-TALENT SCHOOLS

EXCELLENCE for EVERYONE

Board Member Vacancy Application

When a Board vacancy is declared, the Board will appoint a qualified person in accordance with Board policy BBE – Vacancies on the Board. To be considered for appointment, this form must be submitted to the district office by the deadline communicated by the district. Submitted applications become public records and may be disclosable upon request.

Name: Mark Krause

Motivation and Experience

Why do you want to serve on the Board?

I have lived in Talent since 2011 and have a strong committment to our community. Both of my kids are currently students in this district. I want to help support the district, the teachers, and especially the students.

Which experiences or perspectives will help you represent and serve all students and families?

I served as president of the PTA at TES for 3 years. This role reinforced just how important it is to include everyone. Students, parents, siblings all need to feel included and that they are an important part of the school and community. I realize that school board and PTA are very different, but I think this perspective is important to both roles. Also, on a personal note my family experienced first hand the devastation of the Almeda fire. Since then I've committed myself to give back to the community.

How will you help advance the district's mission and goals?

I will put all students, teachers, staff, and my fellow board members first. I will show up for board meetings prepared and ready to contribute. I will not allow bias, favoritism, or personal concerns to affect my work on the school board.

How will you engage respectfully with individuals whose viewpoints differ from your own?

I will engage with others with empathy and regard for their own circumstances and viewpoints. I will listen and ask questions. My day job involves open inquiry, discussion, and dissent. I can commit to applying these skills to school board work.

Knowledge, Time Commitment and Governance

Availability: Board meetings, work sessions, and committee service often occur in the evenings and occasionally during the daytime. In addition, there may be out of town travel required. How will you balance Board obligations with other commitments?

I have discussed this with my family and have their support. My day job does not conflict with standing school board meeting times.

Laws applying to public entities: Briefly share any familiarity you have with Oregon public meetings and public records laws: I honestly cannot quote anything from the laws. However, I work for SOU and we are obligated to set agendas and take minutes. I am also a member of the SOU faculty union where the same applies.

Policy and Budget: What experience do you have with policy development, budgets, or strategic planning? I have experience with these items in the capacity of my faculty job at SOU, and with executive board service for the American Psychological Association.

Student-Centered Decision-Making: How will you ensure decisions reflect student outcomes, safety, and well-being? Without knowing more about school board governance process I'm not sure how to answer this in concrete terms. I can say that advocating for student outcomes, safety, and well-being are the precise reasons motivating my decision to serve on the school board.

PHOENIX-TALENT SCHOOLS

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Name: Heather Ayers-Flood

Motivation and Experience

Why do you want to serve on the Board?

As a long-time teacher and staff member at Talent Middle School and Phoenix-Talent Rising Academy, I have seen the value of our school board - and the need for representation for all those who are part of the district. I think I can bring a unique perspective to the team.

Which experiences or perspectives will help you represent and serve all students and families?

I'll refer to the previous answer here. My many years in the classroom, and attending many school board meetings, has given me a deep understanding of the requirements. In addition, I've lived in Talent since 2013 and in Phoenix at an earlier time - so I have a deep connection to the Phoenix-Talent community. I am still in touch with many of my former students and families, which is definitely a plus.

How will you help advance the district's mission and goals?

My priorities as a lifelong teaching professional are and always have been to connect with students in such a way that they feel welcome, appreciated and seen for who they are. I feel that this is the key to all other aspects of the district's mission and goals. With that connection, much of the rest - attendance, grades, participation - will follow. The other critical piece of this is engaging families; this is key to student success.

How will you engage respectfully with individuals whose viewpoints differ from your own?

I believe respectful engagement starts with listening to understand, not listening to respond. When I meet someone with a different viewpoint, I find it helpful to focus on three things: pausing my own reactions, asking relevant questions, and acknowledging their perspective before offering mine.

Knowledge, Time Commitment and Governance

Availability: Board meetings, work sessions, and committee service often occur in the evenings and occasionally during the daytime. In addition, there may be out of town travel required. How will you balance Board obligations with other commitments?

Being retired, I have a fairly flexible schedule. Most obligations I have are not so strict that I can't adjust when necessary. And travel is not an issue for me.

Laws applying to public entities: Briefly share any familiarity you have with Oregon public meetings and public records laws:

I have served on the Talent Public Arts Committe, including as a board member, for a number of years (seven or eight?) and have a deep familiarity of the nuances of public meeting law. As secretary, my direct responsibility is to the city recorder. I have a high level of understanding of records retention, quorem matters, the differences around meeting types, executive session rules, etc.

Policy and Budget: What experience do you have with policy development, budgets, or strategic planning?

I've owned a number of businesses over the years the past fifteen years, and have good understanding of the budget process. My experience as a school employee over the years has given me a good idea of how school funding works. During my time with Talent Public Arts, I have spent many hours working on our master plan, and planning and reviewing our budget.

Student-Centered Decision-Making: How will you ensure decisions reflect student outcomes, safety, and well-being?

I've been told by teachers and administrators alike that one of my super-powers is that I care deeply about each student, who they are, and what their stories are. My heart has been at the core of what I've done in my thirty-two year career as a teacher in our schools. Students have been and will always remain a number one priority for me.

This page is intended for internal and verification purposes. It is not intended to be provided to the Board or discussed at a Board meeting. Once submitted, it is a public record and may be subject to disclosure.

Contact and Personal Information

Name (as it appears on voter registration): Heather M Ayers-Flood

Preferred name (if different): _____

Position applying for: Position 4, Zone 1

Note: Your address is used only to verify residency within the district/zone, as required by Oregon law. Verification may be required.

Home street address (as it appears on voter registration):

221 E Rapp Rd

City: Talent State: OR OR

Primary phone: 541-840-0290 Alternative phone: _____

Email: heavdog@gmail.com

Best way to contact you? ☐ Phone ☒ Email ☒ Text

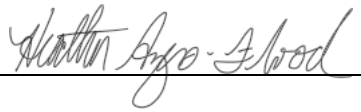
Accessibility and Accommodations

We welcome applicants with disabilities. Do you need an accommodation to participate in interviews or meetings (e.g., ASL interpreter, materials in alternative formats, physical access, assistive technology)?

☒ No ☐ Yes (please describe): _____

Attestations (Required)

- ☒ The information I have provided is true and complete to the best of my knowledge.
- ☒ I meet the statutory eligibility for appointment: registered elector and one-year residency (ORS 332.018).
- ☒ I reside in the zone corresponding to this vacancy (ORS 332.030 and ORS 332.122).
- ☒ I am not disqualified by employee status (ORS 332.016).
- ☒ I understand the appointment duration (through June 30 after the next regular district election) (ORS 332.030(4)).

Signature:  Date: 9/4/26

Please provide this completed, signed application to the board secretary. You may email it to Denise Skinner at denise.skinner@phoenix.k12.or.us or you can drop it off at the district office located at 401 W 4th Street in Phoenix, OR 97535. For questions regarding the application process, please call Denise Skinner at 541-535-1511.

PHOENIX-TALENT SCHOOLS

EXCELLENCE for EVERYONE

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Name: Adam Holtey

Motivation and Experience

Why do you want to serve on the Board?

I've been looking for ways that I can be of service to my community, and this position feels perfect. Both my children attended elementary school in Talent, and when I saw the position was open it felt right to pursue it.

Which experiences or perspectives will help you represent and serve all students and families?

I grew up in Southern Oregon and attended K-12 in Ashland. I've raised two children here and operate businesses serving this community for almost 20 years. I've also taught classes in several local schools for brief periods of time. These experiences have given me the opportunity to develop relationships with many individuals, families and organizations locally. I am committed to maintaining these relationships, and confident they've instilled in me a resolve to represent and serve the students and families in this district to the best of my ability.

How will you help advance the district's mission and goals?

My first objective would be to get familiar with the district's mission and goals, which I've begun doing by looking at the district website. I would seek a greater understanding of important terms, such as Professional Learning Communities, Multi-Tiered Levels of Support, etc., and research how these are being implemented and how successful they are in moving the district closer to its goals. I'd work on building relationships with other board members, administrators, and the community as a whole, to learn more and work together on the most effective policies.

How will you engage respectfully with individuals whose viewpoints differ from your own?

I grew up as a middle child of 5, and we're all still friends despite our differences. I've always had a natural ability and inclination to not only be respectful of, but be friends with many people whose viewpoints are different from my own. I've always believed it's important to listen to others, express my opinions respectfully, and search for areas of mutual agreement.

Knowledge, Time Commitment and Governance

Availability: Board meetings, work sessions, and committee service often occur in the evenings and occasionally during the daytime. In addition, there may be out of town travel required. How will you balance Board obligations with other commitments?

I own my own business and have flexible work hours, allowing me to organize my time so I can honor all school board obligations.

Laws applying to public entities: Briefly share any familiarity you have with Oregon public meetings and public records laws:

I understand that the school board needs to conduct business transparently and allow public access, and give proper notice of meetings. I also know as a board member I would not be allowed to meet with other members outside of scheduled meetings to discuss public business. I am also aware I can direct my questions about legalities to district staff and/or legal council.

Policy and Budget: What experience do you have with policy development, budgets, or strategic planning?

Owning and operating several businesses over the last 20-25 years has given me considerable experience in policy development, budgets and strategic planning in the organizations I've managed. I believe this experience will transfer well to a school board setting, and provide me a strong foundation for learning and applying knowledge of the district, how it operates, and how we can make it more successful.

Student-Centered Decision-Making: How will you ensure decisions reflect student outcomes, safety, and well-being?

These three topics cover a wide array of issues affecting students I would be encountering as a school board member. Regarding any issue, I would seek input from students, administrators, and the community. I would do research and examine relevant data, and work with other board members to create policies with measurable outcomes that put the students first.

This page is intended for internal and verification purposes. It is not intended to be provided to the Board or discussed at a Board meeting. Once submitted, it is a public record and may be subject to disclosure.

Contact and Personal Information

Name (as it appears on voter registration): Adam Holtey

Preferred name (if different): _____

Position applying for: Phoenix-Talent School Board

Note: Your address is used only to verify residency within the district/zone, as required by Oregon law. Verification may be required.

Home street address (as it appears on voter registration):

941 Beeson Lane

City: Talent State: OR

Primary phone: 541-301-3426 Alternative phone: _____

Email: adamwebb32@hotmail.com

Best way to contact you? ☒ Phone ☐ Email ☐ Text

Accessibility and Accommodations

We welcome applicants with disabilities. Do you need an accommodation to participate in interviews or meetings (e.g., ASL interpreter, materials in alternative formats, physical access, assistive technology)?

☒ No ☐ Yes (please describe): _____

Attestations (Required)

- ☒ The information I have provided is true and complete to the best of my knowledge.
- ☒ I meet the statutory eligibility for appointment: registered elector and one-year residency (ORS 332.018).
- ☒ I reside in the zone corresponding to this vacancy (ORS 332.030 and ORS 332.122).
- ☒ I am not disqualified by employee status (ORS 332.016).
- ☒ I understand the appointment duration (through June 30 after the next regular district election) (ORS 332.030(4)).

Signature: Adam Holtey Date: 09/02/2026

Please provide this completed, signed application to the board secretary. You may email it to Denise Skinner at denise.skinner@phoenix.k12.or.us or you can drop it off at the district office located at 401 W 4th Street in Phoenix, OR 97535. For questions regarding the application process, please call Denise Skinner at 541-535-1511.

BEFORE THE BOARD OF DIRECTORS OF THE PHOENIX TALENT SCHOOLS

RESOLUTION NO. 26-8

RESOLUTION TO CAST A VOTE FOR OSBA GOVERANCE POSITION, BOARD OF DIRECTOR POSITION #5

WHEREAS, the Phoenix-Talent School District #4 is a member of the Oregon School Boards Association;

WHEREAS, the Oregon School Boards Association requests the Phoenix-Talent School District #4 cast its vote for OSBA governance positions.

NOW, THEREFORE, BE IT RESOLVED that Phoenix-Talent School District #4 supports Dawn Watson for the OSBA Board of Director position 5;

PASSED AND ADOPTED by the Board of Directors of the Phoenix-Talent Schools of the County of Jackson, State of Oregon, this 24th day of September 2026, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

JACKSON COUNTY SCHOOL DISTRICT NO. 4 (PHOENIX-TALENT), OREGON

By: _____
Name: Rebecca Weathers, Board Chair

ATTEST:

By: _____
Brent Barry, Superintendent/District Clerk

2026 OSBA Elections Calendar
Adopted by the Board: January 23, 2026

Nomination and election of regional members of the OSBA board of directors holding odd-numbered positions and any positions made necessary by vacancy or appointment.		
August 1, 2026		Notice of position vacancies, candidate information packets, and official nomination forms shall be distributed to all incumbent directors and boards in eligible regions.
August 1, 2026, through September 30, 2026		A school board nominating one or more of its regional board members to the OSBA board of directors must do so by formal resolution of the board and timely submission of the nomination forms to the office of the OSBA. Nominations are closed after this date.
No later than October 15, 2026		Official ballots are distributed to member boards in each region, but no later than October 15.
Upon receipt of ballot through December 15, 2026		Submission of votes to OSBA. Each member board will vote as a board on each item of OSBA business and submit the votes to OSBA via the OSBA website prior to December 15, 2026. Each member board in the appropriate region shall have one vote in the regional elections for members of the OSBA board of directors. The person receiving a majority of the votes cast for any position on the OSBA board of directors shall be elected.
As soon as possible		In cases where there are more than two candidates nominated for any position, and none receives a majority of the votes cast, a second ballot shall be required between the two candidates receiving the highest number of votes. The one receiving a majority of the votes cast shall be declared elected.
January 1, 2027		Newly elected officers and regional members of the OSBA board of directors officially take office.

OSBA Resolution Election		
No later than September 30, 2026		All resolutions to be submitted to the membership for a vote must be received at the OSBA offices.
No later than October 15, 2026		Resolution details, along with an official ballot, will be sent to the membership.
Upon receipt of ballot, through December 15, 2026		Each member board in the state shall vote in the general election on resolutions.

OSBA Officer Elections		
September 18-20, 2026, or no later than October 31, 2026		The currently seated OSBA board of directors meets to elect officers. Candidates receiving a majority of the votes cast for any officer position on the OSBA board shall be elected.

OSBA Model Sample Policy

Code: KNA
Adopted:

Immigration Enforcement on District Property

The district complies with state and federal law, including Oregon Revised Statute (ORS) 180.805 and ORS 181.826, and this policy and accompanying administrative regulations KNA-AR(1) – Interactions with Immigration Enforcement and KNA-AR(2) – Federal Immigration Enforcement Request Log when responding to requests from federal immigration authorities regarding immigration enforcement. **[**Absent a judicially authorized subpoena, warrant or court order, district staff must not allow federal immigration authorities access to the district's records or facilities not open to the public for the purposes of immigration enforcement and must verify the validity of any subpoena, warrant or court order involving immigration enforcement presented to them by federal immigration authorities to ensure it is judicially authorized. Examples of judicial and administrative warrants and subpoenas can be found in the Oregon Attorney General's Model Public School Policies.[1] The superintendent or designee must review and approve any response to a request involving immigration enforcement. The district will provide ongoing training to designated staff to ensure compliance with this policy.**]**

This policy will be made available in the student handbook and on the district's website[2]. **[**~~The district will ensure a copy of the Oregon Attorney General's Model Public School Policies[3] and this policy and accompanying administrative regulations are provided to staff.~~**]**

Designation of Primary Point of Contact

The **[**Assistant Superintendent of Human Resources**]** is the primary point of contact for coordinating interactions with federal immigration authorities occurring in the district ("immigration liaison"). The **[**Assistant Superintendent of Teaching and Learning**]** shall serve as an alternative point of contact during the immigration liaison's absence or unavailability ("alternate immigration liaison").

The immigration liaisons responsibilities include:

1. Serving as the district's representative during encounters with federal immigration authorities;

2. Confirming when federal immigration authorities have entered school property for immigration enforcement purposes;

3. Ensuring federal immigration authorities engaging in enforcement activities at the district have notice of relevant district policies: JO/IGBAB – Education Records/Records of Students with

[1] https://www.doj.state.or.us/wp-content/uploads/2026/06/Attorney-Generals-Model-Public-School-Policies-in-Compliance-with-SB-1538.pdf

[2] Must be provided in culturally appropriate languages that are used to communicate effectively with parents and guardians of students in the district, as determined by the Board. {The district is encouraged to evaluate language needs in the district in order to effectively communicate with all parents and guardians.}

[3] https://www.doj.state.or.us/wp-content/uploads/2026/06/Attorney-Generals-Model-Public-School-Policies-in-Compliance-with-SB-1538.pdf

Disabilities, JOA – Directory Information, JOB – Personally Identifiable Information and this policy;

4. Assisting staff in performing their duties in response to immigration enforcement efforts, including ensuring compliance with all district policies and procedures related to interactions with federal immigration authorities and immigration enforcement efforts;

5. Reviewing and responding to requests from federal immigration authorities, in coordination with, and under the direction of, the superintendent or designee;

6. Facilitating the district's compliance with lawful immigration enforcement efforts in a manner that does not unnecessarily disrupt the school environment or invade the privacy of students, staff, or volunteers;

7. Providing notice as required in this policy when a federal immigration authority has been confirmed to have entered school property for immigration enforcement.

Required Notice

When a federal immigration authority is reported to have entered school property for the purpose of immigration enforcement the immigration liaison shall confirm whether federal immigration authorities have entered school property for immigration enforcement and when confirmed, shall provide notice as follows:

1. Notice must be provided to:

    a. Students who attend the school where the federal immigration authority is confirmed to be on school property for immigration enforcement and who are in grades **[**7**]** and above;
    b. Parents or guardians of students attending the school where the federal immigration authority is confirmed to be on school property for immigration enforcement;
    c. Staff of the school where the federal immigration authority is confirmed to be on school property for immigration enforcement; and
    d. Community-based service providers that have requested to receive notice when a federal immigration authority is confirmed to be on school property for immigration enforcement. Community-based service providers can request to receive such notifications by contacting **[**the immigration liaison at the district office**]**.

2. Notice must include:

    a. The general location of the federal immigration authority; and
    b. Whether classes or school operations were affected by the presence of the federal immigration authority.

3. Notice must not disclose:

    a. Personally identifiable information;
    b. Other information that may not be legally disclosed; or

c. Other information when the disclosure may threaten the health or safety of students or staff of the district or is prohibited by a court order.

The required notice will be provided as expediently as possible using **[**electronic mass communication tools**]**.

Unless otherwise prohibited by law or court order, the district will make reasonable efforts to provide notice to a student, or to the parent of guardian of a student, when the district has provided information related to the student to a federal immigration authority.

[Confidentiality of School Records

Except when required by a judicially authorized warrant, subpoena, or order, Oregon law prohibits the district from disclosing protected information to federal immigration authorities for the purpose of enforcing federal immigration laws. Protected information includes information relating to a person's:

1. Address;
2. Workplace or hours of work;
3. School or school hours;
4. Contact information, including telephone number, electronic mail address or social media account information;
5. Known associates or relatives; and
6. Date, time or location of the person's hearings, proceedings or appointments with a public body that are not matters of public record.

Oregon law also prohibits sharing any of the above information about a person's relatives or known associates with federal authorities for immigration enforcement purposes.

Oregon law generally prohibits the district from sharing or disclosing citizenship or immigration status or country of birth information[4] that the district collects, unless one of the following exceptions applies:

1. The disclosure is required by state or federal law (other than federal immigration law);
2. The disclosure is required by a judicially authorized warrant, order, or subpoena;
3. The information being shared with a person concerns only that person or their dependents; or
4. The information is aggregated and not personally identifiable.

In addition to the prohibitions described above, federal and state laws make records and information related to students confidential and permit disclosure only in limited circumstances. The district's policies

[4] Citizenship or immigration status or country of birth information is any information concerning:
1. Where a person was born; or
2. Whether a person is a citizen of the United States; or
3. Whether a person has lawful authority to be present in the United States.

with respect to student records can be found in Board policies JO/IGBAB – Education Records/Records of Students with Disabilities, JOA – Directory Information and JOB – Personally Identifiable Information. To ensure compliance with applicable federal and state law, the district's staff shall not disclose any school records or information to federal immigration authorities except as provided in these policies.

Staff must also maintain the confidentiality of school records and other information about students, staff, and volunteers when communicating with other students, parents, or community members about immigration enforcement activities involving students, staff, or volunteers of the district or occurring on district property. Staff should direct anyone with questions about immigration enforcement activities occurring on district property to the immigration liaison.**]**

Training

The district will provide the immigration liaison and alternate immigration liaison with training as follows:

1. The training must include information on the requirements of House Bill 4079 (2026), any applicable model policies published by the Attorney General, and this policy; and

2. The training must be provided at the time of designation and at least once every two years thereafter.

[Upon the adoption of this policy and not less than once every two years thereafter, the district will provide training to all current district staff of one hour or more regarding federal and state laws, and the district's policies, relating to interacting with federal immigration authorities and responding to immigration enforcement efforts. The district will provide the required training to all new staff within 30 days of beginning employment.**]**

END OF POLICY

Legal Reference(s):

ORS 180.810
ORS 180.805
ORS 181.826
OAR 581-021-0371

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Oregon Attorney General's *K12 School Model Policy*
Senate Bill 1538 (2026).
Senate Bill 1594 (2026).
House Bill 4079 (2026).

PROPOSED

OSBA Model Sample Administrative Regulation

Code: KNA-AR(1)
Revised/Reviewed:

Interactions with Immigration Enforcement

The **[**Assistant Superintendent of Human Resources**]** is designated as the "immigration liaison."

1. Staff**[**, contractors and volunteers**]** shall adhere to all district policies when interacting with federal immigration authorities and the following administrative regulations:

    a. Unless expressly authorized by the superintendent or designee, or by the immigration liaison on behalf of the superintendent or designee, staff shall not:

        (1) Provide federal immigration authorities with records or information about students, staff, or volunteers;
        (2) Confirm whether a student, staff member, or volunteer is present or make the student, staff member, or volunteer available;
        (3) Allow access to non-public areas of the district's facilities or property;
        (4) Sign documents presented by federal immigration authorities; or
        (5) Give consent to any immigration enforcement action.

    b. Staff may not interfere with lawful immigration enforcement actions or physically obstruct federal immigration authorities in any manner. However, staff should immediately report to the immigration liaison if they observe any conduct or enforcement activities by federal immigration authorities that violate state or federal law, or district policies, or that otherwise present a security threat or potential danger to students, staff, volunteers, or visitors.
    c. Staff who receive a request related to immigration enforcement must immediately notify the immigration liaison. The immigration liaison is responsible for interacting with the federal immigration authorities until the matter is concluded or the federal immigration authorities have been referred to the superintendent or designee.
    d. The immigration liaison or alternate immigration liaison should meet the federal immigration authorities at the school door or other area designated by the superintendent or designee for this purpose.
    e. The immigration liaison shall provide federal immigration authorities with a copy of this policy and explain that school staff are required to follow these steps in this policy. The immigration liaison should inform the immigration authorities that school staff must contact the office of the superintendent or designee for guidance before providing access to school facilities, records, or other information.
    f. The immigration liaison should direct another staff member to contact the superintendent or designee while the immigration liaison remains with the federal immigration authorities.
    g. The immigration liaison must document the request from federal immigration authorities to the fullest extent possible under the circumstances. At a minimum, the documentation shall include the following information, if available:

        (1) The name, badge number, and agency of the law enforcement officer making the request;
        (2) The number of officer's present;

(3) Time, date, and location of the request;
(4) The nature of the request;
(5) The source of authority for the request, including whether the request is administratively or judicially authorized;
(6) Whether the request requires an immediate response;
(7) The identification of witness's present; and
(8) How the encounter concluded.

h. The immigration liaison shall direct another staff member to transmit copies, photos, or other documentation provided by federal immigration authorities to the superintendent or designee, along with other information documented pursuant to this policy. The superintendent or designee must approve any response to a law enforcement request related to immigration enforcement as provided in Section 3 of this administrative regulation.

2. Determination of Validity of Judicial Warrant, Subpoena or Order

a. If presented with a warrant, subpoena or order by federal immigration authorities, the immigration liaison shall verify the validity of the warrant, subpoena or order by determining whether the warrant, subpoena or order is judicially authorized. An administrative warrant, subpoena, order or other legal process that has not been authorized by a judicial officer does not authorize the district to provide law enforcement with access to records or information, or facilities for purposes of immigration enforcement.

A judicially authorized warrant, subpoena or order contains the following key features:

(1) A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon);
(2) A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate, and the date of the signature; and
(3) An indication that the warrant, subpoena or order has not expired.

Examples of warrants and subpoenas are available in the Attorney General's model policies[1].

b. The immigration liaison shall notify the superintendent or designee of the warrant, subpoena or order and whether the warrant, subpoena or order appears on its face to be judicially authorized.
c. The immigration liaison should request a copy of the warrant, subpoena or order and transmit a copy of the warrant, subpoena or order for review by the superintendent or designee, or legal counsel.
d. The superintendent or designee shall make the final determination regarding the validity of any warrant, subpoena or order and whether, and to what extent, federal immigration will have access to district records or information, or facilities. If the superintendent or designee is uncertain as to the validity or scope of the warrant, subpoena or order, the superintendent or

[1] https://www.doj.state.or.us/wp-content/uploads/2026/06/Attorney-Generals-Model-Public-School-Policies-in-Compliance-with-SB-1538.pdf

designee should immediately consult legal counsel or a statewide or regional education organization.

3. Approval of Response by Superintendent

a. The immigration liaison shall notify the superintendent or designee of a request related to immigration enforcement prior to responding to the request. The superintendent or designee will only honor requests from immigration enforcement officers or other agencies enforcing federal immigration laws if the request is judicially authorized. If the superintendent or designee is uncertain as to the lawfulness or scope of the request, the superintendent or designee should immediately consult legal counsel or a statewide or regional education organization prior to approving a response.

b. If the superintendent or designee determines that a response is not authorized by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process, such as a warrant, the superintendent or designee shall direct the immigration liaison to decline the request.

Upon direction of the superintendent or designee, the immigration liaison shall decline the request, refer the federal immigration enforcement authorities to the superintendent or designee, and request that they leave the premises.

The immigration liaison shall ensure that the information documented pursuant to this administrative regulation is submitted to the Oregon Criminal Justice Commission as provided in ORS 181A.826.

c. If the request is accompanied by a subpoena, warrant or order that appears on its face to be judicially authorized, the superintendent or designee must review and approve the immigration liaison of district's response to the request.

The superintendent or designee shall ensure that the district's response provides no greater access to records or information, or facilities, than that required by the subpoena, warrant or order.

d. If the request involves a warrant that appears to be valid and authorizes the arrest of a particular person, the superintendent shall direct the immigration liaison to request that the arrest be conducted in a manner that is the least disruptive to the school environment and to the person's wellbeing, which may include bringing the arrestee to the federal immigration authorities.

4. **[**School-Sponsored Events

If federal immigration authorities appear at a school-sponsored event open to the general public (e.g., field trip, athletic event, band event), staff should document their observations, notify the immigration liaison and follow any guidance provided by the immigration liaison. When alerted to the presence of federal immigration authorities at a school-sponsored event, the immigration liaison shall notify the superintendent or designee.**]**

PROPOSED

5. **[**School Transportation/Buses

If federal immigration authorities request to board a school bus or other vehicle transportation, the driver should ask them to wait outside the bus/vehicle, close the doors, and immediately call the immigration liaison and follow any guidance provided by the immigration liaison. The immigration liaison shall notify the superintendent or designee and coordinate an approved response as outlined in this policy.**]**

6. **[**Volunteers

The district will determine which volunteers need to receive training or materials regarding this administrative regulation.**]**

PROPOSED

OSBA Model Sample Administrative Regulation

Code: KNA-AR(2)
Revised/Reviewed:

Federal Immigration Enforcement Request Log

School site: _____

Person Receiving Request: _____ Title: _____

1. Requesting Officer Information

   Officer name: _____ Badge #: _____

   Agency: _____

   Contact information: _____

2. Number of officers present: _____

3. Time, date and location of request: _____

4. Nature of the request:

   ☐ Request to enter school property
   ☐ Request to access school facilities or buildings
   ☐ Request to interview a student
   ☐ Request to interview staff member
   ☐ Request to locate a student
   ☐ Request to obtain student records
   ☐ Request to detain or take custody of an individual
   ☐ Other (describe): _____

5. Source of Authority for the request

   Authority cited by officer(s):

   ☐ Administrative Warrant
   ☐ Administrative Subpoena
   ☐ Judicial Warrant
   ☐ Judicial Subpoena
   ☐ Court Order
   ☐ Other Authority (describe): _____

   Document Presented? ☐ Yes ☐ No

   If yes, identify the document and any identifying numbers: _____

   Copy obtained? ☐ Yes ☐ No

6. Does the request require an immediate response? ☐ Yes ☐ No

Superintendent or Designee Review and Approval

The superintendent or designee must review the request and approve any response to a law enforcement request related to immigration enforcement.

Review Conducted By:

☐ Superintendent ☐ Superintendent's Designee

Name: _____

Title: _____

Date and Time of Review: _____

Response Authorized:

☐ Yes ☐ No ☐ Additional Legal Review Required ☐ Pending Further Information

Witnesses Present

Name	Title or Role	Contact Information
Name	Title or Role	Contact Information
Name	Title or Role	Contact Information

How the Encounter Concluded

☐ Access to school property granted
☐ Access denied pending legal review
☐ Referred to Superintendent or Designee
☐ Other (describe): _____
☐ Referred to School Administrator
☐ Officers left without further action

PROPOSED

Detailed summary of outcome:

Additional notes:

Follow-Up Actions

- ☐ Legal counsel notified
- ☐ Superintendent notified and copies, photographs, or other documentation transmitted to the superintendent or designee.
- ☐ Law enforcement documentation copied and retained

Completed By: _____ (print name)

Title: _____

Signature: _____

Date: _____

Time Completed: _____

PROPOSED

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).

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 show in **[**green**]** and crossed out, admin is recommending not including.

Phoenix-Talent Schools District 4

Code: BBE
Adopted:

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 vacancy[1];

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 votes[3], 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

PROPOSED

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,

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

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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 race[1], color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status[2], service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability[3] 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.~~

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).
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 race[1], 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 disability[2] 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
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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.

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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

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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'~~ preference[1] 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 law[2].

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 certification[3] of eligibility for preference, in addition to other requested materials.

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[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 preference[1] an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law[2].

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 certification[3] 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)

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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.

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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 parties[1] 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 consent[2]

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 person[3] 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 include[4]:

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.

~~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 activity[5];

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 ~~C~~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 ~~C~~coordinator and can be contacted at 541-535-1517. The Title IX ~~C~~coordinator 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 ~~C~~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 measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX ~~C~~coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX ~~C~~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 ~~C~~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 ~~C~~coordinator or the Assistant Secretary[11], or both

No Retaliation

Neither the district or any person may retaliate[12] 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 ~~C~~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

[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

Sexual harassment of students, staff members or third parties[1] 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 consent[2]

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.

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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 person[3] 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 include[4]:

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.

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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;

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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 activity[5];

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 measures[7] to the complainant and by following a grievance procedure[8] 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 Secretary[11], or both

No Retaliation

Neither the district or any person may retaliate[12] 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

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Cross Reference(s):
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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

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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 parties[1] 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 consent[2]

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 person[3] 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 include[4]:

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.

~~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 activity[5];

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* 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 ~~C~~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 ~~C~~coordinator and can be contacted at 541-535-1517. The Title IX ~~C~~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 ~~C~~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 measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX ~~C~~coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX ~~C~~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 ~~C~~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 ~~C~~coordinator or the Assistant Secretary[11], or both

No Retaliation

Neither the district or any person may retaliate[12] 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 ~~C~~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):

GBN/JBA - Sexual Harassment
GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

[11] Of the United Stated Department of Education.

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

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

Oregon Definition

Sexual harassment of students, staff members or third parties[1] 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 consent[2]

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

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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 person[3] 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 include[4]:

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.

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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;

DRAFT

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 activity[5];

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 measures[7] to the complainant and by following a grievance procedure[8] 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.

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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).

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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 Secretary[11], or both

No Retaliation

Neither the district or any person may retaliate[12] 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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Cross Reference(s):

GBN/JBA - Sexual Harassment

[11] Of the United Stated Department of Education.

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

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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 days[1] 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 schedule~~scheduled~~ hours may be eligible for OFLA in accordance with ORS 659A.156~~of 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 injury[4] 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 care[5] or continuing treatment by a health care provider[6].

2. Parental leave[7] (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 closed[8] 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 OFLA[11]: 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) Spouse[12];
      (2) Parent[13]; or
      (3) Child[14].~~; 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 12[18]. 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 workweek[19]. 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~~interpreters~~[21] 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

~~[21] 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 Term[22]

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 employee[23] 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 notice[25] 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 information[26] 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.

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[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 notice[28] 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 appropriate[29], 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 appropriate[30], 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

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.

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 injury[2] 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 care[3] or continuing treatment by a health care provider[4].

2. Parental leave[5] (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 closed[6] 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) Spouse[9];

[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) Parent[10]; or
(3) Child[11].

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.

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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 12[15]. 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 workweek[16]. 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.

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[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 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 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 Term[18]

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)

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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 employee[19] 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 notice[21] 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 information[22] 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 notice[24] 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 appropriate[25], 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 appropriate[26], 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:

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[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.

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[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's[1] 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 ~~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 ~~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 certification[2] 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
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OAR 839-007-0020 – 007-0065

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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 SD - Outcomes and Strategies 25-27

Identifier	Outcome or Strategy	2025-27 Application Response	CSI/TSI Schools
Outcome Early Lit	**Improve phonemic awareness and phonics in our primary grade students.**	**New for 2025-27**	
Strategy Early Lit 1	Engage in high dosage, online tutoring for students who are not making adequate progress.	New for 2025-27	
Strategy Early Lit 2	Provide job-embedded PD for primary teachers regarding reading instruction and strategies.	New for 2025-27	
Strategy Early Lit 3	Offer extended summer learning opportunities to support skill attainment.	New for 2025-27	
Outcome A	**Decrease disparities in student achievement with all sub groups making appropriate academic growth and progress.**	**Continue from 2023-25 through 2025-27**	
A1	Offer extended learning opportunities.	Continue from 2023-25 through 2025-27	
A2	Use a broad range of data sources to identify areas of inequity.	Continue from 2023-25 through 2025-27	
A3	Maximize instructional supports and strategies.	Continue from 2023-25 through 2025-27	
Outcome B	**All students, staff, and community members will feel safe, respected, valued, and included in our schools.**	**Continue from 2023-25 through 2025-27**	
B1	Maximize students' physical and mental health.	Continue from 2023-25 through 2025-27	
B2	Review policies, practices, resources, and facilities with an equity lens.	Continue from 2023-25 through 2025-27	
B3	Support a broad array of clubs and activities for focal group students.	Continue from 2023-25 through 2025-27	
B4	Provide opportunities for staff members to increase their cultural competencies.	Edited from 2023-25 for 2025-27	
Outcome C	**Provide opportunities for families to engage in 2-way communication experiences.**	**Continue from 2023-25 through 2025-27**	
C1	Break down barriers that prevent families from engaging in school decision-making and conversations.	Edited from 2023-25 for 2025-27	
C2	Develop cohesive and coordinated calendar of parent/family meetings for staff as well as district families.	Edited from 2023-25 for 2025-27	
Outcome D	**Empower families with the tools, knowledge, and confidence to actively engage as valued partners in their child's K-12 educational journey.**	**Continue from 2023-25 through 2025-27**	
D1	Create pathways and systems for families to access and engage in school decision-making.	Edited from 2023-25 for 2025-27	
D2	Continue to partner with outside providers to support family engagement efforts.	Continue from 2023-25 through 2025-27	
Outcome E	**Our students will develop proficient academic and social skills to allow them to access current and future opportunities.**	**Continue from 2023-25 through 2025-27**	
E1	Use a broad range of data sources to identify areas of inequity.	Continue from 2023-25 through 2025-27	
E2	Offer extended learning opportunities.	Continue from 2023-25 through 2025-27	
Outcome F	**Our students will be prepared for college and/or careers.**	**Continue from 2023-25 through 2025-27**	
F1	Support and expand CTE opportunities.	Edited from 2023-25 for 2025-27	
F2	Develop a PTS District compact for community partners.	Edited from 2023-25 for 2025-27	
F3	Provide graduation counseling and support.	Continue from 2023-25 through 2025-27	
Outcome G	**We will provide equitable opportunities for all students.**	**Continue from 2023-25 through 2025-27**	
G1	Maximize special programs (TWI, ODP, TAG, PTRA, ELC, Alt. Ed.)	Edited from 2023-25 for 2025-27	
G2	Support/enhance fine and performing arts programs.	Edited from 2023-25 for 2025-27	

Phoenix-Talent - Reporting Rollup of Budgets 25-27

	Description	Early Literacy	EIIS	HSS	SIA
1	**Total Allocation 2025-26**	**$168,090.75**	**$7,749.42**	**$622,965.21**	**$2,224,706.96**
2	Total Budgeted Amounts 2025-26	$168,090.75	$7,749.42	$622,965.21	$2,224,706.96
3	Unbudgeted (Autocalculate) 2025-26	$0.00	$0.00	$0.00	$0.00
4	Total Reported Spent Q1 2025-26	$0.00	$0.00	$0.00	$0.00
5	Total Reported Spent Q2 2025-26	$40,668.23	$0.00	$167,831.05	$743,565.81
6	Total Reported Spent Q3 2025-26	$0.00	$0.00	$0.00	$0.00
7	Total Reported Spent Q4 2025-26	$0.00	$0.00	$0.00	$0.00
8	**Total Reported Spent (Autocalculate) 2025-26**	**$40,668.23**	**$0.00**	**$167,831.05**	**$743,565.81**
9	Unspent 2025-26 (Autocalculate)	$127,422.52	$7,749.42	$455,134.16	$1,481,141.15
10					
11	**Total Allocation 2026-27**	**$174,951.60**	**$8,662.85**	**$662,886.00**	**$2,335,115.89**
12	Total Budgeted Amounts 2026-27	$174,951.60	$6,424.56	$648,392.36	$2,315,511.33
13	Unbudgeted (Autocalculate) 2026-27	$0.00	$2,238.29	$14,493.64	$19,604.56
14	Total Reported Spent Q1 2026-27	$0.00	$0.00	$0.00	$0.00
15	Total Reported Spent Q2 2026-27	$0.00	$0.00	$0.00	$0.00
16	Total Reported Spent Q3 2026-27	$0.00	$0.00	$0.00	$0.00
17	Total Reported Spent Q4 2026-27	$0.00	$0.00	$0.00	$0.00
18	**Total Reported Spent (Autocalculate) 2026-27**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
19	Unspent 2026-27 (Autocalculate)	$174,951.60	$8,662.85	$662,886.00	$2,335,115.89

Phoenix-Talent SD 4 - Annual Questions 25-27

	Ident... #	Annual Response Question	2025-26 Annual Progress Reflection
1	AR1	As you review your progress markers/overall reflection responses and reflect on plan implementation, how do you see your progress contributing to the Outcomes and Strategies in your plan and your Longitudinal Performance Growth Targets (LPGT)/Local Optional Metrics (LOM)? Discuss at least one Outcome where you have seen progress in implementation.	The district continues to make progress toward the growth targets that were established in the original LPGT plan that was created. We continue to be very pleased with the direction and outcomes of our family engagement efforts at every level. This is true both in terms of the event and activities we hold at our campuses as well as the robust and authentic two-way communication that we have implemented and are continuing to refine. As the district prepares to begin working toward the new Performance Growth Targets selected last month we feel very well positioned to show significant and sustained growth across all seven mandatory metrics of accountability as well as our district-selected local metric. One outcome in which the district has seen significant progress has been our Early Literacy outcome. Over the past year we have expanded high dosage tutoring opportunities across all three of our elementary schools. Additionally, we have been able to provide a number of professional development opportunities for our primary teaching and paraprofessional staff that has increased their expertise and capacity to provide targeted, research-based instruction to our youngest students. This has been a high growth area for the district and we look forward to continuing to offer similar opportunities to both students and staff in the coming years.
2	AR2	Where have you experienced barriers, challenges, or impediments to progress toward your Outcomes and Strategies in your plan that you could use support with? Discuss at least one Outcome where you have seen challenges or barriers to implementation.	The greatest challenge that the district continues to face regarding our Outcomes and Strategies is our progress toward Outcome A: Decrease disparities in student achievement with all subgroups making adequate growth and progress. Our students' achievement on the Smarter Balanced Math and English/Language Arts assessments have lagged the state average consistently over the past several years. Additionally, we have not seen sustained progress in closing the achievement gap between our total population and our traditionally underserved populations, especially on the 3rd grade ELA and 8th grade math measures. We are hopeful that a renewed focus on these areas required by the SB 141 accountability bill will prompt growth in these areas.

PHOENIX-TALENT SCHOOLS

EXCELLENCE for EVERYONE

Board Meeting - 6:00 PM
Thursday, September 24, 2026
Phoenix Elementary School
215 N Rose St, Phoenix, OR 97535
Join the Zoom Meeting:
https://us02web.zoom.us/j/85256227150?
Meeting ID: 852 5622 7150 Passcode: 473983

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)( )

B. Regular Session Call to Order

C. Student Representative Report

D. Accentuate the Positive

E. Citizen Comments

F. Superintendent Report

G. Consent Agenda
   1. Approval of Agenda
   2. Approval of Minutes from 9/10/26
   3. Personnel Report

H. Information and Discussion
   1. Legislative / OSBA Update
   2. Financial Report
   3. Enrollment Report

I. Recess

J. Action Items
   1. Interview/Appoint Budget Committee Applicants
   2. Approve Budget Calendar for 27-28 Budget Year
   3. Interview/Appoint Applicant for Board Member Vacancy
   4. Superintendent Contract Amendment
   5. OSBA Board Nomination Ballot for Southern Region, Position #5
   6. OSBA Board Policy KNA
   7. OSBA Board Policy KNA-AR(1)
   8. OSBA Board Policy KNA-AR(2)

K. Review of the Next Meeting Agenda

L. Adjournment

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