

# Minutes of Regular Meeting

## Board of Directors Klamath County School District

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A Regular Meeting of the Board of Directors of Klamath County School District was held Thursday, October 10, 2019, beginning at 5:00 PM in the Klamath County School District Office 2845 Greensprings Dr. Klamath Falls, Oregon 97601.

1. Call of Meeting to Order
2. Return to Open Session
3. Pledge of Allegiance
4. Changes to the Agenda
5. Reports
  - A. Finance Report
  - B. KCEA Communication with School Board
  - C. Superintendent's Report
  - D. United Way Report
  - E. 2020-2021 School Year Calendar
  - F. Superintendent Report on Progress
  - G. Enrollment Update
  - H. Falcon Heights Alternative School Schedule
    - I. Resolution 20-05: Proposed Findings Supporting an Exemption from Competitive Bidding Requirements
6. Discussion items
7. Public Input
8. Consent Agenda
  - A. Minutes of September 19, 2019 Regular School Board Meeting
  - B. Contracts/Resignations/Retirements/Leaves of Absence
  - C. Monthly Financials
9. Action Items
  - A. Grant Awards
  - B. Resolution 20-04: Personnel Designations
  - C. Formal adoption of Superintendent Evaluation Process for 2019-2020
  - D. Approve Falcon Heights Alternative School Schedule
  - E. Resolution 20-05: Proposed Findings Support an Exemption from Competitive Bidding Requirements.
  - F. Adoption of 2020-2021 School Year Calendar
  - G. Board Policies - First Reading
  - H. Board Policies - Second Reading
10. Adjournment of Regular School Board Meeting



## Financial Report – for September 2019 Financials

### October 11, 2019 Board Meeting

1. I am continuing to work to gain further understanding of the Board Financial Reports and the back-up documentation that supports the data. Renee provided excellent guidance and now I am gaining experience putting it to use.
2. Work on the audit continues. Denise Reid has completed the SEFA which is the schedule of federal grant awards. Now she is working on the capital assets schedule. I have reviewed some of the schedules but have relied on Denise's expertise and knowledge in this area
3. Auditors will be here to conduct their fieldwork October 7<sup>th</sup> – 11<sup>th</sup>. In preparation for the audit, files are uploaded as they are completed. We have over 65 files/schedules that are being created in preparation for the auditors' fieldwork.
4. The 2013 G. O. Bond fund has been fully expended and closed. Congratulations to Renee and the Business Services Department for successfully managing the bond projects
5. The Modular Replacement Project has \$2.1 million remaining as of September 30<sup>th</sup>. Peterson has spent \$1,317,950 so far, including YTD demo costs. Henley Middle project costs so far amount to \$1,056,954 including demo costs. The Stearns project has \$13,119 in expenditures so far.
6. Denise Reid, Lana Loney and Annalise Milwrick have continued to work with schools supporting PaySchools. These ladies have provided support to all schools, either in person or via phone, as the school secretaries/bookkeepers began accepting payments via credit cards. They continue to work with schools to make PaySchools available on school websites for convenient access for parents and students
7. Quik Apps for Free and Reduced Meals Applications and Quik Lunch are rolling along well at the beginning of the school year. Chris Dalla and Lana continue to field questions from the schools on this software.
8. The Payroll Department completed processing the annual Open Enrollment health insurance selections of all employees after enrollment closed. It is quite a lengthy process calculating approximately 900 individuals and their insurance selections versus the school provided cap.
9. The Payroll Department processed the first major payroll run of the school year with minimal errors. Many of the errors were attributed to employee changes in banking information.
10. I would like to thank Renee Ferguson for reception I received and the time she spent educating me on the finances of the Klamath County School District. I would also like to thank the Business Services Department for welcoming to the District and answering my questions as I try and learn to better serve the District.

**Klamath County School District  
 Projected Revenues, Expenditures and Ending Fund Balance  
 General Fund - Fiscal Year 2018-2019  
 September 30, 2018**

<b>REVENUES</b>				
Source	Adopted Budget	YTD	Estimated through 6/30/19	Projected Variance
Local	16,674,000	260,000	16,768,000	94,000
Intermediate	2,190,000	36,000	2,421,000	231,000
State	51,555,000	16,904,000	49,251,000	(2,304,000)
Federal	352,000	0	1,262,000	910,000
Beginning Balance, Loans, Misc.	3,392,000	30,000	5,346,000	1,954,000
<b>Totals</b>	<b>74,163,000</b>	<b>17,230,000</b>	<b>75,048,000</b>	<b>885,000</b>

<b>EXPENDITURES</b>				
Major Function	Adopted Budget	YTD	Estimated through 6/30/19	Projected Variance
Instruction	42,153,000	3,993,000	42,629,000	(476,000)
Support	29,094,000	6,053,000	29,090,000	4,000
Enterprise/Community Service	0	0	0	0
Facilities Acq & Construction	0	0	0	0
Debt Service/Other	1,237,000	163,000	1,237,000	0
Transfers	817,000	50,000	817,000	0
Contingency	861,000		861,000	0
Ending Fund Balance	0	0	0	0
<b>Totals</b>	<b>74,163,000</b>	<b>10,259,000</b>	<b>74,635,000</b>	<b>(472,000)</b>

<b>PROJECTED ENDING FUND BALANCE ON 6/30/2019</b>				
Budgeted Contingency (Ending Balance)			861,000	
Increase (Decrease) in Revenue		886,000		
Decrease (Increase) in Expenditures		(472,000)		
Changes in Estimates			414,000	
Projected Ending Fund Balance			<u>414,000</u>	<u>1,275,000</u>

**Summary of Special Revenue Fund Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	7,083,144	593,184	6,489,960	92
Support	2,945,794	635,928	2,309,866	78
Enterprise/Community Service	3,489,103	386,196	3,102,907	89
Facilities Acq & Construction	3,591,044	392,407	3,198,637	89
Debt Service	0	0	0	n.a.
Transfers out	641,700	0	641,700	100
Contingency	0	0	0	n.a.
<b>Total</b>	<b>17,750,785</b>	<b>2,007,716</b>	<b>15,743,069</b>	<b>89</b>

**Summary of Debt Service Fund #301 Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	0	0	0	n.a.
Support	0	0	0	n.a.
Enterprise/Community Service	0	0	0	n.a.
Facilities Acq & Construction	0	0	0	n.a.
Debt Service	2,185,025	0	2,185,025	100
Transfers out	0	0	0	n.a.
Contingency	0	0	0	n.a.
<b>Total</b>	<b>2,185,025</b>	<b>0</b>	<b>2,185,025</b>	<b>100</b>

**Summary of Debt Service Fund #310 Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	0	0	0	n.a.
Support	0	0	0	n.a.
Enterprise/Community Service	0	0	0	n.a.
Facilities Acq & Construction	0	0	0	n.a.
Debt Service	115,000	0	115,000	100
Transfers out	0	0	0	n.a.
Contingency	0	0	0	n.a.
<b>Total</b>	<b>115,000</b>	<b>0</b>	<b>115,000</b>	<b>100</b>
<u>Non-Appropriation:</u>				
Reserved for Future Exp	958,956	0	958,956	n.a.
<b>Total</b>	<b>1,073,956</b>	<b>0</b>	<b>1,073,956</b>	<b>100</b>

**Summary of Debt Service Fund #312 Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	0	0	0	n.a.
Support	0	0	0	n.a.
Enterprise/Community Service	0	0	0	n.a.
Facilities Acq & Construction	0	0	0	n.a.
Debt Service	111,555	0	111,555	100
Transfers out	0	0	0	n.a.
Contingency	0	0	0	n.a.
<b>Total</b>	<b>111,555</b>	<b>0</b>	<b>111,555</b>	<b>100</b>
<u>Non-Appropriation:</u>				
Reserved for Future Exp	1,031,000	0	1,031,000	n.a.
<b>Total</b>	<b>1,142,555</b>	<b>0</b>	<b>1,142,555</b>	<b>100</b>

**Summary of Capital Projects Fund Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	0	0	0	n.a.
Support	0	0	0	n.a.
Enterprise/Community Service	0	0	0	n.a.
Facilities Acq & Construction	3,956,463	368,813	3,587,650	91
Debt Service	0	0	0	n.a.
Transfers out	0	0	0	n.a.
Contingency	0	0	0	n.a.
<b>Total</b>	<b>3,956,463</b>	<b>368,813</b>	<b>3,587,650</b>	<b>91</b>

**Summary of Reserve Fund Expenditures  
Fiscal Year 2018-2019 - Appropriation and Year-to-Date**

September 30, 2018

Function	Appropriation	YTD Expenditures	Remaining	
			Balance	Percent
Instruction	81,309	11,938	69,371	85
Support	12,750	0	12,750	100
Enterprise/Community Service	0	0	0	n.a.
Facilities Acq & Construction	0	0	0	n.a.
Debt Service	0	0	0	n.a.
Transfers out	215,000	0	215,000	100
Contingency	0	0	0	n.a.
<b>Total</b>	<b>309,059</b>	<b>11,938</b>	<b>297,121</b>	<b>96</b>

**KLAMATH COUNTY SCHOOL DISTRICT  
AUDIT INFORMATION REQUEST LIST  
FYE: 6/30/2019**

We have prepared the following list of schedules and documents which should be made available as soon as possible. Completion of these schedules will increase the efficiency of our audit and ensure that it is completed in a timely manner. Copies of the requested documents are necessary, as they will be included in our audit work papers. ***Electronic copies are preferred.***

**Please provide copies of the following for our workpaper file:**

**A week before field work begins or as soon as possible:**

- Trial balance as of June 30, 2019 (in excel please).
- 3211 form District Audit Revenue summary (in excel please).
- 3211 form District Audit Expenditure summary (in excel please).
- As soon as possible after the school year, we will need a listing of your students, by grade, for selection purposes for ADM testing.
- A listing of teachers to pull a sample for ADM testing, as soon as possible after school year-end.
- Listing of all bank and investment accounts including bank name, address, account number, and authorized signers.
- A copy of the new actuarial reports, (the Oregon PERS calculations) relating to GASB No. 67, *Financial Reporting for Pension Plans*, and GASB No.68, *Accounting and Financial Reporting for Pensions*, effective for the 2018-19 fiscal year.

**During Fieldwork:**

**Cash**

1. Copies of bank statements and bank reconciliations for all accounts as of June 30, July 31 and August 31, 2019.
2. A schedule listing the ending cash balances for each GL fund and listing the ending cash balances from the individual June 30, 2019 bank reconciliations. The total of the funds should equal the total of the bank reconciliations or include an explanation of any differences.
3. Were any new bank accounts opened during the fiscal year? Were any bank accounts closed during the fiscal year? If so, we will need to see the opening/closing statements for these accounts.
4. Does the District have a deposit risk policy? If so, we will need a copy of this policy.
5. We will require access to cash receipts books, source documentation (when applicable), and bank deposit slips during our fieldwork.
6. We will also require copies of your check registers for all check runs after June 30, 2019 through fieldwork.
7. We will require access to bank statements and cancelled checks for all accounts from July 1, 2018 through fieldwork.
8. Is there any additional collateral pledged to secure deposits? If so, we will need a copy of those documents.

### **Receivables/Other Assets/Inventory**

9. Schedules of all accounts receivables at June 30, 2019 separated and totaled by GL fund, including name, source (local, state, etc.), dollar amount, and supporting documentation. The total of the accounts receivable schedule should equal the total of the GL Funds Accounts Receivables or include an explanation of any differences. Please include date received along with supporting documentation.
10. Schedules of any other current asset reconciliations that tie to the General Ledger, if applicable.
11. Inventory reconciliation that ties to the General Ledger, if applicable.

### **Capital Assets**

12. A schedule of capital assets presenting the beginning balance as of July 1, 2018, current additions and deletions, and ending balance as of June 30, 2019. The additions noted on this schedule should tie to the 3211 expenditure summary, object 500.
13. A schedule of current capital outlay expenditures noting the item description, purchase date, cost, and vendor separated by GL fund. (Please have related invoices available and in order of list). Also include a section listing the total of the Capital Outlay accounts by Fund per the GL, which should match or include an explanation of any differences. Please indicate if any items were donated during the year or if any assets were disposed of during the year.
14. A schedule of accumulated depreciation, by asset, that tie to the prior year fixed asset schedule and the current year depreciation expense with an explanation of any differences.
15. Copy of the Resolution establishing the fixed asset policy, if it has changed.

### **Accounts Payable/Payroll Liabilities**

16. A complete list of all accounts payable for the fiscal year ended June 30, 2019, separated and totaled by GL fund, including vendor, account number charged to, the dollar amount, and supporting documentation. The total of the accounts payable list should match the total of the amounts shown in the GL Funds Accounts Payables or include an explanation of any differences. Please include date paid along with supporting documentation.
17. Schedules of other current liabilities including any refundable deposits, and other accrued expenses as of June 30, 2019.
18. A complete list of all payroll liabilities (wages, payroll taxes, etc.) unpaid as of June 30, 2019, if any, separated and totaled by GL fund, including vendor, account number charged to, the dollar amount, and supporting documentation. The total of the payroll payable list should match the total of the amounts shown in the GL Funds Payroll Liabilities Payables or include an explanation of any differences.
19. Schedule of compensated absences payable at June 30, 2019 including employee names, hours, and rates. Please include the balance as of June 30, 2018, amounts earned and used during the year.
20. Schedules of vacation payable at June 30, 2019 including employee names, hours, rates and department to be charged for the accrual. We will also need a dollar value of vacation hours earned and used during the year. We would like to have the latest copy of the contract that states what the policy is for the various classes of employees.

### **Leases/Long-term Debt**

21. A listing of all operating and capital leases, including starting date, duration, and monthly payments. This is frequently for copiers but may include other items such as vehicles.
22. Schedules of changes in long-term debt, including short-term portions. This schedule should be similar to the note disclosure in your prior year financial statements under Note 7 on page 22. Please include contracts for long-term debt, including payment schedules. If you have secured

short-term debt that is current, even if there has been no activity for the year, please let us know the details of this debt for note disclosure.

23. Copies of documents related to any new loans, bonds, leases, or other new financing (if any) entered into by the District from July 1, 2018 through the date of fieldwork.
24. A schedule of issuance or payoffs of tax/bond anticipation notes, if any.
25. A schedule of unearned revenues, if any, as of June 30, 2019.

### **Net Position/Fund Balance**

26. A schedule of any changes in fund balance for the year ended June 30, 2019.
27. Please complete a GASB 54 Schedule, with supporting documentation for the various allocations of fund balance for restricted, committed, or designated. Also, we will need to have copies of your policies and procedures, signed by your Board of Education, for categorizing the fund balance into the various categories. Does your District have a minimum fund balance policy for the General Fund? If so, please include your policy statement.

### **Transfers**

28. Please prepare an itemized list of all interfund transfers from July 1, 2018 to June 30, 2019. The listing should reconcile to the GL Revenue and Expenditure accounts "Transfers From Other Funds" and "Transfers To Other Funds". Include columns for both Budgeted Transfer Amounts and Actual Transfer Amounts and include an explanation for any differences.
29. Please include a schedule of any interfund payables and receivables, if any, at June 30, 2019. If there have been any interfund loans completed during the fiscal year, we will need the details and authorization for these loans.

### **Budget**

30. Please compile a listing of each budget item and its beginning budgeted amount by Fund and major function (Please see Fund Budget and Actual schedules in prior year audited financial statements for presentation example). If new resolutions were passed during the fiscal year changing any initial budgeted amounts, please include in this schedule a summarization of the changes. Please include beginning budgeted amounts, any increases or decreases due to resolutions during the year, final budgeted amounts, and resolution number for any changes.
31. Copies of the budget used for 2018-19 budget year, completed budget calendar form, budget message, budget committee minutes, affidavits and newspaper publications, resolution adopting the budget and defining funds, and any resolutions or supplemental budgets amending the 2018-2019 budget.
32. Copy of the 2019-20 budget when available.
33. Copies of Resolutions, by title and number, adopted during the year.

### **Revenue/Expenditures**

34. A schedule listing interest received by Fund, note the account number credited and reconcile to the GL.
35. Please prepare a schedule of all state grant activity. Include grant number, amount received, expenditures and account numbers showing activity.
36. A schedule reconciling state and other revenues received and posted to the general ledger system. ODE provides an on-line printout showing the payments. This printout needs to be reconciled to your General Ledger.

37. Detailed printouts of Revenues for the fiscal year ended June 30, 2019. Please provide a separate detailed printout of all GL miscellaneous income accounts and be prepared to discuss these items with us.
38. Copies of the County Treasurer Distribution of Property Taxes for July 2018 through August 2019.
39. A reconciliation listing gross wages from each of the four payroll quarterly 941 reports, OQ reports and a computer printout for all gross wage expense accounts recorded in the GL for all funds for the fiscal year ended June 30, 2019. The GL amount could be greater than the 941 total because of deferred compensation, cafeteria plans, etc. These differences need to be identified on the schedule, with supporting reports. Please make the quarterly payroll tax forms 941 filed with the IRS available for our inspection during fieldwork.
40. If the District has a personnel directory for 2018-2019, we would like to have copy for our files.
41. Please provide us with a list of employees hired or terminated during the fiscal year ended June 30, 2019.
42. We will require access to all employee personnel files to verify approved salary documentation in employee files.
43. A schedule listing PERS gross wages, employee pick up/withholding, employer contribution and rate, and total contributions for year. This information should be taken from the remittance advices. Please make the remittance advices available for our inspection during fieldwork. The total of the employer contributions should match the GL expenditure report for all Funds for PERS.
44. We will also need a listing of all health, life, vision and dental premium payments made during the year and a GL expenditure report for those benefits, which should have similar totals.
45. Revenue and expense reports with budget appropriation comparisons.
46. We will need the financial records for each student body account, reconciled and posted to the G/L.

### Single Audit

47. Schedule of Expenditures of Federal Awards (SEFA). The schedule must include total federal awards expended, list individual federal programs by federal agency, and provide total federal awards expended for each grant program. The CFDA number (or other identifying number if the CFDA number is not available must be provided for each program. For a cluster of programs, the schedule must provide the cluster name, list individual federal programs within the cluster, provide the applicable deferral agency name, and provide the total federal awards expended for the cluster. Pass-through entities must include the total amount provided to subrecipients from each federal grant program on the schedule. Subrecipients must identify any awards received from a pass-through entity, including the name of the pass-through entity and identifying number assigned by the pass-through entity.
  - a. Please also provide grant number, amount received, and amount expended (including accruals). This should include all active Federal grants even if there were no amounts received or expended. Additionally, please provide the Fund number the grant is or will be recorded in.
  - b. Please have copies of all grants agreements/award letters available during fieldwork.
48. If you are using an Indirect Charge on your Federal and State grant income, please prepare a schedule that reconciles the Indirect Income/Charges to the grant. Please provide your approved Indirect Rate documentation.
49. Uniform Guidance requires nonfederal entities to establish and maintain effective internal control over federal awards that provides reasonable assurance that the awards are being managed in compliance with federal statutes, regulations, and the term and conditions of the federal award. Internal controls should be in compliance with guidance in *Standards for Internal Control in the Federal Government* (the "Green Book") or with COSO's Internal Control-Integrated Framework. However, there is no actual requirement for (a) an entity to document or evaluate internal controls prescriptively in accordance with the Green Book or the COSO Integrated Framework.

- a. Please provide any available policies and procedures relating to internal control over federal awards.
50. For any federal awards in which the Organization operates as a pass-through entity, please provide the following:
- a. Information to clearly identify the federal award and the subrecipient
  - b. All requirements imposed by the pass-through entity on the subrecipient so that the award is used in accordance with federal statutes, regulations, and the terms and conditions of the federal award.
  - c. Evaluation of each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward for the purpose of determining the appropriate subrecipient monitoring.
  - d. Monitoring of the activities of subrecipients as necessary to ensure that the federal subaward is used for authorized purposes in compliance with federal statutes, regulations, and the terms and conditions of the subaward, and that subaward performance goals are achieved.

**For the General File:**

- 51. Please prepare a list of all legal counsel utilized by the District from July 1, 2018 through the beginning of fieldwork. Please include addresses and a list of payments to each showing date, dollar amount, and a short description of the reason for contact.
- 52. Updated listing of elected and appointed officials who served on the District's Board during the fiscal year ended June 30, 2019. Please include their address, position and date of election, appointment, or resignation. Also, please include a computer printout of all payments made to each official and the supporting documentation for each payment, i.e. reimbursement of expenses or payroll related. If the expense is payroll related, please include a copy of the contract for the year.
- 53. Also, please provide a computer printout of all payments made to the Superintendent, Asst. Superintendent, each accounting office staff member and each school's principal.
- 54. List of public contracts awarded over \$50,000. Provide all documentation related to the bid and award. If the District has its own purchasing policy, please provide us a copy of that policy.
- 55. Copies of the front pages of all insurance policies, employee and fidelity bonds in effect with insurance coverage period and amounts, deductibles, and policy type.
- 56. Please provide an electronic general ledger for all funds, if possible.
- 57. Copies of District meeting minutes for the fiscal year ended June 30, 2019, and minutes for meetings that occurred after fiscal year end or summaries for meetings which minutes have not yet been prepared, if not already provided.
- 58. A copy of the GASB 73 and 75 Report, (the OPEB calculations) if updated from the prior year.
- 59. Documentation of your internal controls that describes your processes (steps) for cash, revenues, deposits, bank statements and reconciliations, canceled checks and invoices/vouchers. We want to know who does what, who authorizes what, who has approval rights/obligation, and what you feel are the important internal controls you have developed and in what areas do you feel the internal controls needs to be strengthened. The memo should include all steps in the process, such as who receipts in, who posts to the General Ledger, who deposits, who reconciles, who reviews the information, etc. The more detailed process you can describe, the less time we will need in interviewing your personnel.
- 60. Please provide us with a copy of your final annual Transportation Report for the year ended June 30, 2019.
- 61. Please provide us a computer printout of the expenditures from all funds, function 255X, so that we can select a sample of transportation related expenditures.
- 62. Please provide us with a copy of your final 2018-2019 School Calendar.
- 63. Please provide us with the latest ODE State School Fund Grant Calculation for the 2018-2019 fiscal year.

64. Please provide the latest Maintenance of Effort letter. If you have not maintained your MOE, please provide your Plan of Action to meet MOE, along with the District's AYP report and the District's "Report Card".
65. Please provide us with the 2018-2019 Oregon Staff Collections Positions Report. We would prefer an electronic version of this report but a paper copy is sufficient provided it is organized alphabetically.
66. ADM annual reports or access to the ODE file via the web.

The information requested above should be made available the first day of fieldwork. If you have questions regarding the format of information to be included, or the applicability of any item requested, please do not hesitate to call us.

# Superintendent Update

## 10/6/2019

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### Enrollment

As of 10/4/19, the District K-12 enrollment was at 6,846 students. We hired a teacher for the large class in Merrill.

### Stearns Property

We are moving ahead with the Stearns addition going in on current district property. Dennis is working with the engineer for site plans.

### Emergency Response Training

As I mentioned earlier, I would like to invite the Board to attend our emergency response training on Friday, October 11. You may come all day, join us for lunch or come at the end to witness the culminating drill exercise. The day begins at Brixner at 7:30 with breakfast. The drill exercise briefing begins at 2:00. We are working with the Sheriff's department and K.C. Fire Department to conduct this training. This is a pretty big deal.

Glen out of the office

I am scheduled to be out of the office from Oct 25 to Nov. 1. I will designate someone to be in charge.

### **Upcoming:**

Oct. 10	Board Meeting (may need to change to Oct. 17)
Oct. 11	Emergency Response Training
Oct. 25-Nov. 1	Glen on leave
Nov. 14-17	OSBA Conference, Portland
Nov. 20, 21	Strategic Planning
Nov. 21	Board Meeting
Jan. 8, 9	Strategic Planning
Jan. 9	Board Meeting
Jan. 15, 16	Strategic Planning

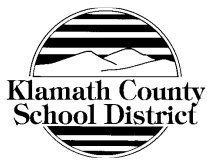


**PROPOSED  
2020-2021  
SCHOOL CALENDAR  
(before Labor Day start –  
follows past practice)**

		<b>DAYS TAUGHT</b>	<b>TEACHER CONTRACT DAYS</b>
Aug. 1-31	----- Aug. 24-28 Teacher Workdays/Inservice Aug. 31 First Day of School -----	01	06
Sept. 1-30	----- Sept. 07 Holiday (Labor Day) -----	21	22
Oct. 1-31	----- Oct. 08 End of First Grading Period Oct. 09 Grade Preparation (no school for students) Oct. 14 Parent Teacher Conferences Oct. 15 Parent Teacher Conferences (no school for students) Oct. 16 No School for Students/Staff -----	19	22
Nov. 1-30	----- Nov. 11 Holiday (Veterans' Day) (no school) Nov. 19 End of Second Grading Period Nov. 20 Grade Preparation (no school for students) Nov. 23-25 Teacher Non-Contract Days (no school) Nov. 26 Holiday (Thanksgiving Day) (no school) Nov. 27 Teacher Non-Contract Day (no school) -----	14	17
Dec. 1-31	----- Dec. 21 – Dec. 31 (Inclusive) Winter Vacation (no school) -----	14	14
Jan. 1-31	----- Jan. 01 – Jan. 03 (Inclusive) Winter Vacation (no school) Jan. 04 Classes Resume Jan. 18 Holiday (Martin Luther King Jr.'s Birthday) [Non-Contract day] (no school) Jan. 21 End of First Semester Jan. 22 Grade Preparation (no school for students) -----	18	19
Feb. 1-28	----- Feb. 15 Holiday (Presidents' Day) (no school) -----	19	20
Mar. 1-31	----- Mar. 11 End of Fourth Grading Period Mar. 12 Grade Preparation (no school for students) Mar. 17 Parent Teacher Conferences Mar. 18 Parent Teacher Conferences (no school for students) Mar. 19 No School for Students/Staff Mar. 22-26 (Inclusive) Spring Vacation (no school) Mar. 29 Classes resume -----	15	18
Apr. 1-30	----- Apr. 29 End of Fifth Grading Period Apr. 30 Grade Preparation (no school for students) -----	21	22
May 1-31	----- May 3 Holiday (Memorial Day) (no school) -----	20	21
June 1-30	----- June 04-06 Graduation for all KCSD High Schools June 10 Last Day for Students June 11 Last Day for Teachers -----	<u>08</u> 170	<u>09</u> 190

Early dismissal day for students (one hour early): Last Day of School.

**Adopted:**



**PROPOSED  
2020-2021  
SCHOOL CALENDAR  
(after Labor Day start)**

		<b>DAYS TAUGHT</b>	<b>TEACHER CONTRACT DAYS</b>
Aug. 1-31	----- Aug. 31 Teacher Workdays/Inservice	00	01
Sept. 1-30	----- Sept. 1 – 4 Teacher Workdays/Inservice Sept. 07 Holiday (Labor Day) Sept. 08 First Day of School	17	22
Oct. 1-31	----- Oct. 08 End of First Grading Period Oct. 09 Grade Preparation (no school for students) Oct. 14 Parent Teacher Conferences Oct. 15 Parent Teacher Conferences (no school for students) Oct. 16 No School for Students/Staff	19	22
Nov. 1-30	----- Nov. 11 Holiday (Veterans' Day) (no school) Nov. 19 End of Second Grading Period Nov. 20 Grade Preparation (no school for students) Nov. 23-25 Teacher Non-Contract Days (no school) Nov. 26 Holiday (Thanksgiving Day) (no school) Nov. 27 Teacher Non-Contract Day (no school)	14	17
Dec. 1-31	----- Dec. 21 – Dec. 31 (Inclusive) Winter Vacation (no school)	14	14
Jan. 1-31	----- Jan. 01 – Jan. 03 (Inclusive) Winter Vacation (no school) Jan. 04 Classes Resume Jan. 18 Holiday (Martin Luther King Jr.'s Birthday) [Non-Contract day] (no school) Jan. 21 End of First Semester Jan. 22 Grade Preparation (no school for students)	18	19
Feb. 1-28	----- Feb. 15 Holiday (Presidents' Day) (no school)	19	20
Mar. 1-31	----- Mar. 11 End of Fourth Grading Period Mar. 12 Grade Preparation (no school for students) Mar. 17 Parent Teacher Conferences Mar. 18 Parent Teacher Conferences (no school for students) Mar. 19 No School for Students/Staff Mar. 22-26 (Inclusive) Spring Vacation (no school) Mar. 29 Classes resume	15	18
Apr. 1-30	----- Apr. 29 End of Fifth Grading Period Apr. 30 Grade Preparation (no school for students)	21	22
May 1-31	----- May 3 Holiday (Memorial Day) (no school)	20	21
June 1-30	----- June 11-13 Graduation for all KCS D High Schools June 17 Last Day for Students June 18 Last Day for Teachers	<u>13</u> 170	<u>14</u> 190

Early dismissal day for students (one hour early): Last Day of School.

**Adopted:**

# Annual Goals Progress

Glen Szymoniak  
Superintendent, KCSD  
2019-20

## Table of Contents

- Job Description
  
- Progress towards Oregon Certification
  - Reciprocal Superintendent License
  - School Law and Finance Credit (Certificate of Attendance at Conference)
  - Protecting Students & Civil Rights in the Education Environment Test Results
  - Medic First Aid Certificate
  - TSPC is changing software all work is in, checking status regularly
  
- Goal 1: Communication and Community Relations
  - KCSD School Board & Superintendent Working Agreement and Timeline
  - Updating Board Processes with Computers, BoardBook Agenda Software
  - Action Item Memo Template
  - Annual Board Meeting Agenda Guide
  - Annual Board Meeting Agenda Posting
  - Revised Chain of Command
  - Organizational Structure Presentation
  - Board Information Packet
  - Superintendent Update Sample
  - Annual Convention Notice
  - Board Filed Trip Follow-up Letter
  - Board Training Agenda
  - Oregon Continuous Improvement Needs Assessment
  - Stakeholder Surveys printed
  - Partnerships with KCC, OIT, KCSD
  - Attend Community Functions, United Way, Rotary, KBBH, Radio Talk Show,
  - Regular press releases through PR person, multiple media
  
- Goal 2: Curriculum Planning and Development
  - Academic Freedom Committee Charge (See Academic Freedom Committee Binder)
  - District Wide Inservice
    - Inservice Program
    - Agenda
    - Exit Survey
    - Thank-you to Presenters
    - Professional Development Committee, started

- Technology Committee, started
  - Beginning “Skillful Teacher” classes
  - Planning district-delivered “Trauma Informed Instruction” and “Integrating Technology in the Classroom.”
  
- Goal 3: Effective Management
  - Pay Schools (new on-line payment method)
  - Facilities Walk-through Samples
  - School Resource Officer MOA (Revised)
  - District purchase of big equipment, (scrubbers, mowers, vehicles)
  - Replacement schedule for Technology, (computers, cameras, etc.)
  - Facility Walkthrough items prioritized
  
- Goal 4: Resource Management
  - Fiscal Management Review of Last 4 Years expenditures to determine patterns, trends and anomalies
  - Annual Budget Calendar
  - Student Conflict, Bullying and Harassment issue
  - Student Conflict/Harassment Procedure
  - Sample Student Interaction Form
  - Current Curriculum for Secondary
  - Formula based distribution of funding to schools
  - Verification of student conflict implementation
  
- Goal 5: Communication and Community Relations- Legislation
  - Invitation to Legislators to attend Board Meeting
  - Notice from Rep. Reschke to introduce our suggested Bill
  - Memo to Board explaining Small School Funding issue
  - Draft of proposed Legislation from Rep. Reschke

## Klamath County School District School Board and Superintendent Working Agreements

For the purpose of enhancing teamwork among members of the board and between the board and the administration, we, the members of the Klamath County School District Leadership Team (board and superintendent) do hereby publicly commit ourselves collectively and individually to the following operating protocol:

1. **Children's interests come first.** The school district leadership team will always represent the needs and interests of all the children in our district!
2. The school district leadership team commits itself individually and collectively to **"speak with one voice"**, to maintain a positive culture, to facilitate an orderly decision-making process; and to do its work openly.
3. **The main functions of the school board** include: but are not limited to, policymaking, setting strategic direction, financial stewardship, maintain a governance (not management) perspective and the evaluation of the superintendent. This includes aligning resources with goals and priorities, setting expectations and monitoring progress especially in areas of student achievement.
4. **The role of board leadership** (chair/vice chair) will include management of the board's processes; convene meetings; develop the board agenda with the superintendent, seeking board member input; and execute documents, as appropriate; be the official spokesperson for the board and communicate with individual board members regarding issues agreed to in the working agreements or group operating norms including district policy.
5. **Utilize CEO input.** The board has one employee, the superintendent. The superintendent is the chief executive officer of the school district leadership team and should make recommendations, proposals or suggestions on most matters that come before the board. The superintendent will manage the day-to-day operations of the district and direct employees in district and school matters without exception.
6. **Don't spring surprises** on other board members or the superintendent. Surprises to the board or the superintendent will be the exception, not the rule. We agree to ask the board chair or the superintendent to place an item on the agenda instead of bringing it up unexpectedly at the meeting.

7. **Communication** between staff and the board is encouraged as long as it follows board policy. The school district leadership team recognizes that “good”, “timely”, “open”, and “constant” communication regarding school district issues is extremely important. We will strive to anticipate issues which may become important or are sensitive to our school district and district stakeholders
8. **Follow the chain of command.** The last stop, not the first, will be the board. We agree to follow the chain of command and insist that others do so. While the board is eager to listen to its constituents and staff, each inquiry is to be referred to the person who can properly and expeditiously address the issue. All formal complaints must be put in writing, dated and signed by the complainant. These are heard at the school or district level as appropriate (policy KL). Complainants may appeal the superintendent’s decision to the school board.
9. **Own the collective decision-making process.** The school district leadership team will support decisions made by the board and/or the administrative team once a decision is made. We will support the decision(s) of the majority.
10. **Annually conduct a self-assessment/evaluation.** The board will address its behavior with a yearly self-evaluation and/or by addressing itself to any individual problems, such as poor meeting attendance or leaks of confidential information when needed.
11. **Clearly state goals.** The board will set clear goals for themselves and the superintendent. The board and superintendent will set clear goals for the district.
12. **Board acts only as a body.** Individual board members do not have authority. Only the board as a whole has authority. We agree that an individual board member will not take unilateral action. The board chairperson will communicate the position(s) of the board.
13. **Meeting protocol.** Conduct at a board meeting is very important. We desire to have a legacy of a well-functioning, effective board. We agree to avoid words and actions that create a negative impression on an individual, the board or the district. We will be open minded and willing to “deeply listen” to all speakers/presenters. We agree that we can disagree and will do so using common courtesy and respect for others. We will not respond to public comments on the spot but may direct them to the appropriate process.

14. **Avoid marathon board meetings.** To be efficient and effective, long board meetings must be avoided. Points are to be made in as few words as possible; speeches at board meetings will be minimal. If a board member believes she/he does not have enough information or has questions, the superintendent is to be called before the meeting. All board members are expected to prepare for board meetings by reading materials ahead of the meeting. If you intend to modify the agenda in any way, please notify the board chair prior to the meeting.
  15. **Practice efficient decision-making.** Board meetings are for decision-making, action and votes, not endless discussion. We agree to move to the question when discussion is repetitive.
  16. **Speak to agenda issues.** The board will not play to the audience. We agree to speak to the issues on the agenda and attend to our fellow board members. Facts and information needed from the administration will be referred to the superintendent.
  17. **Executive sessions** will be held only for appropriate subjects. Executive sessions will be held only when specific needs arise. Board members will be extremely sensitive to the legal ramifications of their meetings and comments.
- 

**Board's priority expectations of the Superintendent for the 2018-19 school year:**

1. Work with the board to establish a clear vision and goals for the school district.
2. Promptly and effectively communicate all critical and appropriate information with board members and provide follow-up information as needed.
3. Represent the school district by being visible in the community.

**Superintendent's priority expectations of the Board for the 2018-19 school year:**

1. Provide assistance in gaining acceptance and support in the community.
2. Demonstrate a willingness to acknowledge and follow the chain of command of the school district.
3. Practice avoiding surprise items at board meetings.
4. Show a willingness to share the success and failures of the school system with the superintendent.
5. Demonstrate an effort to foster unity, harmony and open communications within the board.

**Signatures**

**Date**

Denise L. Kandra  
Denise Kandra, Chair

Jan. 10, 2019

Jill O'Donnell  
Jill O'Donnell, Vice Chair

Jan 10, 2019

John Rademacher  
John Rademacher

1/10/19

Steve Lowell  
Steve Lowell

Jan. 10, 2019

Robert Moore  
Robert Moore

January 10, 2019

Glen Szymoniak  
Glen Szymoniak, Superintendent

January 10, 2019

## Mission Statement

## Vision Statement

## Belief Statement

## Goals

**Academic Achievement: The district shall provide the framework to improve the academic achievement of all students.**

1. Align curriculum to Oregon adopted standards
  - a. Offer a robust standards based curriculum
  - b. Analyze student achievement and growth data
  - c. Administer formative and summative assessments
2. Provide curriculum differentiation
  - a. Utilize Response to Intervention teams at each school
  - b. Offer enrichment and advanced learning opportunities
  - c. Offer intervention and remediation opportunities
3. Incorporate technology to improve learning
  - a. Use International Society for Technology in Education Standards
  - b. Promote digital learning and digital citizenship
4. Provide college and career readiness skills
  - a. Incorporate essential knowledge and skills (i.e., academic skills, communication, and problem solving)
  - b. Analyze national, state, and district assessments
  - c. Support industry testing and certification

**Communication: The district shall communicate effectively with students, staff, parents, and other community members.**

1. Maintain a two-way communication plan
  - a. Utilize multiple methods of information delivery (print, digital, newspaper, handbook, calendar, phone)
  - b. Train stakeholders to use the district communication plan
  - c. Evaluate efficacy of communication methods
  - d. Research and implement best communication practices
2. Provide Information Management Systems
  - a. Establish guidelines and expectations for the systems
  - b. Train students, parents, staff, and patrons to use the systems effectively

- c. Evaluate information management systems and update as needed

**School Climate: The district shall maintain a climate in all schools that is conducive to learning.**

1. Provide safe and clean facilities
  - a. Conduct annual facility safety inspections
  - b. Conduct safety drills and training
  - c. Implement best practices for quality environment
2. Promote respectful interpersonal relationships between students, teachers, and staff
  - a. Communicate clear expectations for respectful behavior
  - b. Provide opportunities for student ownership and voice
  - c. Encourage wellness and healthy lifestyles.
  - d. Provide opportunities to celebrate student success
  - e. Implement digital citizenship education
  - f. Implement conflict prevention and resolution programs
3. Build community through service projects and community outreach partnerships.
  - a. Collaborate with community entities
  - b. Provide opportunities for student service projects

**Continuous Improvement: The district shall implement practices and procedures that promote continuous improvement in the organization**

District resources will be used to:

1. Execute the strategic plan
  - a. Review and update annually
2. Comply with state and federal laws
  - a. Review and update policies and procedures periodically
3. Manage the budget
  - a. Annual expenditures shall not exceed annual revenues
  - b. Maintain a fund balance equal to or greater than 7% operating expenses
4. Maintain high performing learning environments
  - a. Review and update the district's 10-year maintenance plan biennially
  - b. Prioritize capital projects annually

- c. Review and update the district's technology plan annually
- 5. Provide training for district stakeholders
  - a. Review and update the district's professional development plan annually
  - b. Deliver community training
- 6. Implement stewardship through strategic investment
  - a. Manage bonds, levies, property, and investments
  - b. Conduct an annual independent audit
  - c. Coordinate payments and revenue with local, state, and federal agencies
- 7. Evaluate contracted services
  - a. Implement a quality bid/selection process
  - b. Review and evaluate contracts for service providers annually
  - c. Invest in secure, centralized and integrated school finance and payroll processing tools.

**GOAL 1: School Climate: The district shall maintain a climate in all schools that is conducive to learning.**

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
1. Provide safe and clean facilities	a. Conduct annual facility safety inspections				
	b. Conduct safety drills and training				
	c. Implement best practices for quality environment				
2. Promote respectful interpersonal relationships between students, teachers, and staff	a. Communicate clear expectations for respectful behavior				
	b. Provide opportunities for student ownership and voice				
	c. Encourage and wellness and				

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
	healthy lifestyles.				
	d. Provide opportunities to celebrate student success				
	e. Implement digital citizenship education				
	f. Implement conflict prevention and resolution programs				
3. Build community through service projects and community outreach partnerships.					
	a. Collaborate with community entities				
	b. Provide opportunities for student service projects				

**GOAL 2: Communication: The district shall communicate effectively with students, staff, parents, and other community members.**

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
1. Maintain a two-way communication plan	a. Utilize multiple methods of information delivery (print, digital, newspaper, handbook, calendar, phone)				
	b. Train stakeholders to use the district communication plan				
	c. Research and implement best communication practices				
2. Provide Information Management Systems	a. Establish guidelines and expectations for the systems				
	b. Train students, parents, staff, and patrons to use the systems effectively				
	c. Evaluate				

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
	information management systems and update as needed				

**GOAL 2: Continuous Improvement: The district shall implement practices and procedures that promote continuous improvement in the organization**

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
1. Execute the strategic plan	a. Review and update annually				
	b. Conduct safety drills and training				
2. Comply with state and federal laws	a. Review and update policies and procedures periodically				
3. Manage the budget	a. Annual expenditures shall not exceed annual revenues				
	b. Maintain a fund balance equal to or greater than 7% operating				

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
	expenses.				
	c. Encourage wellness and healthy lifestyles.				
4. Maintain high performing learning environments	a. Review and update the district's 10-year maintenance plan biennially				
	b. Prioritize capital projects annually				
	c. Review and update the district's technology plan annually				
5. Provide training for district stakeholders	a. Review and update the district's professional development plan annually				
	b. Deliver community training				
6. Implement stewardship through strategic investment	a. Manage bonds, levies, property, and investments				

Strategy	Action	Outcomes Needed	Responsible Person(s)	Dates	Status
	<ul style="list-style-type: none"> <li>a. Manage bonds, levies, property, and investments</li> <li>c. Coordinate payments and revenue with local, state, and federal agencies</li> </ul>				
7. Evaluate contracted services	<ul style="list-style-type: none"> <li>a. Implement a quality bid/selection process</li> <li>b. Review and evaluate contracts for service providers annually</li> <li>c. Invest in secure, centralized and integrated school finance and payroll processing tools.</li> </ul>				

Klamath County School District Enrollment

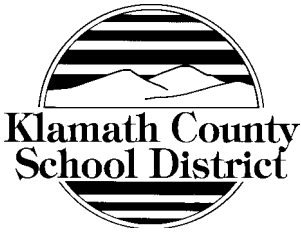
September 30, 2019

School	K	1	2	3	4	5	6	7	8	9	10	11	12	Total	18-19	Change
Bonanza Jr/Sr High								35	38	35	33	21	28	190	189	1
Bonanza Elementary	32	27	21	41	49	30	39							239	222	17
Brixner Junior High								220	187					407	383	24
Chiloquin Elementary	22	27	28	28	22	19	29							175	201	(26)
Chiloquin Jr/Sr High								29	18	25	23	15	15	125	126	(1)
Falcon Heights Academy						1	2	3	4	5	16	44	66	141	88	53
Ferguson Elementary	77	77	78	78	67	69	90							536	524	12
Gearhart Elementary	4	5	1		3	1								14	13	1
Gilchrist Jr/Sr High								20	15	12	12	17	9	85	85	-
Gilchrist Elementary	16	22	14	14	22	18	20							126	132	(6)
Great Basin Home Schl	10	4	16	16	15	9	19	5	8	4	2	7	6	121	150	(29)
Henley Elementary	68	72	69	86	87	90	84							556	555	1
Henley Middle School								178	184					362	369	(7)
Henley High School										184	179	147	161	671	678	(7)
Keno Elementary	24	27	23	35	40	33	38							220	207	13
Lost River Jr/Sr High								42	46	34	38	23	40	223	221	2
Malin Elementary	17	17	15	19	18	18	23							127	138	(11)
Mazama High School										225	176	189	143	733	709	24
Merrill Elementary	27	18	32	14	19	18	21							149	142	7
Peterson Elementary	72	84	86	115	90	93	92							632	645	(13)
Sage Community	5	2	11	4	3	8	3	10	2					48	57	(9)
Shasta Elementary	92	94	88	84	79	90	80							607	538	69
Stearns Elementary	46	48	48	47	44	46	58							337	348	(11)
Transition House													22	22	30	(8)
<b>TOTAL</b>	<b>512</b>	<b>524</b>	<b>530</b>	<b>581</b>	<b>558</b>	<b>543</b>	<b>598</b>	<b>542</b>	<b>502</b>	<b>524</b>	<b>479</b>	<b>463</b>	<b>490</b>	<b>6,846</b>	<b>6,750</b>	<b>96</b>

2018-2019 Grade Totals	525	503	576	557	544	580	525	514	513	500	462	453	498	6,750
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	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	YTD Enrollment Decrease
2017-2018 Monthly Totals	6654	6630	6612	6569	6594	6577	6545	6538	6512	142
2018-2019 Monthly Totals	6750	6727	6709	6689	6725	6716	6652	6676	6644	106
2019-2020 Monthly Totals	6846									

Increase from previous year 96



**TO:** Jill O'Donnell, Board Chair  
Members of the School Board

**THROUGH:** Glen Szymoniak, Superintendent

**FROM:** Jeff Bullock

**DATE:** October 5, 2019

**SUBJECT:** Alternative School mandatory instructional time exemption.

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**Policy, Strategic Plan Goal or law:**

Division 22, ORS 581-022-2320, Required Instructional Time:

A school district may request permission to exempt an alternative education program as defined in ORS 336.615 from the requirement in subsection (1). The request must be made in writing to the Deputy Superintendent of Public Instruction. The Deputy Superintendent is authorized to grant permission under this section without obtaining approval from the State Board of Education. Permission will be granted where:

- (a) The request is made with the approval of the school district's governing school board;
- (b) The school district is using an evidence-based strategy that includes flexible time options; and
- (c) The school district has implemented a system to assess students prior to placement to determine whether placement in an alternative education program is appropriate.

**Background:**

Falcon Heights is an ODE approved alternative program providing a full day of instruction and over 990 annual hours of student instructional time. However, the school incorporates flexible scheduling based on individual student need. Approximately 1/3 of Falcon Heights high school students do not attend a full day of school for reasons specific to their personal education and life plan. Also, Klamath County School District offers a GED prep program at Falcon for students approved to pursue the GED as their secondary completion certificate. The Falcon GED program is less than 990 annual hours and may be less than full days depending on student need. When considering both the alternative school and the GED prep program, approximately 55% of Falcon students attend less than full days or less than 990 annual hours. This being said, we believe strongly in our program's design which does include full day and 990 hour opportunities for all students. Also, we are seeing growing success both in GED completion and in graduation rates at Falcon Heights. The district believes Falcon Heights is a model alternative program providing needed flexibility for students with specific circumstances.

**Recommendation:**

Approve district request to exempt Falcon Heights from instructional time requirements in ORS 581-022-2320.

**Resolution # 20-05 Proposed Findings Supporting an Exemption from Competitive Bidding Requirements and Use of the Construction Manager/General Contractor Method of Procurement  
Henley High School Gym Seismic Rehabilitation Project**

Prepared by Dennis Clague, Director of Business Services

October 10, 2019

**Background:**

On January 8, 2015 the Board of Directors adopted the modified Board Policy DJC “Bidding Requirements” which reiterates that the Board will serve as the Local Contract Review Board (LCRB) for the District. This policy also includes language that the Board, acting as its own LCRB, adopts the *Oregon Attorney General’s Model Public Contract Rules*, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049. This Board Policy further states that “All public contracts for goods or services shall be based upon applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules except:

*“6. Public improvement contracts exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the contracting agency;”*

The Board also adopted the modified DJC-AR “Special Procurements and Exemptions from Competitive Bidding” on April 21, 2016. DJC-AR (“Projects with Complex Systems or Components” listed on pages 27 – 28) and Oregon Revised Statute (ORS) 279C.335 provides the LCRB with the opportunity to exempt from competitive bidding certain public improvement contracts. ORS 279C.355 and OAR 137-049-0600 address the use of an alternate contracting method instead of the traditional Invitation to Bid process. The alternate contracting method proposed for the Henley High School Gym Seismic Rehabilitation Project would be the Construction Manager/General Contractor (CM/GC) method for procuring construction services.

The use of this alternate contracting method provides the District with the opportunity to utilize a Request for Proposal (RFP) process, where a variety of criteria/factors are evaluated and scored in order to select the general contractor, including an interview process. This is different than the standard Invitation to Bid process, whereby the contract is awarded to the responsible bidder submitting the lowest responsive bid.

In order to utilize ORS 279C.355, the District must prepare findings that support the use of this alternative contracting method and obtain approval from its Local Contract Review Board. A public hearing is also necessary. Findings to support the utilization of this contracting method are attached to this Board Resolution. These findings, categorized according to Competition or Cost Savings, address the following topics:

1. Operational, budget & financial data
2. Public Benefits

3. Value Engineering
4. Specialized expertise required
5. Public safety
6. Market conditions
7. Technical complexity
8. Funding source

The required posting in the Daily Journal of Commerce and the local Herald & News occurred on September 25, 2019. Any requests for the findings will be covered at the Board Meeting/Hearing.

Administration recommends that the District's Local Contract Review Board find it is in the public's best interest to use an alternate contracting method as authorized by ORS 279C and approve the CM/GC process for the Merrill Elementary School Seismic Rehabilitation Project.

**Recommendation/Action:**

That the Local Contract Review Board adopt Resolution # 20-05 which states:

RESOLUTION # 20-05 PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR METHOD OF PROCUREMENT FOR HENLEY HIGH SCHOOL GYM SEISMIC REHABILITATION PROJECT;

*WHEREAS, the Board of Directors of the Klamath County School District is the local contract review board for the District and in that capacity has authority to exempt certain contracts from competitive bidding requirements of ORS 279C, and*

*WHEREAS, the Board has determined that the Henley High School Gym Seismic Rehabilitation Project should be constructed by a CM/GC.*

*The Board finds as follows:*

1. *The Board adopts the specific "Findings of Fact" set forth above.*
2. *The "Findings" show that an exemption of competitive bidding for the project complies with the requirements of ORS 279C.335 (2).*

*NOW, THEREFORE, the Board of Directors resolves as follows:*

*The use of the CM/GC method of contracting for the Klamath County School District is an appropriate use of the alternative contracting method under OAR 137-049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330, findings have been developed in compliance with ORS 279C.335(2), and the Klamath County School District will perform the post project evaluation required by ORS 279C.355. Based upon previously listed findings, the Klamath County School District specifically concludes that:*

- 1) *It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and*

2) *The exemption will result in substantial cost savings to the affected Klamath County School District for the services provided.*

- Attachments:*
- 1) *Findings of Fact for the Use of the Construction Manager/General Contractor and Proposed Resolution*
  - 2) *Public Notice*
  - 3) *Board Policy DJC*
  - 4) *Board Policy DJC-AR – pages 27 and 28 (6.)*

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*Jill O'Donnell, Board Chair*

---

*Date*

---

*Glen Szymoniak, Superintendent*

---

*Date*

**PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE  
BIDDING REQUIREMENTS AND USE OF THE CONSTRUCTION  
MANAGER/GENERAL CONTRACTOR METHOD OF PROCUREMENT**

Before the Local Contract Review Board,

In the Matter of Exemption ) FINDINGS OF FACT  
Request of )  
**Klamath County School District** )  
**Henley High School Gymnasiums** )  
**Seismic Rehabilitation** )

ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, which in this case is the Klamath County School District Board of Directors, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620(1), allows the Local Contract Review Board to exempt a public improvement contract from the requirements to be competitively bid, provided written findings supporting the use of a non-competitive bid process shows compliance with OAR 137-049-0600 to 137-049-0690 and applicable statutes.

**The hearing for review of these findings will be held  
at 5:00 PM on October 10, 2019 at the Klamath County District Office – address: 2845  
Greensprings Drive, Klamath Falls, OR 97601, as published in the public notice section in  
the Herald and News on September 25, 2019 and the Daily Journal of Commerce on  
September 25, 2019.**

**Article I. BACKGROUND**

Klamath County School District received a grant through Oregon’s Seismic Rehabilitation Grant program for a total value of \$2,492,795. The purpose of the grant is to seismically retrofit the Henley High School Gymnasiums to meet or exceed the code requirements outlined in ACSE 41-13. It was determined during the initial grant application that the buildings would be renovated during the rehabilitation work as permitted by budget. All renovated areas will increase Life and Safety elements.

This Project is limited to the funding outlined in the grant package as additional funding is not available. It is the recommendation of the Klamath County School District to procure the Project using the CM/GC contracting methodology. ORS 279C.332(3) identifies the CM/GC methodology as an alternative contracting method under ORS 279C.335, which allows a contracting agency to procure construction related services that include, among other things listed in ORS 279C.332(3), a construction manager/general contractor (a) functioning as a member of a project team that includes the Klamath County School District, the Project Architect or Engineer, contractors and other consultants; (b) reviewing and analyzing the

project design in order to suggest changes to minimize potential errors, delays, unexpected costs and other problems during construction; (c) devising a schedule for constructing the Project; (d) estimating construction, materials, labor and other costs for the Project; (e) establishing a fixed price, a guaranteed price or other maximum price for the Project; (f) constructing portions of the Project and subcontracting portions to other contractors; and (g) coordinating and overseeing the construction process. In this Project, the CM/GC contract allows the Klamath County School District to bring the General Contractor on board during the initial design phase providing value engineering services and a Guaranteed Maximum Price during the design phase in lieu of during the bid phase after full design documents have been established.

The Klamath County School District proposes utilizing the Construction Manager/General Contractor contract delivery methodology to obtain proposals for the Henley High School Gymnasiums Seismic Rehabilitation.

The exempted procurement process for this Project includes the following:

- 1) A Request for Proposals (RFP) process pursuant to OAR 137-049-0640 to procure a CM/GC contract with a general contractor.

## **Article II. FINDINGS REGARDING PROCUREMENT OF CM/GC SERVICES**

ORS 279C.335(2) requires that an agency make certain findings as part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding, as is the case with the procurement of CM/GC services. Pursuant to ORS 279C.330(2), the term “findings” as used in ORS 279C.335(2) means “the justification for a conclusion that a contracting agency, in seeking an exemption from the competitive bidding requirement of ORS 279C.335(1), reaches based on the considerations set forth in ORS 279C.335(2). Those required findings, generally defined as “findings regarding competition” and “findings regarding significant cost savings”, are addressed below.

### **A. Findings Regarding Competition**

ORS 279C.335(2) (a) requires an agency to find that: *“It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.”*

The Klamath County School District finds that selecting the contractor through an exempted competitive proposal selection process in accordance with OAR 137-049-0620 and 137-049-0650 will not inhibit competition or encourage favoritism. This finding is supported by the following facts:

- 1) The proposed CM/GC alternative contract delivery methodology is a competitive proposal process that allows the Klamath County School District to select a firm to Seismically Rehabilitate the Henley High School Gymnasiums at the best possible value. Simple price competition is not feasible due to technical complexity associated with a seismic rehabilitation Project of this nature. The technical complexity of the

installation of certain structural systems within the rehabilitation plan lends it to specialized contractors with knowledge of these systems.

- 2) The CM/GC contractor will be selected through an open and competitive proposal process as prescribed by ORS 279C.400 to 410 and related administrative rules, including but not limited to formal public advertising of the solicitation, an award made based upon identified selection criteria described in the RFP, and an opportunity to protest any such award.

B. Findings Regarding Significant Cost Savings

ORS 279C.335(2)(b) requires an agency to find that *“Awarding a public improvement contract under the exemption will result in substantial cost savings and other substantial benefits to the public contracting agency.”*

This finding is supported by the following facts:

- 1) How many persons are available to bid: There are limited qualified specialized contractors to perform the scope of work associated with this Project.
- 2) The construction budget and the projected operating costs for the completed public improvement: Limited or no additional funding is available for the Henley High School Gymnasiums Seismic Rehabilitation above and beyond the awarded grant funding source. Utilization of the CM/GC contract delivery process will ensure that the project scope as outlined in the grant is completed within the amount awarded by the grant.
- 3) Public benefits that may result from granting the exemption: Utilization of the CM/GC contract delivery process will allow the Klamath County School District to deliver the most comprehensive project for the allotted funding. Early selection of the CM/GC allows for a more informed contractor.
- 4) Whether value engineering techniques may decrease the cost of the public improvement: The CM/GC will become a part of the total project team with the responsibility of leading the “Value Engineering” process. The selected CM/GC should have considerable experience in the seismic renovation of a public school and the requirement for September occupancy; therefore, that experience will be of great importance in determining the best use of the dollars available. When the contractor participates during design, the team can render the most comprehensive evaluation of all factors that affect the cost, quality, and schedule of the project.
- 5) The cost and availability of specialized expertise that is necessary for the public improvement: An exemption from competitive bidding will allow the Klamath County School District to take advantages of specialized general contractors knowledgeable in the rehabilitation of existing structures and value engineering the Project during the design phase. This will allow the Klamath County School District

to be provided the best value and potentially eliminate costly change orders resulting from unknowns in the field.

- 6) Any likely increases in public safety: There are currently concerns with public safety during the scheduled work as Henley High School Gymnasiums will remain functional during the proposed work. The CM/GC will assist with the development of a safety plan that will incorporate construction work around required school activities.
- 7) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement: Risks associated with contract overruns, schedule increases and unqualified contracts are greatly reduced with the granting of the exemption to complete bidding.
- 8) Whether granting the exemption will affect the sources of funding for the public improvement: Granting the exemption will not affect funding sources for the Henley High School Gymnasiums Seismic Rehabilitation.
- 9) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement: The specialty products, services and supplies needed under this contract are not particularly impacted by market conditions.
- 10) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement: Implementation of this Project involves a number of issues of technical complexity. Special skills and expertise are needed for optimizing the related seismic strengthening and element installation.
- 11) Whether the public improvement involves new construction or renovates or remodels an existing structure: The public improvement of the Henley High School Gymnasiums will renovate and seismically rehabilitate the buildings.
- 12) Whether the public improvement will be occupied or unoccupied during construction: The public improvement will occur while the building is occupied by summer staff. Parts of the Project may occur during normal school hours while students are in classes.
- 13) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions: It is the intent of Klamath County School District to construct the Project under a single phase of the Project.
- 14) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract


and to help negotiate, administer and enforce the terms of the public improvement contract: Klamath County School District will enlist the assistance of ZCS Engineering and Architecture as the Project Manager to assist with the enforcement of the terms of the scope of work associated with public improvement contract. Klamath County School District's Project Manager has substantial experience in alternative contracting methods that will be used through this Project. Klamath County School District also retains legal counsel to assist the District with legal enforcement of the public improvement contract.

**Article III. SUMMARY**

Use of the CM/GC method of contracting for the Henley High School Gymnasiums Seismic Rehabilitation is an appropriate use of the alternative contracting method under OAR 137-049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330, findings have been developed in compliance with ORS 279C.335(2), and the Klamath County School District will perform the post project evaluation required by ORS 279C.355. Based upon previously listed findings, the Klamath County School District specifically concludes that:

- 1) It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- 2) The exemption will result in substantial cost savings to the affected Klamath County School District for the services provided.

The Klamath County School District submits that this Request meets all of the criteria above and requests approval of this Exemption. If you have any questions, please call Dennis Clague at 541-851-8730

  
\_\_\_\_\_  
Dennis Clague  
Klamath County School District  
Director of Business Services

9/23/19  
\_\_\_\_\_  
Date

KLAMATH PUB LLC-HN & LCE  
HERALDANDNEWS/LAKE CO EXAMINER  
%ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204  
(541)885-4410  
Fax (541)883-4007

ORDER CONFIRMATION

Salesperson: Megan McGuffee

Printed at 09/18/19 14:11 by mcg10

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Acct #: 68172

Ad #: 1947014

Status: New WHOLD

ZCS ENGINEERING, INC.  
ATTN: TRINITY L. HAYDEN  
900 KLAMATH AVE  
KLAMATH FALLS OR 97601

Start: 09/25/2019 Stop: 09/25/2019  
Times Ord: 1 Times Run: \*\*\*  
STDH 2.00 X 4.89 Words: 258  
Total STDH 10.00  
Class: 0001 LEGAL NOTICES  
Rate: LEGAL Cost: 157.40  
# Affidavits: 1

Contact: TRINITY L. HAYDEN  
Phone: (541)884-7421  
Fax#:  
Email: trinityh@zcsea.com  
Agency:

Ad Descrpt: #18965 BID

Given by: \*

P.O. #:

Created: mcg10 09/18/19 14:06

Last Changed: mcg10 09/18/19 14:11  
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COMMENTS:

COPIED from AD 1899627  
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PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
10HN	A	97	W	Wed 09/25/19	1	Wed 09/25/19	S TWTF
HNWN	A	97	W	Wed 09/25/19	1	Wed 09/25/19	SMTWTFS
HNWF	A	97	W	Wed 09/25/19	1	Wed 09/25/19	SMTWTFS

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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

(CONTINUED ON NEXT PAGE)

KLAMATH PUB LLC-HN & LCE  
HERALDANDNEWS/LAKE CO EXAMINER  
%ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204  
(541)885-4410  
Fax (541)883-4007

ORDER CONFIRMATION (CONTINUED)

Salesperson: Megan McGuffee

Printed at 09/18/19 14:11 by mcg10

-----  
Acct #: 68172

Ad #: 1947014

Status: New WHOLD WHOI

**Notice of Public Hearing**

The Klamath County School District Board of Directors will conduct a public hearing before the Local Contract Review Board at their next regularly scheduled Board meeting. The intent of this hearing is to review the findings and receive public comment.

In the Matter of Exemption  
Request of  
Klamath County School District  
Henley High School Gymnasium  
Seismic Rehabilitation

**FINDINGS OF FACT**

ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, as the Klamath County School District contract review authority, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620 allows the Local Contract Review Board to exempt a public improvement contract from the requirements to be competitively bid, provided written findings supporting the use of non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statutes. The written findings report is available for review at the School District prior to the public hearing. Please contact Dennis Clague at 541-883-5000 for a copy of the findings.

The hearing for review of these findings will be held at 5:00 PM on October 10, 2019 at the Klamath County School District Office located at 2845 Greensprings Drive, Klamath Falls, OR 97601 as published in the public notice section in the Herald and News and the Daily Journal of Commerce on September 25, 2019 #18965 May 15, 2019.

# INVOICE

## Daily Journal of Commerce

**Oregon's Building Connection**  
 921 S.W. Washington St.  
 Suite 210  
 Portland, OR 97205-2810  
 1 (503) 226-1311  
 www.djcoregon.com

**ZCS Engineering, Inc.**  
**Dina Vavilin**  
 524 Main St #2  
 Oregon City, OR 97045-1875

Account #	10030934
Invoice Date	9/25/2019
Invoice #	744442580
Order #	11794879
Terms	NET 30
PO/Case #	
Salesrep	

Days/Inserts	Description	Size/Qty	Unit Price	Amount
1	<p align="center"><b>HENLEY HIGH SCHOOL GYMNASIUM SEISMIC REHABILITATION</b></p> <hr/> <p><b>Daily Journal of Commerce (OR)</b>  <b>Bids - Other / Goods and Services</b>                      Klamath County School District; Bid Location Klamath Falls, OR,                      Klamath County;                      09/25/2019                      -Base Charge</p> <p>ACH payments can be made to: Daily Journal of Commerce, Inc. -                      US BANK, ABA#123000848, Acct#153910281275 Or call                      1-866-802-8214 to setup payments.</p>	1 col x 5.53in 269 wrd / 52 ln		125.84
<b>TOTAL DUE</b>				<b>125.84</b>

**DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT TO:**

**Daily Journal of Commerce**  
 SDS 12-2812  
 PO Box 86  
 Minneapolis, MN 55486-2812

Account #	Customer	Bill Attention	Invoice #	Invoice Date	Total Due
10030934	ZCS Engineering, Inc.	Dina Vavilin	744442580	9/25/2019	125.84



M M Y Y

\_\_\_\_\_/\_\_\_\_ Security Code: \_\_\_\_\_

CARD NUMBER

EXP. DATE

47

Charge My Credit Card \$ \_\_\_\_\_ CUSTOMER SIGNATURE \_\_\_\_\_

AFFIDAVIT OF PUBLICATION

# DJC



921 S.W. Washington St. Suite 210 / Portland, OR 97205-2810  
(503) 226-1311

STATE OF OREGON, COUNTY OF MULTNOMAH--ss.

I, **Michelle Ropp**, being first duly sworn, depose and say that I am a **Principal Clerk** of the **Daily Journal of Commerce**, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH, and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that I know from my personal knowledge that the Goods and Services notice described as

**Case Number: NOT PROVIDED**  
**HENLEY HIGH SCHOOL GYMNASIUM SEISMIC REHABILITATION**  
**Klamath County School District; Bid Location Klamath Falls, OR, Klamath County;**

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 time(s) in the following issues:

9/25/2019

State of Oregon  
County of Multnomah

SIGNED OR ATTESTED BEFORE ME  
ON THE 25th DAY OF September, 2019



Michelle Ropp



Notary Public-State of Oregon



**Dina Vavilin**  
**ZCS Engineering, Inc.**  
524 Main St #2  
Oregon City, OR 97045-1875

**KLAMATH COUNTY SCHOOL DISTRICT**  
**HENLEY HIGH SCHOOL GYMNASIUM SEISMIC REHABILITATION**  
**NOTICE OF PUBLIC HEARING**

The Klamath County School District Board of Directors will conduct a public hearing before the Local Contract Review Board at their next regularly scheduled Board meeting. The intent of this hearing is to review the findings and receive public comment.

In the Matter of Exemption Request of Klamath County School District Henley High School Gymnasium Seismic Rehabilitation

**FINDINGS OF FACT**

ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, as the Klamath County School District contract review authority, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

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Published Sep. 25, 2019. 11794879

**Klamath County  
School District**

Code: **DJC**  
Adopted: 2/18/10  
Readopted: 4/17/12; 7/18/13; 1/08/15  
Orig. Code(s): DJC

**Bidding Requirements**

The Board will serve as the Local Contract Review Board (LCRB) for the district. All district purchasing will be conducted in accordance with the Board's adopted rules.<sup>1</sup>

The Board, acting as its own LCRB, adopts<sup>2</sup> the *Oregon Attorney General's Model Public Contract Rules*, OAR Chapter 137, Divisions 046 through 049 in effect at the time this policy is adopted. Provided, that the Board may adopt its own rules by written policy; and, where that has occurred, the adopted policy of the Board shall govern over the *Oregon Attorney General's Model Public Contract Rules*.

The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All public contracts for goods or services shall be based upon applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the contracting agency;
7. Special procurement exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the contracting agency;

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<sup>1</sup>The Board may contract with another public agency to serve as its LCRB.

<sup>2</sup>Public Contracts shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

8. Emergency contracts;
9. Any other public contract specifically exempted from the code by another provision or law.

Additionally, the Board includes as part of its rules the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Opportunity will be provided to all responsible suppliers to do business with the district. The business manager will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Contract Rules*.

END OF POLICY

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**Legal Reference(s):**

ORS Chapters 279A, 279B and 279C      OAR Chapter 125, Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

**Cross Reference(s):**

DJ - District Purchasing  
DJCA - Personal Services Contracts  
EH - Electronic Data Management  
FEF/FEFB - Construction Contracts

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

**4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$50,000)**

LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$50,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$50,000, the district may impose a bid or quote security requirements for projects under \$50,000, when deemed to be in the best interest of the district.

**Findings of Fact/Conclusion of Compliance with Law**

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

**5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$50,000)**

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$50,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$50,000, the district may impose a performance/payment security requirement for projects less than \$50,000, when deemed to be in the best interest of the district.

**Findings of Fact/Conclusion of Compliance with Law**

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

**6. Projects with Complex Systems or Components**

For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the condition described in ORS 279C.400 and conditions enumerated in this exemption.

Definitions. For purposes of this exemption only: "Complex Systems" are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not possible, to create in an "equal" specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. "Significant" is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

### **Finding of Fact/Conclusion of Compliance with the Law**

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of an RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP's are to be used if authorized by the LCRB. This criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of Procurements described in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption is not intended to be used for CM/GC projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

# Minutes of Regular Meeting

## Board of Directors Klamath County School District

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A Regular Meeting of the Board of Directors of Klamath County School District was held Thursday, September 19, 2019, beginning at 5:00 PM in the Klamath County School District Office.

1. Quorum and Call of Meeting to Order at 5:01 PM

Board members in attendance were Denise Kandra, Steve Lowell, Bob Moore, Jill O'Donnell, and John Rademacher. Also in attendance were Superintendent, Glen Szymoniak; Human Resources Director, Mark Grief (left at 5:38 PM); Special Services Director, Laura Blair (arrived at 5:18 PM); Business Services Directors, Renée Ferguson and Dennis Clague; Secondary Curriculum Director, Jeff Bullock; Executive Assistant, Stephanie Bland; and many others.

2. Pledge of Allegiance

3. Changes to the Agenda

None

4. Reports

A. Finance Report

Renée Ferguson reviewed the report provided in the board packet. The business department is currently wrapping up the 2018-19 FY. Bob Moore asked Renée to let him know how much money we received from the BLM for the use of Keno Elementary and transportation services associated with the Ward Fire. Renée will report back to Bob.

B. Superintendent's Report

Glen Szymoniak summarized the report provided in the board packet.

C. Enrollment Report

Glen Szymoniak reviewed the enrollment report in the board packet. Discussion about locations with class size concerns and support plans we currently have in place to alleviate those classrooms with high student counts.

D. ELL Report

Mary Mateos was not present. Her annual ELL report is attached to the board packet; this is a compliance report.

E. Bus Driver Pay Increase Request

Glen Szymoniak and Mark Greif presented a request to the Board to increase the hourly wage of the KCSD bus drivers. Mark was extremely complimentary of Shawn Snoozy, transportation supervisor, and reviewed his many contributions to KCSD. Shawn Snoozy was present to answer questions. Shawn informed the Board he struggles to retain qualified drivers. Shawn, his dispatchers and his

mechanics are regularly called up to drive bus due to lack of drivers. Basin Transit Service (BTS) and Klamath Falls City Schools have higher driver wages than KCSD, making it extremely difficult to hire and retain drivers. In addition to retention issues, his current staff is comprised of drivers who are tremendous employees and they deserve this raise in pay. \$2/hour increase would make starting wage \$17.54/hour and would increase incrementally across the wage table.

The Board thanked Shawn for his dedication and service, he is greatly appreciated.

F. Award of Engineering Services Contract to ZCS Engineering and Architecture  
Henley High School Gyms Seismic Project

Renée Ferguson summarized the associated board packet attachment.

G. Evaluation of Public Improvement Project Not Contracted by Competitive Bidding/Henley Middle School Cafe Seismic Rehabilitation Project

Renée Ferguson reviewed the associated board packet attachment.

5. Recess of Regular Board Meeting

Jill O'Donnell recessed the Regular Board meeting at 5:48 PM.

A. Supplemental Budget Hearing

Resolution 20-02 - Supplemental Budget for FY 2019-2020

Renée Ferguson reviewed the associated board packet attachment. The subject was open to public comment. There was no public comment.

6. Reconvene of Regular Board Meeting

Jill O'Donnell reconvened the Regular Board meeting at 5:53 PM.

7. Discussion items

A. Set Evaluation Goals for Board/Superintendent

Glen said one goal is focusing on the big project of strategic planning and developing a continuous improvement plan (CIP). Steve Lowell requested that the 1<sup>st</sup> strategic planning session be recorded, as he will be absent for that session.

B. Resolution 20-03: Bond Refinance

Renée Ferguson was contacted by Piper Jaffray about the possibility of saving money on the remaining life of the G.O. Bonds. She reviewed the interest history and asked that the Board allow Glen and the business department to explore the opportunity to refinance. A detailed report is attached to the board packet.

C. October Regular Board Meeting - Date Change

There were initial quorum concerns for the October 10 regularly scheduled board meeting. These concerns are no longer an issue, it was decided to leave the meeting as scheduled. If an executive session is required to hear a level III grievance, it is the Board's preference it occur at the end of the meeting.

8. Public Input

None

9. Consent Agenda

- A. Minutes of August 15, 2019 Regular School Board Meeting
- B. Minutes of August 27, 2019 Special Board Meeting
- C. Contracts/Resignations/Retirements/Leaves of Absence/Transfers
- D. Monthly Financials

Steve Lowell made a motion, seconded by Denise Kandra, to approve the consent agenda as presented. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

#### 10. Action Items

##### A. Policy Updates

###### 1. First Reading for Approval

Bob Moore made a motion, seconded by Steve Lowell, to approve the first reading policy updates. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

###### 2. Second Reading for Adoption

John Rademacher made a motion, seconded by Denise Kandra, to adopt the policy updates. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

##### B. Bus Driver Pay Increase

John Rademacher made a motion, seconded by Steve Lowell, to approve a \$2.00/hour increase to bus driver wages. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor. Shawn Snoozy thanked the Board for their support.

##### C. Resolution 20-02: Supplemental Budget for FY 2019-2020

Denise Kandra made a motion, seconded by Bob Moore, to adopt Resolution 20-02 as presented. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

##### D. Grant Awards

Steve Lowell made a motion, seconded by Bob Moore, to approve the grant awards as presented, in the amount of \$31,854.66. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

##### E. Resolution 20-03: Bond Refinance

John Rademacher made a motion, seconded by Steve Lowell, to approve the continued pursuit of bond refinance research. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

##### F. Award of Engineering Contract to ZCS Engineering and Architecture - Henley High School Gyms Seismic Project

John Rademacher made a motion, seconded by Bob Moore, to approve the award of an Engineering Contract to ZCS Engineering and Architecture for Henley High School Gyms Seismic Project. The motion passed 5-0-0 with Kandra, Lowell, Moore, O'Donnell, and Rademacher voting in favor.

##### G. Glen Szymoniak asked Laura Blair to speak about the state of the special services program. Numbers are skyrocketing in the area of special needs

students. There is a tremendous increase in medically based 504 students. Many of these students are transfer students from the Klamath Falls City School District. She believes this a violation. ODE is going to conduct an audit of KCSD's special services department. Right now concerns should be about who is coming and how they are getting here.

11. Adjournment of Regular School Board Meeting

Jill O'Donnell adjourned the Regular School Board meeting at 6:48 PM.

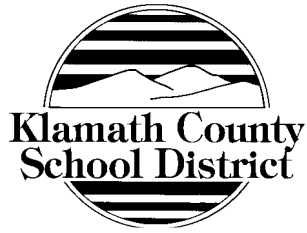
sb

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Board Chair

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Deputy Clerk



*Inspiring Today's Students To Meet Tomorrow's Challenges*

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**OCTOBER 10, 2019**

**CONTRACT**

Bailin Mann – Merrill Elementary

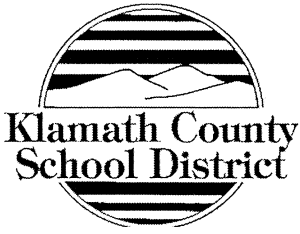
**LEAVE OF ABSENCE**

**RESIGNATION**

Sandra Wagner – Shasta Elementary

**RETIREMENT**

**TERMINATION**



**TO:** Jill O'Donnell, Board Chair  
Members of the School Board

**THROUGH:** Glen Szymoniak, Superintendent

**FROM:** Denise Reid, District Accountant

**DATE:** October 3, 2019

**SUBJECT: Grant and Donation Approval**

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**Policy, Strategic Plan Goal or law:**

Monthly Acceptance of Grants and Donations as required by Board Policy DD and KH.

**Background:**

According to Board Policy DD.... The Board reserves the right to reject funds associated with any grant which has been approved. The Board shall, before an acceptance of such funds, consider the districts obligations, expectations or encumbrances when the grant ceases.

Additionally, Board Policy KH .... Gifts Accepted shall be used for the purpose for which they were donated.

**Recommendation:**

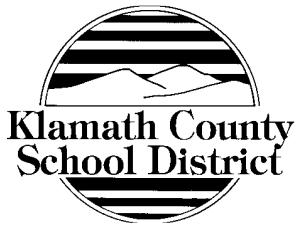
Administration recommends the Board approve the Grant Awards and Donations as presented.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

Advisory Vote \_\_\_\_\_ Vote \_\_\_\_\_

Klamath County School District  
Grant Approval List  
Board Meeting  
7/1/2019-6/30/2020

<u>Fund</u>	<u>Grant Title</u>	<u>Monitor</u>	<u>Amount</u>	<u>Purpose</u>
204	Title IA 2019-2020	Jeff Bullock/Mary Mateos	\$1,694,576.00	Title IA
221	Title III	Jeff Bullock/Mary Mateos	\$43,448.00	English Language Learners
258	Measure 98 Year 1 2019-2021	Jeff Bullock	\$1,566,036.42	High School Success
280	Red Zone Sports Bar Inc	Steve Morosin	\$1,500.00	
280	Matthew Strom	Kelley Fritz	\$90.00	Ms. Nixon Scholastic Books
280	Benjamin Baker	Kelley Fritz	\$9.00	Gomez Scholastic Books
280	Howard Nixon	Kelley Fritz	\$18.00	Nixon Scholastic Books
280	Lesley Hayden	Kelley Fritz	\$18.00	Gomez Scholastic Books
280	Joel Perez	Kelley Fritz	\$36.00	Gomez Scholastic Books
280	Melinda Gomez	Kelley Fritz	\$10.00	Nixon Scholastic Books
280	Robert Morrison	Kelley Fritz	\$18.00	Nixon Scholastic Books
280	Travis Huck	Kelley Fritz	\$40.00	Gomez Scholastic Books
280	Donors Choose	Stephanie Harris/Steve Morosin	\$442.95	Mazama Boutique
280	Clark & Holly Anderson	Kelley Fritz	\$17.00	Brookshire Scholastic Books
280	Richard & Susan Drumright	Kelley Fritz	\$90.00	Brookshire Scholastic Books
280	CJ & Bud Lenker	Kelley Fritz	\$100.00	Brookshire Scholastic Books
280	Tim Whitehead	Kelley Fritz	\$25.00	Brookshire Scholastic Books
280	Amy Larson	Kelley Fritz	\$18.00	Nixon Scholastic Books
280	Robin Stickles	Kelley Fritz	\$45.00	Nixon Scholastic Books
280	Stacy Medley	Kelley Fritz	\$9.00	Nixon Scholastic Books
280	Howard Nixon	Kelley Fritz	\$18.00	Gomez Scholastic Books
280	Melinda Gomez	Kelley Fritz	\$88.00	Gomez Scholastic Books
280	Robert Morrison	Kelley Fritz	\$90.00	Gomez Scholastic Books
280	Cycle Oregon	Scott Preston	\$2,400.00	General Donation to Chiloquin High
		<b>Total October</b>	<b>\$3,309,142.37</b>	



**RESOLUTION NO. 20-04  
KLAMATH COUNTY SCHOOL DISTRICT  
2019-2020 PERSONNEL DESIGNATIONS**

**WHEREAS**, the Klamath County School District designates the following personnel for the 2019-2020 school year for the responsibilities and functions as outlined below:

**ORS 332.515**

Chief Administrative Officer and School Clerk	Glen Szymoniak
Director of Business Services/Deputy Clerk	Dennis Clague

**ORS 328.441; ORS 328.445**

Klamath County School District Custodian of Funds	Dennis Clague
Facsimile Signature on Checks	Dennis Clague

**ORS 294.331**

Budget Officer	Dennis Clague
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**ORS 294.805-294.895**

Depository for School Funds	Bank of NY Mellon, Klamath County Treasurer, Local Government Investment Pool, 1 <sup>st</sup> Interstate Bank, Bank of America, Pacific Crest Federal Credit Union, Rogue Federal Credit Union, Umpqua Bank, U S Bank, USB Financial Services, Washington Federal, Wells Fargo Bank
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**ORS 297.405; ORS 328.465**

Official Auditors	KDP Certified Public Accountants, LLP
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**Legal Counsel**

Garrett, Hemann, Robertson, Jennings, Comstock & Trethewy, P.C.  
Graham Hicks Law  
Hornecker, Cowling, Hassen & Heysell  
Hawkins, Delafield & Wood, LLP  
Marcus Henderson  
Stoel Rives LLP

**Local Education Agency Designate**

Americans with Disabilities Act Review Officer	Mark Greif
Asbestos	Dennis Zullo
Attendance Officer	Jeff Bullock
Chief Information Security Officer	Kiran Malakar
Local Contract Review Board	KCSD Board of Directors
Safety Officer	Steve Johnson
Seek State and Federal Grants	Glen Szymoniak/Jeff Bullock/Dennis Clague/Laura Blair
Title IX Coordinator	Mark Greif

## Superintendent Evaluation Timeline/Process for 2019-20

<i>Action</i>	<i>Date</i>	<i>Person(s)</i>
<ul style="list-style-type: none"> <li>Superintendent and board set evaluation goals for the upcoming year (if any).</li> <li>Board/superintendent review the evaluation process (including 360 feedback), standards, (additional goals, if any), forms and timelines to be used this school year. Board formally adopts all of these in open session.</li> </ul>	10/10	Board & Superintendent
<ul style="list-style-type: none"> <li>Superintendent reports interim progress on evaluation standards (also goals, if added to the standards) to the board. Progress is reported in open session, <b><i>any specific evaluative feedback from the board to the superintendent can be done in executive session.</i></b> (See note below.)</li> </ul>	1/9	Superintendent
<ul style="list-style-type: none"> <li>Evaluation documents sent to board/superintendent to be completed and returned to the board secretary (or designee) by 1/23. Results must be compiled by the 1/30 special board meeting.</li> <li>360-surveys are sent to selected participants. Results compiled by the 1/30 special board meeting.</li> </ul>	Prior to 1/17	Board Secretary
<ul style="list-style-type: none"> <li><b><i>Superintendent presents their self-evaluation to the Board. Superintendent exits upon completion of the self-evaluation and follow-up questions by the board, if any.</i></b></li> <li><b><i>Board review results of the 360-degree feedback. (If superintendent is in charge of the 360 feedback it should be presented during their self-evaluation presentation.)</i></b></li> <li><b><i>Board members discuss their individual evaluations and develop the board's written summative evaluation.</i></b></li> </ul>	1/30*	Board & Superintendent
<ul style="list-style-type: none"> <li><b><i>Board members meet to discuss their evaluations and develop the board's official written summative evaluation document(s) that will be shared with the superintendent. (If needed. Board may have finished on 1/30.)</i></b></li> </ul>	2/6*	Board (if needed)
<ul style="list-style-type: none"> <li><b><i>Board and superintendent meet to discuss and clarify the summative evaluation document. Superintendent exits executive session.</i></b></li> <li><b><i>Changes to the evaluation may be made as a result of the discussions.</i></b></li> <li>Board votes in open session to approve the summative evaluation and a short summary of the evaluation.</li> <li>A copy of the final written summative evaluation form is placed in the superintendent's personnel folder.</li> </ul>	2/20	Board & Superintendent
<ul style="list-style-type: none"> <li>Notify superintendent of their contract extension/non-extension (if applicable)</li> </ul>	3/12	Board
<ul style="list-style-type: none"> <li>Superintendent/board set evaluation goals for upcoming year. (Open session.)</li> <li>Board/superintendent review the evaluation process (including 360 feedback), standards, (additional goals, if any), forms and timelines to be used this school year. Board formally adopts all of these in open session.</li> </ul>	4/16	Board & Superintendent
<ul style="list-style-type: none"> <li>Superintendent reports interim progress on evaluation goals/standards to the board. Progress reported in open session, <b><i>any specific evaluative feedback from the board to the superintendent can be done in executive session.</i></b></li> </ul>	9/19 10/10, 1/9	Superintendent

**Notes:** “\*” denotes a special meeting. All other meetings are regular meetings. Evaluation meetings may be held in executive session unless otherwise requested by the superintendent to be done in open session ORS

192.660(2)(i). ***(This is denoted above with bold italics.)*** This adopted timeline shall serve as noticed to the superintendent of the pending stated executive sessions within this document.

DRAFT

## FIRST READING POLICIES

October 10, 2019

### For your approval:

<b>IGAI</b>	<b>Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education*</b>
<b>IKF</b>	<b>Graduation Requirements**</b>
<b>JED</b>	<b>Students Absences and Excuses**</b>
<b>JFCF</b>	<b>Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student**</b>
<b>JFCJ</b>	<b>Weapons in the Schools**</b>
<b>KK</b>	<b>Visitors to District Facilities**</b>

### For your information:

#### Delete:

<b>JHFDA</b>	<b>Suspension of a Student's Driving Privileges**</b>
<b>JHFDA-AR (1)</b>	<b>Request for Suspended Driving Privileges - Conduct</b>

# OSBA Model Sample Policy

Code: IGAI  
Adopted: 9/19/19

## **Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education\*\***

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and ~~skills-based~~ instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. ~~The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;~~
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources.; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

**Legal Reference(s):**

<u>ORS 336.035</u>	<u>ORS 339.370 - 339.400</u>	<u>OAR 581-022-2030</u>
<u>ORS 336.107</u>		<u>OAR 581-022-2050</u>
<u>ORS 336.455 - 336.475</u>	<u>OAR 581-021-0009</u>	<u>OAR 581-022-2220</u>

## **Graduation Requirements\*\***

(This version does not require an administrative regulation.)

(Version 1)

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child<sup>1</sup>;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that district or public charter school.

### **Diploma**

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits of English language arts (shall include the equivalent of one unit in written composition);

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<sup>1</sup> As defined in ORS 30.297.

3. Three credits of science;
4. Three credits of social sciences (including history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world languages (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence;
4. Participate in career-related learning experiences.

### Essential Skills

The district ~~[will]~~ [will not] allow English Language Learner (ELL) students to demonstrate proficiency in ~~the all required Essential Skills of applying mathematics in a variety of settings in the student's language of origin for those ELL students who by the end of high school:~~

- ~~1. Are on track to meet all other graduation requirements; and~~
- ~~2. Are unable to demonstrate proficiency in the Essential Skills in English.~~

The district ~~[will]~~ [will not] allow ELL students to demonstrate proficiency in ~~Essential Skills other than applying mathematics in a variety of settings in the student's language of origin for those ELL students who by the end of high school:~~

- ~~2. Are on track to meet all other graduation requirements;~~
- ~~2. Are unable to demonstrate proficiency in the Essential Skills in English;~~
- ~~2. Have been enrolled in a U.S. school for five years or less; and~~

3. Have demonstrated sufficient English language skills using the English Language Proficiency Assessment for the 21st-Century (ELPA21)<sup>2</sup>.

~~[<sup>3</sup>The district will develop procedures to provide assessment options as described in the *Essential Skills and Local Performance Assessment Manual/Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.]~~

### **Essential Skills Appeal**

The district will ~~[establish an appeal process]~~ [follow Board policy KL - Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

### **Modified Diploma**

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in English language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and

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<sup>2</sup>This criteria does not apply to students seeking a diploma in 2017-2018 or 2018-2019.

~~<sup>3</sup>[This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skills of applying mathematics in a variety of settings and other courses in their language of origin.]~~

7. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

### **Extended Diploma**

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
  - a. Two credits of mathematics;
  - b. Two credits of English;
  - c. Two credits of science;
  - d. Three credits of history, geography, economics or civics;
  - e. One credit of health;
  - f. One credit of physical education; and
  - g. One credit of the arts or a world language.
  
2. Have a documented history of:
  - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
  - b. A medical condition that creates a barrier to achievement; or
  - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

### **Alternative Certificates**

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

### **Other District Responsibilities**

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma, or an alternative certificate at each high school. The district will provide [~~age-appropriate and developmentally appropriate~~] literacy instruction to all students until graduation.

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history listed under the above modified diploma or extended diploma requirements.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is emancipated or who has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either 4 years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or an alternative certificate shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and when added together provide a total number of hours of instruction and services that equals at least the total number of instructional hours that are required to be provided to students who are attending a public high school.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

~~[The district will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]~~

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option. Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form<sup>4</sup> and submitting the form to the district.

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<sup>4</sup> [www.ode.state.or.us](http://www.ode.state.or.us): Educator Resources > Student Assessment > Test Administration > Forms > 2018-2019 30-day notice and opt-out form

The district will issue a high school diploma pursuant to Oregon law (ORS 332.114) to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

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**Legal Reference(s):**

<u>ORS 329.045</u>	<u>ORS 343.295</u>	<u>OAR 581-022-2020</u>
<u>ORS 329.451</u>		<u>OAR 581-022-2025</u>
<u>ORS 329.479</u>	<u>OAR 581-021-0009</u>	<u>OAR 581-022-2030</u>
<u>ORS 332.107</u>	<u>OAR 581-022-2000</u>	<u>OAR 581-022-2115</u>
<u>ORS 332.114</u>	<u>OAR 581-022-2005</u>	<u>OAR 581-022-2120</u>
<u>ORS 339.115</u>	<u>OAR 581-022-2010</u>	<u>OAR 581-022-2505</u>
<u>ORS 339.505</u>	<u>OAR 581-022-2015</u>	

*Test Administration Manual*, published by the OREGON DEPARTMENT OF EDUCATION.

*Essential Skills and Local Performance Assessment Manual*, published by the OREGON DEPARTMENT OF EDUCATION.

OREGON DEPARTMENT OF EDUCATION-Executive Numbered Memo 003-2015-16.

# OSBA Model Sample Policy

Code: JED  
Adopted: 9/19/19

## Student Absences and Excuses\*\*

It is the student's responsibility to maintain regular attendance in all assigned classes. A student's absence from school or class will be excused under the following circumstances:

1. Illness of the student, including mental and behavioral health of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Student is a dependent of a member of the U.S. Armed Forces<sup>1</sup> who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.
8. A student who is excused must still fulfill class, school, and state requirements.

Each school shall notify a parents or guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the superintendent will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension<sup>2</sup> and/or ineligibility to participate in athletics or other activities.

END OF POLICY

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<sup>1</sup> U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

<sup>2</sup> The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.

# First Reading

**Legal Reference(s):**

ORS 109.056  
ORS 332.107  
ORS 339.030  
ORS 339.055

ORS 339.065  
ORS 339.071  
ORS 339.250  
ORS 339.420

OAR 581-021-0046  
OAR 581-021-0050  
OAR 581-023-0006(11)

First Reading

# Klamath County School District

Code: JFCF  
Adopted: 2/18/10  
Revised/Readopted: 5/17/12; 8/16/12; 1/14/16;  
8/15/19  
Orig. Code: JFCF

## **Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student\*\*** (Version 1)

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

Harassment, intimidation, or bullying and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion. ~~The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for assaulting or menacing another student or employee, willful damage or injury to district property, or for the use of threats, intimidation, harassment, or coercion against a district employee or another student.~~

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The principal and the superintendent [are] [is] responsible for ensuring that this policy is implemented.

### **Definitions**

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

3. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury;
4. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
5. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate, or bully.

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, , or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, teen dating violence, acts of cyberbullying, or retaliation.

## **Reporting**

The [principal and/or human resources director] will take reports and conduct a prompt investigation of any report of any act of harassment, intimidation or bullying, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the [building principal] who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the [principal and/or human resources director]. Failure of an employee to report an act of harassment, intimidation or bullying, teen dating violence, or an act of cyberbullying to the [principal and/or human resources director] may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been harassed, intimidated or bullied, been a victim of teen dating violence or acts of being cyberbullied in violation of this policy is encouraged to immediately report their concerns to the [building principal] who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report their concerns to the [building principal]. A report from a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the [superintendent or designee] review the actions taken in the initial investigation, in accordance with [administrative regulations] [district complaint procedures].

## **Training and Education**

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

### **Weapons in the Schools\*\***

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization.

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

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any destructive device;
4. A “destructive device” means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure and forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age appropriate, and shall provide such information in writing to the student and the parent in accordance with law. ~~The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.~~ Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

Weapons under the control of law enforcement personnel ~~or a person who has a valid license under ORS 166.291 and 166.292~~ are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district ~~will~~ [may] post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

“Gun-Free School Zone” signs ~~will~~ [may] be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY

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**Legal Reference(s):**

ORS 161.015  
ORS 166.210 - 166.370  
ORS 166.382  
ORS 332.107  
ORS 339.115  
ORS 339.240  
ORS 339.250  
ORS 339.315  
ORS 339.327  
ORS 809.135  
ORS 809.260

OAR 581-021-0050 – 021-0075  
OAR 581-053-0010(5)  
OAR 581-053-0230(9)(k)  
OAR 581-053-0330(1)(r)  
OAR 581-053-0430(17)  
OAR 581-053-0531(16)  
OAR 581-053-0630

First Reading

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).  
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).  
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2012).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (2012).

First Reading

### **Visitors to District Facilities\*\***

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students and staff.

The district is responsible for the schools' supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to district facilities must report to the school office upon entering school property.

1. Teachers' work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the principal and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the principal that some specific visitor or visitors shall not be permitted to enter the school facilities, the principal shall do the following:
  - a. Advise the person that he/she is refused admission and give that person an explanation for the refusal;
  - b. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor's interruptions or unreasonable demands on teacher time; or if the visitors' course of conduct would conflict with Board policies, district or building regulations or would violate the law.

5. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The principal's office should be notified of any direction to leave and given a copy of any written notice.
6. Those who insist on remaining despite a principal's request to leave and who thereby create a disruption of the carrying on of school business are subject to citizen's arrest and a report made to law enforcement. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon law.

7. Any visitor who believes that he/she has had a visit unfairly limited, may request a meeting with the superintendent. The superintendent shall meet with the visitor, investigate the dispute and render a written decision. The superintendent's decision may be appealed to the Board.
8. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the principal and the superintendent. The superintendent shall immediately contact any student or staff member involved.

END OF POLICY

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**Legal Reference(s):**

ORS 164.245

ORS 164.255

ORS 166.025

ORS 166.155 to -166.165

ORS 332.107

ORS 339.327

FIRST READING

## **Suspension of Driving Privileges**

### **Conduct**

The superintendent may, under Oregon Revised Statute, make a request to the Oregon Department of Transportation (ODOT) for the suspension of a student's driving privilege or the right to apply for a driving privilege on the basis of conduct as provided below.

If a request is made, the following requirements will be met:

1. The superintendent will meet with parent before submitting a request to ODOT;
2. The request to ODOT will be in writing;
3. The student involved is at least 15 years of age;
4. The student has been expelled for bringing a weapon on school property; or
5. The student has been suspended or expelled at least twice for any of the following reasons:
  - a. Assaulting or menacing a school employee or another student;
  - b. Willful damage or injury to district property;
  - c. Use of threats, intimidation, harassment or coercion against a school employee or another student;
  - d. Possessing, using or delivering any controlled substance or being under the influence of any controlled substance at a school or on school property or at a school-sponsored activity, function or event.
6. The request to suspend a student's driving privilege or the right to apply for a driving privilege shall not be for more than one year unless the superintendent is filing a second written request. A second request may state suspension of privilege until the student reaches 21 years of age;
7. If a driving privilege is suspended the student may apply to ODOT for a hardship permit.

### **Withdrawal**

The superintendent may, under Oregon Revised Statute, notify ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.

Upon receipt of the district's notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with Oregon Revised Statute. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

- 8. More than 10 consecutive school days of unexcused absences; or
- 9. 15 school days total of unexcused absences during a single semester.

### Appeals

The student has a right to appeal the superintendent's decision through district suspension/expulsion due process procedures.

END OF POLICY

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#### Legal Reference(s):

ORS 192.660  
ORS 332.061  
ORS 336.615 - 336.665  
ORS 339.240  
ORS 339.250  
ORS 339.254

ORS 339.257  
ORS 807.065  
ORS 807.066  
ORS 807.240

OAR 581-021-0065  
OAR 581-021-0070

**Klamath County  
School District**

Code: **JHFDA-AR**  
Revised/Reviewed: 7/22/04; 5/17/12  
Orig. Code(s): JHFDA-AR

**Request for a Suspended Driving Privilege - Conduct**

Name of Student \_\_\_\_\_

Address of Student \_\_\_\_\_

Date of Birth \_\_\_\_\_ ODL Number (if applicable) \_\_\_\_\_

Number of requests for suspension on this student:  one  two or more

Type of privilege requested for suspension:

- Driving privilege  Application for driving privilege

Length of suspension requested:  No more than one year

If two or more requests for suspension have been made on this student:

- Until student is 21 years of age

Type of infraction:

- Expelled for bringing a weapon on school property.
- Suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to district property or for use of threats, intimidation, harassment or coercion against a district employee or another student, possessing, using or delivering a controlled substance or being under the influence of a controlled substance at a school or on school property or at a school-sponsored activity, function or event.

This written request is submitted on \_\_\_\_\_ by: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

District: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice of Withdrawal**

Student Name (Print Last, First, Middle)				
Student Address		City	State	Zip Code
Date of Birth (MM/DD/YYYY)	Oregon Driver License/ID Number (If Known)		Last Day of Attendance (MM/DD/YYYY)	
I hereby notify the Department of Transportation to suspend the driving privileges of the above named student because the student is considered to have withdrawn from school per ORS 339.257 (2). The policy adopted under ORS 339.257 meets all requirements of the law including: The number of days of unexcused absence; the age of the student; and, a provision allowing the student to appeal this decision.				
Name of School District or Private School			Telephone Number (     )	
Address		City	State	Zip Code
Title <input type="checkbox"/> School District Superintendent <input type="checkbox"/> School Board Member/Superintendent <input type="checkbox"/> Authorized Representative of Private School				
Name of Authorized Person (Please Print)				
Signature  X			Date	

White copy to DMV, Yellow copy for your records

**SECOND READING POLICIES/ADMINISTRATIVE REGULATIONS  
FOR ADOPTION**

**OCTOBER 10, 2019**

**For your approval:**

**JGAB**

**Use of Restraint or Seclusion\*\***

**For your information:**

**JGAB-AR**

**Use of Restraint or Seclusion**

**Delete:**

**JHFDA**

**Suspension of a Student's Driving Privileges**

**JHFDA-AR (1)**

**Request for Suspended Driving Privileges - Conduct**

## Use of Restraint and or Seclusion\*\*

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. It is the intent of the Board to establish this policy and its administrative regulation that defines the circumstances that must exist and the requirements that must be met prior to, during, and after the use of physical restraint and/or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, or volunteer, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

## Definitions

1. "Physical restraint" means the restriction of a student's actions or movements by one or more persons holding the student or applying physical pressure upon the student or other means.

"Physical restraint" does not include:

- a. touching or holding a student's without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law. hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
  - (1) Break up a physical fight;
  - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
  - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control, if the student is in a setting from which the student is not physically prevented from leaving.

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
- b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

5. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has ~~is not been prescribed by a licensed health professional physician or other qualified health care professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.~~
6. “Prone restraint” means a restraint in which a student is held face down on the floor.
7. “Supine restraint” means a restraint in which a student is held face up on the floor.

The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the district-designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher or other school employee [or volunteer] as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student’s behavior poses a threat of imminent, serious physical harm to themselves or to others.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall utilize the [Crisis Prevention Institute<sup>1</sup>] training program of physical restraints and or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include:, but not limited to, positive behavioral support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction ODE to ensure compliance with district policies and procedures.

The results of the review and annual review report shall be documented and shall include at a minimum:

1. The total number of incidents of physical involving restraint;
2. The total number of incidents of involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel staff as a result of the use of physical restraint or seclusion;

<sup>1</sup> [The district must identify the program utilized for training.]

7. The total number of students placed in physical restraint and/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of physical restraint and seclusion for each student;
8. The total number of physical restraint and or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics<sup>2</sup> of all students upon whom physical restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the Board and to the public at the district's main office and on the district's website and to the Board.

At least once each school year the public parents and guardians of students of the district shall be notified as to about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

A The complainant, who is a student, is a parent or guardian of a student attending school in the district or is a person who resides in the district, may appeal a district's final decision by the Board to the Deputy Superintendent of Public Instruction as provided in pursuant to OAR 581-002-0040581-022-2370. [ This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of physical restraint or seclusion by district personnel staff.

END OF POLICY

**Legal Reference(s):**

ORS 161.205	ORS 339.300	OAR 581-021-0559
ORS 339.250	ORS 339.303	OAR 581-021-0563
ORS 339.285		OAR 581-021-0566
ORS 339.288	OAR 581-021-0061	OAR 581-021-0568
ORS 339.291	OAR 581-021-0550	OAR 581-021-0569
ORS 339.294	OAR 581-021-0553	OAR 581-021-0570
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

<sup>2</sup> Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

**Klamath County  
School District**

Code: **JHFDA**  
Adopted: 1/12/05  
Readopted: 5/17/12  
Orig. Code(s): JHFDA

## **Suspension of Driving Privileges**

### **Conduct**

The superintendent may, under Oregon Revised Statute, make a request to the Oregon Department of Transportation (ODOT) for the suspension of a student's driving privilege or the right to apply for a driving privilege on the basis of conduct as provided below.

If a request is made, the following requirements will be met:

1. The superintendent will meet with parent before submitting a request to ODOT;
2. The request to ODOT will be in writing;
3. The student involved is at least 15 years of age;
4. The student has been expelled for bringing a weapon on school property; or
5. The student has been suspended or expelled at least twice for any of the following reasons:
  - a. Assaulting or menacing a school employee or another student;
  - b. Willful damage or injury to district property;
  - c. Use of threats, intimidation, harassment or coercion against a school employee or another student;
  - d. Possessing, using or delivering any controlled substance or being under the influence of any controlled substance at a school or on school property or at a school-sponsored activity, function or event.
6. The request to suspend a student's driving privilege or the right to apply for a driving privilege shall not be for more than one year unless the superintendent is filing a second written request. A second request may state suspension of privilege until the student reaches 21 years of age;
7. If a driving privilege is suspended the student may apply to ODOT for a hardship permit.

### **Withdrawal**

The superintendent may, under Oregon Revised Statute, notify ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.

Upon receipt of the district's notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with Oregon Revised Statute. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

- 8. More than 10 consecutive school days of unexcused absences; or
- 9. 15 school days total of unexcused absences during a single semester.

**Appeals**

The student has a right to appeal the superintendent's decision through district suspension/expulsion due process procedures.

END OF POLICY

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**Legal Reference(s):**

ORS 192.660  
ORS 332.061  
ORS 336.615 - 336.665  
ORS 339.240  
ORS 339.250  
ORS 339.254

ORS 339.257  
ORS 807.065  
ORS 807.066  
ORS 807.240

OAR 581-021-0065  
OAR 581-021-0070

**Klamath County  
School District**

Code: **JHFDA-AR**  
Revised/Reviewed: 7/22/04; 5/17/12  
Orig. Code(s): JHFDA-AR

**Request for a Suspended Driving Privilege - Conduct**

Name of Student \_\_\_\_\_

Address of Student \_\_\_\_\_

Date of Birth \_\_\_\_\_ ODL Number (if applicable) \_\_\_\_\_

Number of requests for suspension on this student:  one  two or more

Type of privilege requested for suspension:

- Driving privilege  Application for driving privilege

Length of suspension requested:  No more than one year

If two or more requests for suspension have been made on this student:

- Until student is 21 years of age

Type of infraction:

- Expelled for bringing a weapon on school property.
- Suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to district property or for use of threats, intimidation, harassment or coercion against a district employee or another student, possessing, using or delivering a controlled substance or being under the influence of a controlled substance at a school or on school property or at a school-sponsored activity, function or event.

This written request is submitted on \_\_\_\_\_ by: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

District: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice of Withdrawal**

Student Name (Print Last, First, Middle)				
Student Address		City	State	Zip Code
Date of Birth (MM/DD/YYYY)	Oregon Driver License/ID Number (If Known)	Last Day of Attendance (MM/DD/YYYY)		
I hereby notify the Department of Transportation to suspend the driving privileges of the above named student because the student is considered to have withdrawn from school per ORS 339.257 (2). The policy adopted under ORS 339.257 meets all requirements of the law including: The number of days of unexcused absence; the age of the student; and, a provision allowing the student to appeal this decision.				
Name of School District or Private School			Telephone Number (     )	
Address		City	State	Zip Code
Title <input type="checkbox"/> School District Superintendent <input type="checkbox"/> School Board Member/Superintendent <input type="checkbox"/> Authorized Representative of Private School				
Name of Authorized Person (Please Print)				
Signature X			Date	

White copy to DMV, Yellow copy for your records