

Regular Board Meeting  
Wednesday, August 17, 2022 6:00 PM Pacific

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

Dwight Coon: Present  
Meleah Drago: Absent  
Jeff Eastburn: Present  
Derek Pennel: Present  
Bev Schiesser: Present  
Lena Sjoström: Present  
Jeff Thiessen: Present

Present: 6, Absent: 1.

Staff in attendance: Brittany Bottensek, Molly Rust, Pat Rufo, Shane Benscoter, Dennis Boyd, Dustin Reese, Aria Richardson

Community: Cheryl Harder, Mable Barnett, Carrie Anderson

Meleah Drago: Present

Present: 7.

Kelly Goodwin & Jay Hexton

1. **CALL TO ORDER**
2. **WELCOME GUESTS AND VISITORS**
3. **PUBLIC FORUM/COMMUNICATIONS**
4. **CHANGES OR ADDITIONS TO THE AGENDA**
5. **CONSENT AGENDA**
  - 5.1. **BOARD MINUTES**
  - 5.2. **FINANCIAL REPORT**
  - 5.3. **FIRST READ BOARD POLICY**
  - 5.4. **NEW HIRES**
  - 5.5. **MOTION**
6. **REPORTS**
  - 6.1. **ENROLLMENT**
  - 6.2. **FACILITIES REPORT**
  - 6.3. **TRANSPORTATION/TECHNOLOGY REPORT**
  - 6.4. **PRINCIPAL'S REPORT**
  - 6.5. **SUPERINTENDENT'S REPORT**
7. **UNFINISHED BUSINESS**
  - 7.1. **Grange Update**
8. **NEW BUSINESS**
  - 8.1. **REVIEW OF SCHOOL MEAL PRICES**
  - 8.2. **STUDENT RIGHTS & RESPONSIBILITIES MATRIX**
  - 8.3. **BLACHLY BOARD COMMUNICATION PROTOCOL**
  - 8.4. **BOARD & SUPERINTENDENT OPERATING PROTOCOLS**
9. **THE BOARD MAY RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**

**10. RECONVENE REGULAR SESSION**

**11. ADDITIONAL DOCUMENTS/INFORMATION TO VIEW**

**12. ANNOUNCEMENTS**

**12.1. UPCOMING WORK SESSION**

**12.2. UPCOMING BOARD MEETING**

**13. ADJOURN THE REGULAR MEETING**

# Blachly School District #90

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

## Public Comment at Board Meetings

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

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

### Procedures for Oral Public Comment

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

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

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

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

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

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

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

### **Procedures for Written Comment**

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us) . Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting. Written materials or comments submitted may not warrant action by the Board.

### **Comments Regarding Staff Members**

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.

END OF POLICY

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### **Legal Reference(s):**

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

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

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

### **Cross Reference(s):**

BDDC - Board Meeting Agenda

KC - Community Involvement in Decision Making

# Blachly School District #90

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

## Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please submit the Intent to Speak request to the Superintendent, Monday of the week of the Board meeting to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us). Those attending virtually and want to provide public comment should submit the Intent to Speak request to the Superintendent, Monday of the week of the Board meeting to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us).

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

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

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

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee’s rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.”

***SEE FORM ON REVERSE***

**INTENT TO SPEAK**

The Board welcomes input. To provide in-person public comment please complete the request at [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us) that can be found on the District and School websites Monday the week of the Board meeting.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of organization (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Email (optional): \_\_\_\_\_

Topic or comment to be presented (brief description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

Regular Board Meeting  
Wednesday, July 13, 2022 6:00 PM Pacific

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

Dwight Coon: Present  
Meleah Drago: Present  
Jeff Eastburn: Present  
Derek Pennel: Present  
Bev Schiesser: Present  
Lanae Sjostrom: Absent  
Jeff Thiessen: Absent

Present: 5, Absent: 2.

Staff in attendance: Aria Richardson, Lisa Wagner, Shane Bencoter, Dennis Boyd and Pat Rufo.

### **1. CALL TO ORDER**

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

### **2. WELCOME GUESTS AND VISITORS**

### **3. PUBLIC FORUM/COMMUNICATIONS**

There were no public communications submitted.

### **4. CHANGES OR ADDITIONS TO THE AGENDA**

Superintendent Watkins would like to add the hire of Leon Carl as the Athletic Director. This will be added to the approved hires on the consent agenda.

### **5. CONSENT AGENDA**

#### **5.1. BOARD MINUTES**

There were no questions in regards to the presented June board minutes.

#### **5.2. FINANCIAL REPORT**

Ms. Rufo says the Business staff have been working with Lane ESD all week as payroll and a/p functions get turned over to the district. Lane ESD will continue to be a resource as needed. The financial report for June 30 was presented, which included the All Funds report and June Check Register. There are still grant reconciliations and fund transfers, so this is not an end of the year report. Grant and Capital Project Fund expenditures are lower than expected mainly due to delays in capital projects. Funds will still be available in the new year to pay for these projects. Food Service Fund revenues are high this year due to the Seamless Summer Program paying for all meals. This is expected to drop next year as we return to student-paid lunches.

Director Drago asked if we were offering summer meals. Superintendent Watkins replied we were not offering meals over the summer to the community. However, we will be feeding students attending our Summer Learning program.

Review of the check register prompted Board Chair Coon to ask about the long list reimbursement to parents of our online students. Superintendent Watkins explained that parents were given a deadline to turn in receipts and reimbursement requests, so this list includes a backlog of spending.

### **5.3. ACCEPTING RESIGNATION**

Superintendent Watkins shares the resignation of Ryan Hintz. We currently have a posting for K-12 PE and Health open.

### **5.4. APPROVE STAFF HIRE**

Superintendent Watkins shares that the Athletic Director position has been filled by Leon Carl. He will be working with Mr. Wynn this year to move into this position. Superintendent Watkins shares the hire of Carson Wynn for the 4th grade teaching position and Abi Warren for an elementary online teaching position.

### **5.5. MOTION**

Director Pennel moved to approve the consent agenda as presented/amended. This motion, made by Derek Pennel and seconded by Jeff Eastburn, Carried.

Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea

Yea: 5, Nay: 0, Absent: 2

## **6. REPORTS**

### **6.1. FACILITIES REPORT**

Shane Benscoter provided a report for the board.

Director Pennel asks when the irrigation system project will be complete. Mr. Benscoter said, hopefully, on Monday, then we will follow up with aerating, seeding and regular maintenance and it will be ready for September.

### **6.2. SUPERINTENDENT'S REPORT**

Superintendent Watkins shares that the AVID trip was a success. We took 15 staff members and the team came to an agreement on how we will be implementing these strategies and tools in the upcoming year. There will be additional training for Superintendent Watkins, Brittany Bottensek and Katherine Tripp and we will invite staff to attend if they want, but it is in August when they are not working. We are excited about how this will align with the Portrait of a Graduate and the Mission and Focus of the district. Director Pennel asked what the implementation that the team decided on would be. Superintendent Watkins shares that there will be two different organization implementations broken down between K-5 and 6-12. Superintendent Watkins shares that the Classified Union negotiations are going well. Dustin and the OSEA team are doing a great job collaborating. The hope is for it to be done and ready to present in August.

Superintendent Watkins shares that in August he hopes to share out the reopening document in regards to the Covid and safety processes.

Superintendent Watkins shares that the irrigation project has gone well. Director Drago asks where the water is coming from, which pump we are using? Superintendent Watkins answers we have fixed the lower pump and are pulling directly from the lower pump.

Superintendent Watkins shares that the new office building has been approved by the planning committee. The next step is the county sending notices to some surrounding neighbors. We will then move forward and hopefully will get to start excavation in August. We plan to get this in before school if we can.

Superintendent Watkins shares that we have paid for the playground equipment. We will be having it delivered in October, which was their earliest delivery date. The price tag for this is over \$200,000 to complete. We will have two areas of playspace and the surface will be turf.

We have donated the current playground equipment to Memorial Community Church, so we will work with them when it comes time to remove the current equipment. The earliest we can have their installers here is the beginning of November. Superintendent Watkins shares his excitement in being able to provide this for our community and students.

## **7. UNFINISHED BUSINESS**

There is no unfinished business.

## **8. NEW BUSINESS**

Superintendent Watkins does want to remind the board that in August we could take some time to look at goals for the upcoming school year. And he will provide the board with his goals in August.

### **8.1. NEW YEAR BOARD ORGANIZATION AND ANNUAL PROCEDURAL BUSINESS PURSUANT TO ORS 332.040 AND 255.335(5)**

#### **8.1.1. ELECT BOARD CHAIR, VICE CHAIR AND APPOINT BOARD SECRETARY**

Superintendent Watkins thanks Dwight Coon for his service as Board Chair for the last 4 years.

##### **8.1.1.a. FOR CHAIR**

Director Schiesser moved to select Derek Pennel as Board Chair for the 2022-23 school year. This motion, made by Bev Schiesser and seconded by Jeff Eastburn, Carried.

Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

##### **8.1.1.b. FOR VICE CHAIR**

Director Coon moved to select Jeff Eastburn as Board Vice-Chair for the 2022-23 school year. This motion, made by Dwight Coon and seconded by Bev Schiesser, Carried.

Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

##### **8.1.1.c. FOR BOARD SECRETARY**

Superintendent Watkins presents Bri Simington as the Board Secretary.

#### **8.1.2. REVIEW STATUS OF LOCAL PUBLIC CONTRACT REVIEW BOARD**

Board Chair Pennel moved to have the Blachly School Board act as its own Local Public Contract Review Board. This motion, made by Derek Pennel and seconded by Dwight Coon, Carried.

Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

Director Drago asked a clarifying question on when this would be needed. Superintendent Watkins and Pat Rufo answer.

#### **8.1.3. ADOPT RESOLUTION #2022-23-001**

Director Schiesser moved to approve Resolution #2022-23-001 as presented/amended. This motion, made by Bev Schiesser and seconded by Dwight Coon, Carried.  
Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

Board Chair Pennel reviews the resolution with the board to make sure there was no questions before taking action.

#### **8.1.4. ADOPT RESOLUTION #2022-23-002**

Director Coon moved to adopt Resolution #2022-23-002 as presented/amended. This motion, made by Dwight Coon and seconded by Jeff Eastburn, Carried.  
Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

Director Pennel reads the resolution to the board for review and gives a brief explanation.

#### **8.1.5. ADOPT RESOLUTION #2022-23-003**

Director Eastburn moved to adopt Resolution #2022-23-003 as presented/amended. This motion, made by Jeff Eastburn and seconded by Dwight Coon, Carried.  
Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

Board Chair Pennel reads the resolution for the board.

#### **8.1.6. ADOPT RESOLUTION #2022-23-004**

Director Coon moved to adopt Resolution #2022-23-004 as presented/amended. This motion, made by Dwight Coon and seconded by Jeff Eastburn, Carried.  
Lanae Sjostrom: Absent, Jeff Thiessen: Absent, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 5, Nay: 0, Absent: 2

Board Chair Pennel reads the resolution to the board.

### **9. THE BOARD MAY RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**

#### **10. RECONVENE REGULAR SESSION**

#### **11. ANNOUNCEMENTS**

Superintendent Watkins wanted to share that our summer learning opportunities would be starting at the beginning of August. We had letters go out to families and have several who have already signed up. We will give an update at the August meeting.

##### **11.1. UPCOMING BOARD MEETING**

The board will receive an email from Bri for potential dates for a board work session in regards to next year's goals. Superintendent Watkins also shares that he would like to have an informal bbq in August.

#### **12. ADJOURN THE REGULAR MEETING**

Board Chair Pennel adjourns the meeting at 6:47 pm.

# OSBA Model Sample Policy

Code: BBBA  
Adopted:

## Board Member Qualifications

A person is eligible to serve as a Board member if the person is a qualified elector<sup>1</sup> of the district and has been a resident within the district for one year immediately preceding the election or appointment. If the district and the position sought is one elected or nominated by zone, the person must also reside in the zone from which the person is nominated except as authorized by law.

A person who is an employee of the district is not eligible to serve as a Board member while so employed. A person who is an employee of a public charter school may not serve as a member of the Board of the district in which the public charter school that employs the person is located. A district or public charter school substitute bus driver in a district with an average daily membership of 50 or less may serve as a Board member.

END OF POLICY

### Legal Reference(s):

<a href="#">ORS 247.002</a>	<a href="#">ORS 332.016</a>	<a href="#">ORS 332.124</a>
<a href="#">ORS 247.035</a>	<a href="#">ORS 332.018</a>	<a href="#">ORS 332.126</a>
<a href="#">ORS 249.013</a>	<a href="#">ORS 332.030</a>	

OREGON CONSTITUTION, ARTICLE II, Section 2.

<sup>1</sup> "Elector" means an individual qualified to vote under Article II, section 2, [Oregon Constitution](#).

8/08/22 JF

Board Member Qualifications – BBBA

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Deleted: An "elector" means an individual qualified to vote under Section 2, Article II of the Oregon Constitution. The individual must be 18 years of age or older, registered to vote at least 20 calendar days immediately preceding any election in the manner provided by law and must have

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# OSBA Model Sample Policy

Code: BCF  
Adopted:

## Advisory Committees to the Board

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

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

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

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

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

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

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

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

*{This following section is recommended for immediate adoption for districts with more than 10,000 ADM. For districts with an ADM of 10,000 or less, this is recommended for adoption prior to September 15, 2025.}*

8/08/22 | RS

Advisory Committees to the Board – BCF

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## **†Educational Equity Advisory Committee<sup>1,2</sup>**

The duties of the district's educational equity advisory committee shall include:

1. Advising the Board about the educational equity impacts of policy decisions;
2. Advising the superintendent about the educational equity impacts of policy decisions; and
3. Informing the Board and superintendent when a situation arises in a district school that negatively impacts underrepresented students and advising the Board and superintendent on how best to handle that situation.

The educational equity advisory committee may prepare an annual report that:

1. Contains the following information:
  - a. The successes and challenges the district has experienced in meeting the educational equity needs of students in the district;
  - b. Recommendations the committee made to the Board and superintendent, and the actions that were taken in response to those recommendation; and
  - c. Any other information required by the State Board of Education.
2. Is made available by being:
  - a. Distributed to parents of district students;
  - b. Posted on the district's website;
  - c. Presented to the Board in at a board meeting with adequate opportunity for public comment; and
  - d. Sent to the State Board of Education.

The educational equity advisory committee shall be appointed by the Board and superintendent and must be composed of parents, employees, students and community members from the district. For the purposes of selecting members, the Board and superintendent:

1. Shall solicit name of possible members from the community;
2. Must ensure that membership is primarily representative of underserved student groups;
3. May not exclude members based on immigration status; and
4. Must comply with any other requirements established by the State Board of Education.

<sup>1</sup> District with ADM over 10,000 must convene an educational equity advisory committee no later than September 15, 2022. Districts with ADM of 10,000 or under are not required to convene an educational equity advisory committee until September 15, 2025.

<sup>2</sup> Additional information on the formation, membership and responsibility of the committee can be found in OAR 581-022-2307.

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A member of the educational equity advisory committee will also serve on the school district budget committee.<sup>3</sup>

END OF POLICY

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**Legal Reference(s):**

[ORS 192.610](#)  
[ORS 192.630](#)

[ORS 294.414](#)  
[ORS 329.704](#)

[ORS 329.711](#)  
[ORS 332.107](#)

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

<sup>3</sup> The district is not required to add an educational equity advisory committee member to the budget committee until there is a non-school board member vacancy on the budget committee.

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8/08/22 | RS

Advisory Committees to the Board – BCF

# OSBA Model Sample Policy

Code: CB  
Adopted:

## Superintendent

The superintendent<sup>1</sup> is designated as the district's chief executive officer. Under the Board's direction, the superintendent exercises general supervision of all district schools, personnel and departments. The superintendent is responsible for managing the schools under the Board's policies and is accountable to the Board for that management. The Board may not direct the superintendent to take any action that conflicts with a local, state or federal law<sup>2</sup> that applies to school districts<sup>3</sup>.

The superintendent may delegate to other district personnel any powers and duties imposed upon the superintendent by Board policies or by vote of the Board. Delegation of power or duty will not relieve the superintendent of responsibility for action taken under such delegation.

END OF POLICY

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### Legal Reference(s):

[ORS 332.505](#)  
[ORS 332.515](#)

[OAR 581-022-2405](#)  
[OAR 584-005-0005\(51\)](#)

Senate Bill 1521 (2022)

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<sup>1</sup> The term "superintendent" includes an interim superintendent.

<sup>2</sup> "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

<sup>3</sup> Also includes taking any action that conflicts with law that applies to education service districts.

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# OSBA Model Sample Policy

Code: CBC  
Adopted:

## Superintendent's Contract

The superintendent, upon appointment by the Board, will receive a written contract which will state the terms of employment such as compensation, benefits and other conditions. The Board may not issue a contract that includes terms which direct the superintendent<sup>1</sup> to take any action that conflicts with a local, state or federal law<sup>2</sup> that applies to the district<sup>3</sup>, or which allows the Board to take an adverse employment action against the superintendent for complying with such laws. Contracts shall not be issued for more than three years in duration. The contract shall automatically expire at the end of its term. The Board may elect to issue a subsequent contract at any time for up to three years.

The compensation and benefits for the position of superintendent will be fixed by the Board and based upon the responsibilities required of the superintendent in performing their duties. The Board may not enter into an employment contract that contains provisions that expressly obligate the district to compensate the superintendent for work that is not performed.

Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract. The employment contract, if it includes a mutually agreed to termination-without-cause provision by the Board, will include a 12-month notice of termination for such provision.

†The district may provide health benefits for a superintendent that is no longer employed by the district until the superintendent:

1. Reaches 65 years of age; or
2. Finds new employment that provides health benefits.†

For a period of one year after termination of the contract, the superintendent may not:

1. Purchase property or surplus property owned by the district or public charter school; or
2. Use property owned by the district or public charter school in a manner other than the manner permitted for the general public.

END OF POLICY

<sup>1</sup> The term "superintendent" includes an interim superintendent.

<sup>2</sup> "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

<sup>3</sup> Also includes taking any action that conflicts with law that applies to education services districts.

8/08/22 | JF

Superintendent's Contract – CBC

1-2

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**Legal Reference(s):**

[ORS 332.432](#)  
[ORS 332.505](#)

[ORS 342.549](#)  
[ORS 342.815](#)

[OAR 584-005-0005\(51\)](#)

Senate Bill 1521 (2022)

| [8/08/22](#) | [JF](#)

Superintendent's Contract - CBC  
2-2

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# OSBA Model Sample Policy

Code: CPA  
Adopted:

## Layoff and Recall for Administrators

This policy applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.<sup>1</sup>

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence.

The Board desires/expects administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

Prior to initial development of a recall procedure for administrators, the Board will consult with the employees or a designated representative of the employees covered by this policy.

The district will develop administrative regulations to implement this policy.

END OF POLICY

### Legal Reference(s):

[ORS 332.107](#)

[ORS 342.934](#)

<sup>1</sup> Prior to laying off any administrators, the district will work with legal counsel to determine if the cultural or linguistic expertise criteria apply to any impacted employees.

HR8/08/22 | SL

Layoff and Recall for Administrators = CPA

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Deleted: ive Personnel

Deleted: Competence includes recent experience, additional training and educational attainments. Merit includes the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.

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# OSBA Model Sample Policy

Code: EFA

Adopted:

## Local Wellness

*{Title 7 C.F.R. 210.31(a) requires local education agencies to “establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast Program...”. The law describes the policy as “a written plan that includes” various components intended to improve student wellness. This policy is designed to meet the requirements for a wellness policy and provide the framework for the district’s plan. Previously these requirements were split between the policy and an administrative regulation (AR). All required and/or related content is now included in the model policy, therefore OSBA recommends deleting the AR if the district previously included it in the board’s policy manual. Districts should consult with stakeholders in the process of adoption and incorporate language that meets the unique needs of the district.}*

The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The program shall reflect the Board’s commitment to providing adequate time for instruction that fosters healthy eating through nutrition education and promotion, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate.

~~[The district superintendent or designee shall establish a Wellness Advisory Committee to advise the district in the development, review and update of the local wellness policy.]~~

### POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

#### Implementation

The district shall manage and coordinate the implementation of this local wellness policy.

Implementation will consist of, but not be limited to, the following:

1. Delineating roles, responsibilities, actions and timelines specific to each school;
2. Generating and disseminating information about who will be responsible to make what change, by how much, where and when;
3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;

4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and
5. Establishing specific goals for nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

The Board designates the superintendent and principal(s) to be responsible for ensuring each school meets the goals outlined and complies with this policy.

### **Record Keeping**

The district will retain the following records to document compliance with the local wellness policy requirements at the district's administrative offices:

1. The written local wellness policy;
2. Documentation to demonstrate the policy has been made available to the public;
3. Documentation of efforts to review and update the local wellness policy, including an indication of who participates in the update and the methods the district uses to make stakeholders aware of their ability to participate;
4. Documentation to demonstrate compliance with the annual public notification requirements;
5. Documentation of the district's most recent assessment on the implementation of the local wellness policy;
6. Documentation to demonstrate the most recent assessment on the implementation of the local wellness policy has been made available to the public.

### **Notification of Policy**

The district will inform the public about the content and implementation of the local wellness policy, and post the policy and any updates to the policy on the district website annually. Included will be, if available, the most recent assessment of the implementation, and a description of the progress being made in attaining the goals of the policy.

The district will publicize the name and contact information of the district or school official(s) leading and coordinating the policy and information on how the public can get involved with the local wellness policy. This information will be published on the district's website and in district communications.

### **Triennial Progress Assessments**

At least once every three years, the district will evaluate the implementation of this policy and its progress with a triennial assessment and produce a progress report that will include:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;

2. The extent to which the district’s policy compares to model local school wellness policy<sup>{1}</sup>; and
3. A description of the progress made in attaining the goals of the district’s policy.

The district will publish the triennial progress report on the district website when available. The district will update or modify the policy based on results of the triennial assessment.

### **Community Involvement, Outreach and Communications (Review of, and Updating Policy)<sup>{2}</sup>**

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy. The district will communicate information about opportunities [in community news, on the district’s website, on school websites, and/or in district or school communications]. The district will ensure that communications are culturally and linguistically appropriate to the community.

Parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the Board, school administrators, and the general public will be solicited to participate in the periodic review and update of the local school wellness policy.

#### ~~[Wellness Advisory Committee<sup>{3}</sup>]~~

~~The district supports a wellness advisory committee to assist the development, implementation, and periodic review and update of the local wellness policy. The superintendent or designee will be a member of this committee.~~

~~The district will publicize information about the wellness advisory committee [in community news, in communications to parents, and/or on websites operated by the district] to communicate to parents, students and the community at large to explain the committee’s purpose, process and an invitation to volunteer.~~

- ~~1. The wellness advisory committee membership will include, to the extent possible, but not be limited to:
  - ~~a. Parents, caregivers and students;~~
  - ~~b. Representatives of the school nutrition program (e.g., school nutrition director);~~
  - ~~c. Physical education and/or health education teachers;~~
  - ~~d. School health professionals (e.g., school nurses, physicians, dentists, health educators and other allied health personnel who provide school health services);~~
  - ~~e. Mental health and social services staff (e.g., school counselors, psychologists, social workers, or psychiatrists);~~
  - ~~f. School administrators (e.g., superintendent, assistant superintendent, principal, vice principal);~~~~

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<sup>1</sup> {Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

<sup>2</sup> {USDA Local school wellness policy [resource](#); CDC [resource](#); CDC Healthy Schools [resource](#); USDA Local school wellness policy [outreach toolkit](#) and communication resource from [Alliance for a Healthier Generation](#).}

<sup>3</sup> {A Wellness Advisory Committee is not required. If the district chooses to have a committee, the district should amend the language here to establish the membership and responsibilities of the committee. [School Wellness Committee Toolkit](#) published by the Alliance for a Healthier Generation}

- ~~g. Board members;~~
- ~~h. Supplemental Nutrition Assistance Program (SNAP) education coordinators;~~
- ~~i. Healthcare professionals and/or other health related professionals (e.g., dietitians, doctors, nurses, dentists); and~~
- ~~j. Members of the general public.~~

- ~~2. The committee, appointed by the superintendent or designee, will meet to organize and vote on a committee chair and a secretary prior to or at the beginning of the school year. The chair and secretary will serve for one year minimum and may be reappointed.~~
- ~~3. The wellness advisory committee will meet [four] times per year to review of the local wellness policy.~~
- ~~4. The committee will facilitate the development, review and update of the wellness policy, and evaluate each participating school's compliance with the policy.~~

~~The district will create building level committees to establish school specific goals and activities that implement this policy. A school coordinator will be designated to support compliance with this policy.~~

## **NUTRITION PROMOTION AND NUTRITION EDUCATION**

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based strategies and techniques and nutrition messages and by creating food environments that support healthy nutrition choices.

~~[Nutrition promotion and nutrition education shall be a sequential and integrated focus on improving students' eating behaviors, reflect evidence-based strategies and be consistent with state and local district health education standards.]~~

~~To promote nutrition education in the schools, the principal is responsible for ensuring the following goals are implemented:~~

- ~~1. {<sup>4</sup>} [Students and staff will receive consistent nutrition messages throughout the school environment;~~
- ~~2. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, comprehensive nutrition program [ (which includes the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, and handling and storage related to food and eating) ], and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;~~
- ~~3. Nutrition education will include culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;~~

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<sup>4</sup> {The goals listed are not required, but districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to "review and consider evidence-based strategies and techniques" (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

- ~~4.— Teachers will receive curriculum specific training;~~
- ~~5.— Parents and families are encouraged through school communications to send healthy snacks/meals and [reusable] water bottles with their student to school;~~
- ~~6.— Families and community organizations are involved, to the extent practicable, in nutrition education;~~
- ~~7.— Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition related newsletters, preparing healthy recipes);~~
- ~~8.— Materials on how to assess one’s personal eating habits, set goals for improvement and achieve those goals.]~~

Nutrition promotion, including marketing and advertising nutritious foods and beverages to students, will be implemented consistently through a comprehensive and multi-channel approach, (e.g., in the classroom, cafeteria and at home) by staff, teachers, parents, students and the community.

~~To ensure adequate nutrition promotion, the following goals will be implemented:~~

- ~~1.—<sup>5</sup> [Information about available meal programs is distributed prior to or at the beginning of the school year and at other times throughout the school year;~~
- ~~2.— Information about availability and location of a Summer Food Service Program (SFSP) is distributed;~~
- ~~3.— Nutrition promotion materials are sent home with students, published on the district website, and distributed at parent teacher conferences;~~
- ~~4.— Families are invited to attend exhibitions of student nutrition projects or health fairs;~~
- ~~5.— Physical activity is a planned part of all school community events.]~~

## School Meals

~~{Schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition program(s), administered through the Oregon Department of Education (ODE),} [which may include the NSLP,] [and] [the SBP,] [Fresh Fruit & Vegetable Program (FFVP),] [After School Snack Program (ASSP),] [Special Milk Program (SMP),] [Summer Food Service Program (SFSP),] [Supper programs] [or others].] [The district also operates additional nutrition related programs and activities including Farm-to-School programs, school gardens, Breakfast in the Classroom, Mobile Breakfast carts or Grab ‘n’ Go Breakfast.]~~

The district’s available meal program(s) will operate to meet meal pattern requirements and dietary specifications in accordance with the Healthy, Hunger-Free Kids Act and applicable federal laws and regulations.

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<sup>5</sup> {The goals listed are not required, but districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to “review and consider evidence-based strategies and techniques” (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

The {principal(s)} will support nutrition and food services operation as addressed in Board policy EFAA – District Nutrition and Food Services and its accompanying administrative regulation EFAA-AR – Reimbursable Meals and Milk Programs.

### **{Water}**

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.}

### **Competitive Foods and Beverages**

The district controls the sale of all competitive foods. All foods and beverages outside the reimbursable school meal programs that are **sold** to students on the school campus during the school day will meet or exceed Smart Snacks Standards<sup>6</sup>. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores, snack or food carts and fund raising.

### **Celebrations and Rewards/Incentives**

All foods and beverages offered on the school campus ~~{will meet or exceed}~~ {are encouraged to meet} the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, and classroom snacks brought by parents. ~~{Food will not be used as a reward or incentive.}~~ ~~{This information will be conveyed to staff and parents.}~~

### **{Fund Raising}**

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fund raisers on the school campus during the school day. Such requests to conduct a fund raiser will be submitted to the {principal} for approval before starting.}

### **Food and Beverage Marketing in Schools**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards for competitive foods set by the USDA.

{The district (i.e., school nutrition services, athletics department, PTA, PTO) will review existing contracts, new contracts and equipment, and product purchase or replacement to reflect the applicable food and beverage marketing guidelines.}

## **PHYSICAL ACTIVITY AND PHYSICAL EDUCATION**

A quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minimum requirements in order to meet ODE’s physical education content standards and state law.

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<sup>6</sup> Oregon Department of Education, [Oregon Smart Snacks Standards](#)

Physical activity should be included in the school’s daily education program for grades [pre-]K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

~~In order to ensure students are afforded the opportunity to engage in physical education and physical activity in the school setting, the following goals are established:~~

- ~~1. {<sup>7</sup>} [Physical education will be a course of study that focuses on students’ physical literacy and development of motor skills;~~
- ~~2. Staff encourages and provides support for parental involvement in their children’s physical education;~~
- ~~3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;~~
- ~~4. Instruction, provided by adequately prepared teachers, i.e., licensed or endorsed to teach physical education, will meet the state adopted academic content standards for physical education (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities annually;~~
5. {<sup>8</sup>} Every public school student in [pre-]kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade {5}{6} shall participate for a least 150 minutes during each school week, and students in grades {6}{7} through 8 for at least 225 minutes per school week;
- ~~6. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of all classes or courses as part of a well rounded education;~~
- ~~7. Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be used as a punishment or a reward;~~
- ~~8. {<sup>9</sup>} At least 50 percent of the weekly physical education class time in grades K through 8 shall be devoted to actual physical activity;~~
- ~~9. Physical activity is a planned part of all school community events;~~
- ~~10. Materials promoting physical activity are sent home with students and published on the district website.}~~

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<sup>7</sup> {The goals listed are not required, but districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to “review and consider evidence-based strategies and techniques” (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

<sup>8</sup> {Districts are required to provide the specified number of physical education minutes, but are not required to include them as goals or in this policy. If the district operates K-5 elementary schools, select “5” in the first bracket and “6” in the second bracket. If the district operates K-6 elementary schools, select “6” in the first bracket and “7” in the second bracket.}

<sup>9</sup> {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

~~[[<sup>10</sup>]] A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of their individualized health plan, developed by the district.]~~

## **Other Activities that Promote Student Wellness**

The district will integrate wellness activities throughout the entire school environment (districtwide). The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward the same set of goals promoting student well-being, optimal development and strong educational outcomes.

~~The district will provide the following activities and encourage the following practices which promote local wellness:~~

- ~~1. — [Scoliois screenings;~~
- ~~2. — Safe Routes to Schools Program;~~
- ~~3. — Physically active family and community engagement activities for families to learn about healthy eating or to practice being active together (e.g., skate night, fun run, dance night);~~
- ~~4. — Nonfood-related fund raisers;~~
- ~~5. — Physical activity energizers during transitions from one subject to another;~~
- ~~6. — Intramural sports;~~
- ~~7. — Monthly/Weekly school walks;~~
- ~~8. — Assemblies which focus on wellness issues such as the importance of breakfast, healthy beverages, and how students and staff can incorporate 60 minutes of physical activity into their day;~~
- ~~9. — Use of alternates to food as rewards in the classroom;~~
- ~~10. — Creation of connections between out-of-school time (OST) programs that involve staff members from OST programs, both school and community based, in school initiatives that address healthy eating, such as school wellness teams or wellness committees;~~
- ~~11. — Integration of social, emotional and mental health supports into school programs (e.g., promote a positive school climate where respect is encouraged and students can seek help from trusted adults);~~
- ~~12. — Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;~~

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<sup>10</sup> {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

~~13.— Include wellness as a standing agenda item for school-based meetings (e.g., staff meetings, site council meetings, PTO).]~~

### ~~[<sup>+1</sup>] **Employee Wellness** <sup>+2</sup>]~~

~~The district encourages staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of staff may also influence the health and learning of students. The physical and mental health of staff is integral to promoting and protecting the health of students and helps foster their academic success. The district's Employee Wellness Program will promote health, reduce risky behaviors of employees and identify and correct conditions in the workplace that can compromise the health of staff, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.~~

~~The district will collaborate with community partners to identify programs, services and/or resources to compliment and enrich employee wellness endeavors.~~

~~The district's Employee Wellness Program may include the following:~~

- ~~1.— Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees' needs and interests;~~
- ~~2.— Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;~~
- ~~3.— Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;~~
- ~~4.— Education and resources to help employees make decisions about health care; and~~
- ~~5.— Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.~~

~~The district encourages participation from all employees. "Employees" are not limited to instructional staff (i.e., teachers and instructional assistants), but includes all administrators and support staff.~~

~~The following groups are seen as essential for establishing, implementing and sustaining an effective employee wellness program:~~

- ~~1.— School personnel who implement existing wellness programs in the district (i.e., employee wellness committee);~~

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<sup>11</sup> {This language is optional and is not required by state or federal law.}

<sup>12</sup> {CDC resources for [school employee wellness](#) and [workplace health promotion](#)}

- ~~2.— District personnel who implement health programs for students (e.g., school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other staff); and~~
- ~~3.— Decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program (e.g., Board members, superintendents, human resource administrators, fiscal services administrators and principals).}~~

**{DEFINITIONS**

1. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.
2. “Food and beverage marketing<sup>{13}</sup>” is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.
3. “Oregon Smart Snacks Standards”<sup>14</sup> means the State’s minimum nutrition standards for competitive foods and beverages (ORS 336.423).
4. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day<sup>{</sup>, i.e., at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities<sup>}</sup>.
5. “School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction<sup>{</sup> of the school that are accessible to students during the school day<sup>}</sup>.

**END OF POLICY**

**Legal Reference(s):**

[ORS 327.531](#)  
[ORS 327.537](#)  
[ORS 329.496](#)  
[ORS 332.107](#)

[ORS 336.423](#)  
[OAR 581-051-0100](#)  
[OAR 581-051-0305](#)

[OAR 581-051-0306](#)  
[OAR 581-051-0310](#)  
[OAR 581-051-0400](#)

<sup>13</sup> {This term includes, but is not limited to, the following: brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container; displays, such as on vending machine exteriors; corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance.); corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district; advertisements in school publications or school mailings; free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.}

<sup>14</sup> Oregon Department of Education, [Oregon Smart Snacks Standards](#)

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b (2018).  
National School Lunch Program, 7 C.F.R. Part 210 (2022).  
School Breakfast Program, 7 C.F.R. Part 220 (2022).

# OSBA Model Sample Policy

Code: EH  
Adopted:

## Records and Data Management

The superintendent will provide for the preparation, maintenance and retention of records and reports as are required by law.

If a record is a public record then it may be subject to retention requirements based on the content of the message. Records shall not be destroyed if they have been requested under the Public Records Law or if they are part of litigation, even if their retention period has expired.

Employees will retain and destroy records in accordance with the Oregon Archives Division records retention schedule. Employees should consult the retention schedule to determine the retention period of the record.

The district's retention system is to retain records ~~{that are part of the network and email system} {by scanning, saving and/or filing them in an electronic filing system}~~ and deleting them from the email account~~}}~~.

The district will comply with all state and federal laws and regulations concerning the custody and maintenance of public records.

~~{~~"Retention schedule" means a general schedule published by the State Archivist in Oregon Administrative Rule (OAR) Chapter 166 in which certain common public records are described or listed by title and a minimum retention period is established for each.~~}~~

END OF POLICY

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### Legal Reference(s):

[ORS 192.001 - 192.431](#)  
[ORS 192.650](#)  
[ORS 326.565 – 326.580](#)  
[ORS 336.184 – 336.187](#)

[OAR 166-400-0010 - 166-400-0065](#)  
[OAR 581-015-2300](#)  
[OAR 581-022-2260](#)

[OAR 581-022-2305](#)  
[OAR 581-023-0006](#)  
[OAR 581-053-0070](#)

## OSBA Model Sample Policy

Code: GBEA  
Adopted:

### Workplace Harassment \*

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

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

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault<sup>1</sup> or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

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

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

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

The district may not require or coerce a district employee to enter into a nondisclosure<sup>2</sup> or nondisparagement<sup>3</sup> agreement.

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

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

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 174.100</a>	<a href="#">ORS 659A.029</a>	<a href="#">ORS 659A.820</a>
<a href="#">ORS 243.317 - 243.323</a>	<a href="#">ORS 659A.030</a>	<a href="#">ORS 659A.875</a>
<a href="#">ORS 659A.001</a>	<a href="#">ORS 659A.082</a>	<a href="#">ORS 659A.885</a>
<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.112</a>	<a href="#">OAR 584-020-0040</a>
<a href="#">ORS 659A.006</a>	<a href="#">ORS 659A.370</a>	<a href="#">OAR 584-020-0041</a>

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

Deleted: House Bill 3041 (2021)

# OSBA Model Sample Policy

Code: GCBDB/GDBDB  
Adopted:

## Early Return to Work

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in their current position, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the district ~~will~~ ~~may~~ provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The district will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The [superintendent] will develop procedures as necessary to implement this policy.

END OF POLICY

### Legal Reference(s):

[ORS 659A.043](#)                      [ORS 659A.046](#)                      [OAR 436-110-0003](#) to -0900

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).  
Americans with Disabilities Act Amendments Act of 2008.

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Early Return to Work – GCBDB/GDBDB

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# OSBA Model Sample Policy

Code: GCPA  
Adopted:

## Reduction or Recall of Licensed Staff \*

When the Board is considering a reduction of staff due to a lack of funds to continue the educational program at its anticipated level or due to the elimination or adjustment of classes due to an administrative decision, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision.

Using the goals and priorities of the district, the Board shall direct the superintendent to prepare a reduction plan identifying which programs are to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval. The district shall consider cultural or linguistic expertise and seniority, and may consider merit and competence, in accordance with Oregon law.<sup>1</sup>

Nothing in this policy is intended to interfere with the right of the district to discharge, remove or fail to renew the contract of a probationary teacher, or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law<sup>2</sup>.

END OF POLICY

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### Legal Reference(s):

[ORS 342.805 - 342.910](#)

[ORS 342.934](#)

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<sup>1</sup> See ORS 342.934 (HB 2001 (2021)) for definitions and requirements.

<sup>2</sup> ORS 342.805 to 342.937.

# OSBA Model Sample Policy

Code: GCQB  
Adopted:

## Research

District staff are encouraged to participate in research for the development and improvement of education. Staff who propose to engage in research, e.g., study toward advanced work or for use in classroom instruction, using district resources or students, will submit a proposal to the [superintendent] [principal] for approval prior to commencing such research. If approved, and the study results in material or practices which may be useful to other district staff, such will be reviewed by [administration] and may be made available for distribution throughout the district as determined by administration. For the protection of all concerned, privacy rights of students or other individuals involved in such research must be protected.

Research which is conducted by or for a nondistrict individual or organization must be approved by the superintendent [or designee].

END OF POLICY

### Legal Reference(s):

[ORS 332.107](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2022).  
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

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Research – GCQB

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# OSBA Model Sample Policy

Code: GDA  
Adopted:

## Instructional Assistants<sup>(1)</sup>

Instructional assistants shall be hired by the superintendent.

All instructional assistants<sup>2</sup> must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years of age or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Instructional assistants<sup>3</sup> who work in Title IA programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

<sup>1</sup> {Various laws, references and guidance documents use different terms in place of "instructional assistant." Districts should use the term that is commonly used in their district.}

<sup>2</sup> "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with the rules established by the TSPC.

<sup>3</sup> Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. Instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

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The district ~~will~~ will not require individuals newly hired as Title IA instructional assistants who have met another district's academic assessment to meet the district's academic assessment standards.

The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor or related service provider with instruction and/or support. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent and family involvement activities and media center or computer laboratory support.

Instructional assistants shall not be used by the district or teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.

END OF POLICY

**Legal Reference(s):**

[ORS 332.107](#)  
[ORS 332.505](#)

[ORS 342.120](#)  
[OAR 581-022-2400\(2\)](#)

[OAR 581-037-0005, 0025](#)  
[OAR 584-005-0005\(20\),\(28\)](#)

The Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212 (2018).  
Title II of the Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2022).  
Rehabilitation Act, 29 U.S.C. § 791, 793-794 (2018).

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# OSBA Model Sample Policy

Code: IFE  
Adopted:

## Curriculum Guides and Course Outlines

Curriculum guides and course outlines will be written for all courses offered in the district. Academic content standards<sup>1</sup> as adopted by the State Board of Education will be included. Teachers are expected to adhere closely to the course of study adopted by the district. Information regarding course offerings will be made available to all students and interested district patrons, upon request.

END OF POLICY

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### Legal Reference(s):

[ORS 332.075\(1\)](#)  
[ORS 336.035](#)

[OAR 581-021-0046](#)  
[OAR 581-022-2000](#)  
[OAR 581-022-2030](#)  
[OAR 581-022-2250](#)

[OAR 581-022-2300](#)  
[OAR 581-022-2305](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2315](#)

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<sup>1</sup> [The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).]

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## OSBA Model Sample Policy

Code: IGAC  
Adopted:

### Religion and Schools

Teachers shall be permitted to teach or present to students information concerning religions and religious beliefs, but teachers shall not promote or inhibit, openly or covertly or by subtlety, a particular religion, religious belief or nonreligious belief.

Students and staff members may be excused from participating in programs or activities which are contrary to their religious beliefs without penalty.

END OF POLICY

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#### Legal Reference(s):

[ORS 332.107](#)

[ORS 336.035](#)

U.S. Const. amend. I.

OR. CONST., art. I.

Kennedy v. Bremerton Sch. Dist., [142 S. Ct. 2407 \(2022\)](#)

Deleted: 869 F.3d 813 (9th Cir. 2017)

## OSBA Model Sample Policy

Code: IGAI  
Adopted:

### **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 their 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;

HR8/08/22 | LF ----- Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education\*\* – IGAI

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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

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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.

The district's health and sexuality education will provide information on menstrual health and will be inclusive and affirming of transgender, non-binary, intersex, and two spirit/indigiqueer students; be positive and not fear- or shame-based; be age-appropriate; be medically-accurate; be culturally responsive; and be accessible for students with disabilities.

END OF POLICY

**Legal Reference(s):**

<a href="#">ORS 336.035</a>	<a href="#">ORS 339.370 - 339.400</a>	<a href="#">OAR 581-022-2030</a>
<a href="#">ORS 336.059</a>		<a href="#">OAR 581-022-2050</a>
<a href="#">ORS 336.107</a>	<a href="#">OAR 581-021-0009</a>	<a href="#">OAR 581-022-2220</a>
<a href="#">ORS 336.455 - 336.474</a>	<a href="#">OAR 581-021-0593</a>	

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# OSBA Model Sample Policy

Code: IGBAF

Adopted:

## Special Education - Individualized Education Program (IEP)\*\*

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district; or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

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### Legal Reference(s):

[ORS 343.151](#)  
[ORS 343.155](#)

[OAR 581-015-2000](#)  
[OAR 581-015-2190](#)  
[OAR 581-015-2195](#)  
[OAR 581-015-2200](#)

[OAR 581-015-2205](#)  
[OAR 581-015-2210](#)  
[OAR 581-015-2215](#)  
[OAR 581-015-2220](#)  
[OAR 581-015-2225](#)  
[OAR 581-015-2229](#)  
[OAR 581-015-2230](#)

[OAR 581-015-2235](#)  
[OAR 581-015-2055](#)  
[OAR 581-015-2600](#)  
[OAR 581-015-2065](#)  
[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 to -300.6, 300.22 to -300.24, 300.34, 300.43, 300.105 to -106, 300.112, 320.325, 300.328, 300.501 (2012).

# OSBA Model Sample Policy

Code: IGBB  
Adopted:

## Talented and Gifted Program and/or Services\*\*

The district is committed to an educational program that recognizes, identifies and serves the unique strengths and needs of students identified as talented and gifted. Talented and gifted students demonstrate exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.

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Deleted: are those who have been identified as academically talented and/or intellectually gifted

The Board directs the superintendent to develop a process for identification of talented and gifted students in grades K through 12. ~~{(See Board policy IGBBA – Talented and Gifted Students – Identification\*\*)}~~

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The district will develop a written plan of instruction for talented and gifted students in accordance with law. ~~{that:~~

- ~~1. — Includes a statement of the district policy on the education of talented and gifted students (this policy);~~
- ~~2. — Identifies and assesses special talented and gifted programs and services available in the district;~~
- ~~3. — States goals related to providing such programs and services, including timelines for achievement;~~
- ~~4. — Describes the programs and services intended to accomplish stated goals;~~
- ~~5. — Describes how the district provides parents an opportunity to discuss and to provide input on programs and services for their child;~~
- ~~6. — Describes how the district will evaluate progress of the plan; and~~
- ~~7. — States the name and contact information for the district's talented and gifted coordinator.<sup>1</sup> }~~

Deleted: A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students and provides an opportunity for the student's parents to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available to the student.

~~{The district shall submit such plan to the Oregon Department of Education (ODE) as directed.}~~

~~{The plan will be provided at the school or the district office, when requested, and will be published on the district's website. The district website shall provide the name and contact information of the district's coordinator of special education and programs for talented and gifted.} {The district will annually report the name and contact information of the district's TAG coordinator to ODE.}~~

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~~{The district may also identify and provide programs for students who demonstrate outstanding ability or potential in creative ability in using original or nontraditional methods in thinking and producing; leadership ability in motivating the performance of others in educational or noneducational settings; and/or ability in the visual or performing arts, such as dance, music or art.}~~

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<sup>1</sup> For the list of complete requirements of the plan, see ORS 343.397(1).

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Complaints regarding programs and/or services can be filed in accordance with Board Policy KL – Public Complaints, beginning at Step 2. ~~The superintendent or designee may choose to convene a committee in making a decision.] [the procedure in the accompanying administrative regulation, IGBB AR – Complaints Regarding the Talented and Gifted Program and/or Services.]~~

END OF POLICY

**Legal Reference(s):**

[ORS 343.391 - 343.401](#)  
[ORS 343.407 - 343.413](#)

[OAR 581-022-2325](#)  
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)  
[OAR 581-022-2500](#)

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Senate Bill 486 (2021)

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# OSBA Model Sample Policy

Code: IGBBA  
Adopted:

## Talented and Gifted Students - Identification\*\*

In order to serve talented and gifted (“TAG”) students in grades K through 12, the district directs the superintendent for designee after due consideration of the input of staff, parents and the community to establish an identification process.

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This process of identification shall include at a minimum:

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1. Use of evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of TAG students under ORS 343.395.
2. Collection and use of multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student’s identification team to make a determination about the identification and eligibility of the students for TAG services, supports and/or programs; with no single test or piece of evidence eliminating a student from eligibility.
3. Use of methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:
  - a. Students who are racially/ethnically diverse;
  - b. Students experiencing disability;
  - c. Students who are culturally and/or linguistically diverse;
  - d. Students experiencing poverty; and
  - e. Students experiencing high mobility.
4. Incorporate assessments, tools and procedures that will inform the development of an appropriate plan of instruction for students who are identified as TAG and describe how information from the assessments, tools and procedures used in the identification for TAG students will be used to support development of the plan of instruction.
5. Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team’s decision and the procedures and data used by the team to make the decision.

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Deleted: <#>A nationally standardized mental ability test for assistance in the identification of intellectually gifted students.¶

The district will provide professional development for staff assigned the responsibility for identification of talented and gifted students.

The identification team may use sources of evidence described in OAR 581-022-2325(3) to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness.

Deleted: <#>A nationally standardized academic achievement test of reading or mathematics [or a test of total English Language Arts/Literacy or total mathematics] on the Smarter Balanced Assessment [Consortium] for assistance in identifying academically talented students.¶ <#>Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.¶ <#>¶

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Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon’s content standards and benchmarks. Standardized assessments used for academic/achievement-based identification

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Talented and Gifted Students - Identification\*\* – IGBBA

shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of TAG identification. Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations.†

When a student is identified for TAG, the district shall inform parents of the programs and services available to their student and provide an opportunity for parents to provide input to, and discuss TAG instruction proposed for their student. The instruction provided shall be designed to accommodate the student’s assessed levels of learning and accelerated rates of learning. Parents may request the withdrawal of their student from TAG at any time.

If a parent is dissatisfied with the identification process or placement of their student, they may submit an appeal through †Board policy KL - Public Complaints and begin at †Step 2† with the superintendent for designee†† ~~the accompanying administrative regulation, IGBBA AR – Appeal Procedure for Talented and Gifted Student Identification and Placement\*\*~~.

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After exhausting the district’s appeal procedure and receiving the district’s final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

END OF POLICY

**Legal Reference(s):**

[ORS 343.395](#)  
[ORS 343.407](#)  
[ORS 343.409](#)

[ORS 343.411](#)  
[OAR 581-021-0030](#)  
[OAR 581-022-2325](#)

[OAR 581-022-2330](#)  
[OAR 581-022-2370](#)  
[OAR 581-022-2500](#)

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## OSBA Model Sample Policy

Code: IGBBC  
Adopted:

### Talented and Gifted – Programs and Services\*\*

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student's access to appropriate services and will develop program and service options. [These options may include, but are not limited to, the following:

1. [Early Entrance;]
2. [Grade Skipping;]
3. [Ungraded/Multi-age Classes;]
4. [Cluster Grouping in Regular Classes;]
5. [Continuous Progress;]
6. [Cross Grade Grouping;]
7. [Compacted/Fast-Paced Curriculum;]
8. [Special Full- or Part-Time Classes;]
9. [Advanced Placement Classes;]
10. [Honors Classes;]
11. [Block Classes;]
12. [Independent Study;]
13. [Credit by Examination;]
14. [Concurrent Enrollment;]
15. [Mentorship/Internship;]
16. [Academic Competitions;]
17. [Magnet Programs/Schools.]

The Board has established an appeal process for a parent or guardian to utilize if they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in [Board policy KL – Public HR7/18/19 | PH

Talented and Gifted – Programs and Services\*\* – IGBBC

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**Commented [LF1]:** *(Consider deleting this with application of new rules and law and changes to IGBB and IGBA)*

Complaints\*\*] [administrative regulation IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement].

The Board has established a complaint procedure to utilize if a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted. This complaint procedure, IGBBC-AR - Complaints Regarding the Talented and Gifted Program, is available at the district's administrative office and on the home page of the district's website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

**Legal Reference(s):**

[OAR 581-022-2325](#)  
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)  
[OAR 581-022-2500](#)

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# OSBA Model Sample Policy

Code: IGBHE  
Adopted:

## Expanded Options Program\*\*

The Board is committed to providing additional educational options to eligible students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district's Expanded Options Program (EOP) will comply with all requirements of Oregon law (ORS 340) and give priority status to "at-risk" students.

### Eligible Students

Eligible students may apply to take courses at an eligible post-secondary institution through the Expanded Options Program. A student is eligible for the EOP if the student:

1. Is 16 years of age or older at the time of enrollment in a course under the EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits to be in grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan;
4. Has not successfully completed the requirements for a high school diploma. A student who has graduated from high school may not participate; and
5. Is not an exchange student enrolled in a school under a cultural exchange program.

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### Student Notification

Prior to February 15 of each year, the district shall notify all high school students and the parent or guardian of students of the EOP for the following school year. The district will notify a transfer high school student, or a student returning to high school after dropping out of school, of the EOP if the student enrolls after the district has issued the February 15 notice. The district will notify a high school student who has officially expressed an intent to participate in the EOP, and the student's parent or guardian, of the student's eligibility status within 20 business days of the expression of intent.

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It is a priority for the district to provide information about the EOP to high school students who have dropped out of school. The district shall establish a process to identify and provide those students with information about the program. The district shall send information about the program to the last-known address of the family of the student.

The notice must include the following:

1. Financial arrangements for tuition, textbooks, equipment and materials;
2. Available transportation services;

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3. The effect of enrolling in the EOP on the student’s ability to complete high school graduation requirements;
4. The consequences of failing or not completing a post-secondary course;
5. Notification that participation in the EOP is contingent on acceptance by an eligible post-secondary institution; and
6. District timelines affecting student eligibility and duplicate course determinations.

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**Enrollment Process**

Prior to May 15 of each year, a student who is interested in participating in the EOP shall notify the district of the intent to enroll in eligible post-secondary courses during the following school year. A high school transfer student or a student returning to high school after dropping out of school has 20 business days from the date of enrollment to indicate interest.

Deleted: <#>Exclusion of duplicate courses as determined by the district;¶  
 <#>The process for a student to appeal the district’s duplicate course determination to the Superintendent of Public Instruction or the Superintendent’s designee under ORS 340.030;¶  
 <#>Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident high school.¶

The district shall review with the student and the student’s parent or guardian the student’s current status toward meeting all state and district graduation requirements and the applicability of the proposed eligible post-secondary course to the remaining graduation requirements.

Deleted: returning dropout

A student who intends to participate in the EOP shall develop an educational learning plan in cooperation with an advisory support team. An advisory support team may include the student, the student’s parent or guardian and a teacher or a counselor. The educational learning plan may include:

1. The student’s short-term and long-term learning goals and proposed activities; and
2. The relationship of the eligible post-secondary courses proposed under the EOP and the student’s learning goals.

A student who enrolls in the EOP may not enroll in eligible post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the EOP in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

**Duplicate Courses**

The district will establish a process to determine duplicate course designations. The district will notify an eligible student and the student’s parent or guardian, of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. The Board or designee will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board or designee, the student may appeal the district’s determination to the Superintendent of Public Instruction or designee under ORS 340.030.

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**Annual Credit Hour Cap**

HR 8/08/22 | LF

Expanded Options Program\*\* – IGBHE

The number of quarter credit hours that may be awarded by a high school under the EOP is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a factor of 0.33. For example, the cap for a high school with 450 students in grades 9 through 12 would be 148.5 (450 X 0.33 = 148.5). (The caps must be established separately for each high school.)

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced lunch program; or (2) an at-risk student as defined by rules adopted by the State Board of Education if it has adopted rules to define an at-risk student.

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If the district has not exceeded the credit hour cap, the district shall ensure that all eligible at-risk students are allowed to participate in the EOP and may allow eligible students who are not at-risk to participate in the program.

### Post-Secondary Institution Credit

Prior to beginning an eligible post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and the student regarding the number or type of credits that the district will or has granted to a student for a particular course, the student may appeal the district's decision to the Board.

Credits granted to a student shall be counted toward high school graduation requirements and subject area requirements of the state and the district. Evidence of successful completion of each course and credits granted shall be included in the student's education record. A student shall provide the district with a copy of the student's grade in each course taken for credit under the EOP. The student's education record shall indicate that the credits were earned at an eligible post-secondary institution.

### Financial Agreement

The district shall negotiate in good faith a financial agreement with the eligible post-secondary institution for the payment of actual instructional costs associated with the student's enrollment, including tuition and fees, textbooks, equipment and materials.

### Waiver

A district may request an EOP waiver from the Superintendent of Public Instruction<sup>2</sup> if compliance with the EOP would adversely impact the finances of the district or if all conditions identified in ORS 340.083(1)(b)<sup>3</sup> exist.

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<sup>1</sup> {ORS 340.040(3) allows a student to appeal through an "appeals process adopted by the school district board."}

<sup>2</sup> Oregon Department of Education

<sup>3</sup> {The district does all of the following:

1. Offers a dual credit program, a two-plus-two program, an advanced placement program, an International Baccalaureate program or any other accelerated college credit program;

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## Student Reimbursement

Students are not eligible for any state student financial aid for college coursework, but students may apply to the district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. All textbooks, fees, equipment and materials provided to a student and paid for by the district are the property of the district.

## Transportation Services

The district may provide transportation services to eligible students who attend eligible post-secondary institutions within the education service district boundaries of which the district is a component district.

## Special Education Services

The district of an eligible student participating in the EOP shall be responsible for providing any required special education and related services to the student. If a post-secondary institution intends to provide special education and related services to an EOP participant, the institution shall enter into a written contract with the district of the student.

The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parent or guardian and district agree otherwise;
2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parent or guardian of the student regarding the student's participation in the program at the institution.

## District Alternative Programs

The EOP does not affect any program, agreement or plan that existed on January 1, 2006, between the district and a post-secondary institution, which has been continued or renewed.

Any new program, agreement or plan that is developed after January 1, 2006, and is intended to provide access for public high school students to a post-secondary course, may be initiated at the discretion of the district and the post-secondary institution.

2. Ensures that at-risk students who participate in the accelerated college credit programs are not required to make any payments for participation in the programs; and
3. Has a process for participation in the programs that allows:
  - a. All at-risk students who are eligible students to participate in the programs;
  - b. At-risk students to earn the number of credit hours established by the State Board of Education by rule under ORS 340.080; or
  - c. For an increasing number of at-risk students who are eligible students to participate in the programs each school year based on demand and appropriateness and as provided by a plan developed by the school district.]

Deleted: <#>Compliance would adversely impact the finances of the district; or¶  
<#>Accelerated college credit programs are offered by the district (e.g., Dual Credit, Sponsored-Based Dual Credit, Assessment-Based Dual Credit, Articulated Career Technical Education (CTE) courses, two-plus-two programs, Advanced Placement (AP), International Baccalaureate Programs or other locally developed program that offers Accelerated College Credit to their respective high school students).¶

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END OF POLICY

**Legal Reference(s):**

[ORS 329.485](#)  
[ORS 332.072](#)

[ORS 336.615 - 336.665](#)  
[ORS Chapter 340](#)

Every Student Succeeds Act, 20 U.S.C. §§ 1111-1605; §§ 3111-3203 (2018).  
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2018).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2022); 28 C.F.R. Part 35 (2022).  
Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12133 (2018).  
Rehabilitation Act, 29 U.S.C. §§ 791, 794 (2018).  
Title IX of the Education Amendments, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018).  
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2022).  
Individuals with Disabilities Education Act, as amended, 20 U.S.C. §§ 1400-1401, 1411-1416 (2018); 34 C.F.R. Part 300 (2022).

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# OSBA Model Sample Policy

Code: IGDJ  
Adopted:

## Interscholastic Activities\*\*

The Board recognizes the integral role interscholastic activities<sup>1</sup> play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, advisors, student participants, and others associated with the district's high school activities programs and events, shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and any associated voluntary organization<sup>3</sup>. Each will be held accountable for their actions.†

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The district and its schools may only be members of and pay fees, if any, to a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities if the organization:

1. Implements and adheres to equity focused policies that:
  - a. Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic activity;
  - b. Prohibit discrimination;
  - c. Permit a student to wear religious clothing in accordance with the student's sincerely held religious belief and consistent with any safety and health requirements; and
  - d. Balance the health, safety, and reasonable accommodation needs of participants on an activity-by-activity basis;
2. Maintains a transparent complaint process that:
  - a. Has a reporting system to allow participants of interscholastic activities or members of the public to make complaints about student, coach, or spectator behavior;
  - b. Responds to a complaint made within 48 hours of the complaint being received; and
  - c. Resolves a complaint within 30 days of the complaint being received unless the organization determines that there is good cause to extend the timeline for resolving the complaint;
3. Develops and implements a system of sanctions against schools, students, coaches, and spectators if a complaint is verified; and
4. Performs an annual survey of students and their parents to understand and respond to potential violations of equity focused policies or other discrimination.

<sup>1</sup> Interscholastic activities includes: for students any grade from kindergarten through grade 12, athletics, music, speech and other similar or related activities; for students in any grade from kindergarten through grade eight, activities that are offered only before or after regular school hours and that may, but are not required to, involve interaction among other schools.

<sup>3</sup> Includes a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

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{4} The district shall allow homeschooled students that reside in the district, students eligible to attend school and enrolled in a high school equivalency program<sup>5</sup> that reside in the district, and students attending a public charter school that does not provide interscholastic activities that reside in the district, the opportunity to participate in available interscholastic activities when the requirements found in Oregon law are met.

Deleted: district- or ESD-provided General Education Development (GED)

Interscholastic activities when provided by the district will comply with Title IX and other nondiscrimination laws.

{6} District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, advisors and coaches are each responsible for ensuring student participants meet all district eligibility requirements of participation and those of the associated voluntary organization. The principal for designee is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal for designee shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

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Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or the rules and regulations of the associated voluntary organization. The principal shall notify the superintendent for designee of conduct that violates the terms of this policy and report to the associated voluntary organization if required.

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An employee determined to have violated Board policies and/or rules and regulations of the associated voluntary organization will be subject to discipline, up to and including, dismissal. A student in violation of Board policies and/or the rules and regulations of the associated voluntary organization will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of Board policies and/or the rules and regulations of the associated voluntary organization shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the district.

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Employees, volunteers, or students in violation of such policies, rules and/or regulations [will] [may] be required to remunerate the district in the event fines are assessed as a result of their actions.

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The superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

<sup>4</sup> {This policy content is required practice but is not required policy language.}

<sup>5</sup> “High school equivalency program” means a program provided to assist a student in earning a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test.

<sup>6</sup> {The remaining policy content is optional, but highly recommended language to inform about and support governance of activities (see beginning bracket here; ending with last paragraph of policy – see closing bracket).}

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The district will annually review interscholastic activities and participation to determine whether the current offerings reflect the students the district serves.]

END OF POLICY

**Legal Reference(s):**

[ORS 326.051](#)

[ORS 332.075\(1\)\(e\)](#)

[ORS 332.107](#)

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

[OAR 581-021-0045 – 0049](#)

[OAR 581-022-2308\(2\)](#)

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2022).

Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).

Senate Bill 1522 (2022).

Deleted: OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.¶

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# OSBA Model Sample Policy

Code: IK  
Adopted:

## Academic Achievement\*\*

The Board believes it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The district shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who have not yet met or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students ~~{will} {may}~~ be informed ~~{at least annually,}~~ of their student's progress toward achieving the academic content standards, including but not limited to:
  - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
  - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
  - c. ~~{Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district;}~~
  - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district or the individual and time periods for the waiver; and
  - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude ~~{or behavior}~~. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade. ~~{;}~~ ~~{Behavior performance shall be reported separately;}~~
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;
5. When no grades are given but the student is evaluated in terms of progress, the school staff will ~~{show whether the student is achieving course requirements at the student's current grade level;}~~

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6. The staff will take particular care to explain to students the meaning of marks and symbols used to reflect student performance.

END OF POLICY

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**Legal Reference(s):**

[ORS 107.154](#)  
[ORS 329.485](#)

[ORS 343.295](#)  
[OAR 581-021-0022](#)

[OAR 581-022-2260](#)  
[OAR 581-022-2270](#)

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# OSBA Model Sample Policy

Code: IKF  
Adopted:

## Graduation Requirements\*\*

(If the district has additional credit or graduation requirements above the state requirements, the district is required to include those additional credits and graduation requirements in the following lists.)

The Board establishes graduation requirements for 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 ~~an~~ educational program<sup>2</sup> in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that ~~educational program in this state.~~

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

<sup>2</sup> "Educational program in this state" means an educational program that is provided by a school district, a public charter school, the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.962 or a hospital identified in ORS 343.261.

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## Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits<sup>{3}</sup> which include at least:

1. Three credits in 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 in language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (including history, civics<sup>4</sup>, 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<sup>5</sup> (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<sup>{6}</sup>:

1. Develop an education plan and build an education profile;
2. Demonstrate extended application through a collection of evidence; and
3. Participate in career-related learning experiences.

## 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

<sup>3</sup> {If the district has additional credit or graduation requirements, the district is required to include those additional credits and graduation requirements in the following lists. However, if the district provides an education as described in ORS 336.585 or 336.590 and awards high school diplomas, the district may not impose requirements for a high school diploma in those instances that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education. }

<sup>4</sup> {Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451). {This is not required language at this time but the district could choose to keep language with the footnote, and certainly should keep if the district already provides this instruction.}}

<sup>5</sup> "World language" includes sign language, heritage language and languages other than a student's primary language.

<sup>6</sup> {The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).}

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reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

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

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

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.

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 in mathematics;
  - b. Two credits in language arts;
  - c. Two credits in science;
  - d. Three credits in history, geography, economics or civics;
  - e. One credit in health;
  - f. One credit in physical education; and
  - g. One credit in 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 the later of 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 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 may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education’s Opt-out Form<sup>7</sup> and submitting the form to the district.

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 act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “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

**Legal Reference(s):**

<a href="#">ORS 329.007</a>	<a href="#">ORS 339.115</a>	<a href="#">OAR 581-022-2010</a>
<a href="#">ORS 329.045</a>	<a href="#">ORS 339.505</a>	<a href="#">OAR 581-022-2015</a>
<a href="#">ORS 329.451</a>	<a href="#">ORS 343.295</a>	<a href="#">OAR 581-022-2020</a>
<a href="#">ORS 329.479</a>		<a href="#">OAR 581-022-2025</a>
<a href="#">ORS 332.107</a>	<a href="#">OAR 581-021-0009</a>	<a href="#">OAR 581-022-2030</a>
<a href="#">ORS 332.114</a>	<a href="#">OAR 581-022-0102</a>	<a href="#">OAR 581-022-2115</a>
<a href="#">ORS 336.585</a>	<a href="#">OAR 581-022-2000</a>	<a href="#">OAR 581-022-2120</a>
<a href="#">ORS 336.590</a>	<a href="#">OAR 581-022-2005</a>	<a href="#">OAR 581-022-2505</a>

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

[Senate Bill 1522 \(2022\)](#).

**Deleted:** House Bill 2056 (2021),<sup>¶</sup>  
Senate Bill 744 (2021).

<sup>7</sup> Oregon Department of Education page for: [30-day notice and opt-out form](#)

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# OSBA Model Sample Policy

Code: IMB  
Adopted:

## District Improvement Program

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the district. The district will accomplish this through continued evaluation and improvement of its programs.

The superintendent will ensure development and implementation of a comprehensive, collaborative planning and self-evaluation process that engages the school community ~~involves parents, students, teachers, school employees and community representatives from the demographic groups of their school population~~ in the district's goal setting and continuous improvement program efforts.

The district's program will be consistent with Oregon Department of Education requirements and reflected in school and district continuous improvement plans.

The district will, in striving for continuous improvement, annually review district and individual school data on student achievement and prioritize, allocate and realign resources as necessary. The district will annually review and report test results and progress to the community.

The superintendent will develop administrative regulations as needed to implement this policy.

END OF POLICY

### Legal Reference(s):

[ORS 329.095](#)

[ORS 332.107](#)

[OAR 581-022-2250](#)

**Deleted:** Student Achievement

**Deleted:** (Required only if the district has a school in improvement as designated by ODE.)

**Deleted:** Student achievement will be defined by the district and include, but not be limited to, improved assessment results, increased student attendance and reduced drop-out rates and diploma attainment.

**Deleted:** its

**Deleted:** student achievement

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[OAR 581-022-2010](#)

[HR8/08/22](#) | LF

District Improvement Program – IMB

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**Deleted:** Student Achievement

# OSBA Model Sample Policy

Code: JEA  
Adopted:

## Compulsory Attendance\*\*

Except when exempt by Oregon law, all children between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term. Persons having legal control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to have the child attend and maintain the child in regular attendance during the entire school term.

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school. Persons having legal control of a child, who is five years of age and has enrolled the child in a public school, are required to have the child attend and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee.

The district will develop procedures for issuing a citation.

A parent who is not supervising their child by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c); failing to supervise a child is a Class A violation.

### Exemptions from Compulsory School Attendance

In the following cases, children shall not be required to attend public, full-time schools:

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
5. Children being educated in the home by a parent, guardian or private teacher. ~~§ 11.1~~

~~a. [When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the [ ] Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD shall acknowledge receipt of any notification in writing~~

**Deleted:** Persons having legal control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to have the child attend and maintain the child in regular attendance during the entire school term. Persons having legal control of a child, who is five years of age and has enrolled the child in a public school, are required to have the child attend and maintain the child in regular attendance during the school term.¶

**Deleted:** Failure to send a child to school and to maintain a child in regular attendance in school is a Class C violation.

**Deleted:** superintendent

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~~within 90 days of receipt of the notification. The ESD is to notify, at least annually, school districts of home schooled students who reside in their district;~~

~~b. Each child being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:~~

~~(1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;~~

~~(2) If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3;~~

~~e. Procedures for homeschooling students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;~~

~~d. Examinations testing each child shall be from the list of approved examinations from the State Board of Education;~~

~~e. The examination must be administered by a neutral, individual qualified to administer tests on the approved list provided by the Oregon Department of Education;~~

~~f. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;~~

~~g. All costs for the test instrument, administration and scoring are the responsibility of the parent;~~  
~~h. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.}~~

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6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Children excluded from attendance as provided by law.
9. Children who are eligible military children<sup>1</sup> are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.
10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 - 419B.558.

END OF POLICY

<sup>1</sup> "Military child" means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

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**Legal Reference(s):**

[ORS 153.018](#)

[ORS 163.577](#)

[ORS 339.010 - 339.095](#)

[ORS 339.139](#)

[ORS 339.990](#)

[ORS 807.065](#)

[ORS 807.066](#)

[OAR 581-021-0026](#)

[OAR 581-021-0029](#)

[OAR 581-021-0076](#)

[OAR 581-021-0077](#)

# OSBA Model Sample Policy

Code: **JGAB**  
Adopted:

## Use of Restraint or Seclusion\*\*

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint 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<sup>1</sup>, 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 mouth, 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.

The use of a seclusion cell is prohibited.

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

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<sup>1</sup> The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

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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. “Restraint” means the restriction of a student’s actions or movements by holding the student or using pressure or other means.

“Restraint” does not include:

- a. Holding a student’s 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 includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“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, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student’s behavior.

3. “Seclusion cell” means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

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4. “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.
5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
6. “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.
7. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health 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.
8. “Prone restraint” means a restraint in which a student is held face down on the floor.
9. “Supine restraint” means a restraint in which a student is held face up on the floor.

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 † 2† training program of restraint 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 behavior 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 seclusion.

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

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

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in 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 staff as a result of the use of restraint or seclusion;

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† The district must identify the program utilized for training.†

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7. The total number of students placed in restraint 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 restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics<sup>3</sup> of all students upon whom restraint 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 public at the district’s main office and on the district’s website, and to the Board.

At least once each school year the parents and guardians of students of the district shall be notified 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.

The complainant, whether an organization or an individual, may appeal a district’s final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. ~~[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 restraint or seclusion by district staff.

END OF POLICY

**Legal Reference(s):**

<a href="#">ORS 161.205</a>	<a href="#">ORS 339.300</a>	<a href="#">OAR 581-021-0563</a>
<a href="#">ORS 339.250</a>	<a href="#">ORS 339.303</a>	<a href="#">OAR 581-021-0566</a>
<a href="#">ORS 339.285</a>		<a href="#">OAR 581-021-0568</a>
<a href="#">ORS 339.288</a>	<a href="#">OAR 581-021-0061</a>	<a href="#">OAR 581-021-0569</a>
<a href="#">ORS 339.291</a>	<a href="#">OAR 581-021-0550</a>	<a href="#">OAR 581-021-0570</a>
<a href="#">ORS 339.294</a>	<a href="#">OAR 581-021-0553</a>	<a href="#">OAR 581-022-2267</a>
<a href="#">ORS 339.297</a>	<a href="#">OAR 581-021-0556</a>	<a href="#">OAR 581-022-2370</a>

<sup>3</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.

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# OSBA Model Sample Policy

Code: JHC  
Adopted:

## Student Health Services and Requirements\*\*

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

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The district shall staff nursing services appropriate for students with medical needs and prevention-oriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.

The district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements.

The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

Any nurse(s) providing services on behalf of the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.

The district shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;

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<sup>1</sup> For additional delegation requirements, see OAR [851-047-0030](#).

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4. Health care and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special health care needs;
8. Integration of school health services with school health education programs.

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The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination<sup>2</sup> or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

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END OF POLICY

**Legal Reference(s):**

[ORS 329.025](#)  
[ORS 336.201](#)

[ORS 336.211](#)  
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)  
[OAR 581-022-2225](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

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Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

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Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

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<sup>2</sup> The term "invasive physical examination," as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

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# OSBA Model Sample Policy

Code: KBA  
Adopted:

## Public Records Request\*\*

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the district office.

A "public record" includes any writing that contains information relating to the conduct of the public's business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.<sup>1</sup> "Writing" means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.<sup>2</sup>

All such information will be made available to individuals with disabilities in an accessible format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make reasonable efforts to disseminate information. Each principal is authorized to use available means to keep parents and others in the particular school's community informed about the school's program and activities.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for persons with disabilities.

Employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.363 - 368 and ORS 192.355(3). District electronic mail addresses assigned by the district to district employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member.

<sup>1</sup> There are multiple definitions for "public record" in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

<sup>2</sup> In accordance with *Bialostosky v. Cummings*, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

**Deleted:** "Public record" means any information that:¶

¶  
Is prepared, owned, used or retained by the district;¶  
Is related to an activity, transaction or function of the district; and¶  
Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the district.¶

**Deleted:** includes

**Deleted:** messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded

**Deleted:** A request to inspect or receive a copy of a public record shall be in writing and will be presented to the [superintendent's] office.¶

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.¶

The Board's official minutes, its written policies and its financial records will be available at the superintendent's office for inspection by any citizen desiring to examine them during hours when the superintendent's office is open.

**Deleted:** any appropriate

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**Deleted:** all

**Deleted:** available

**Deleted:** of his/her

**Deleted:** No records will be released for inspection by the public or any unauthorized persons – either by the superintendent or any other person designated as custodian for district records – if such disclosure would be contrary to the public interest, as described in state law.¶

**Deleted:** qualified

**Deleted:** (other than district electronic mail addresses assigned by the district to district employees)

**Deleted:** Oregon Revised Statute (

**Deleted:** )

**Deleted:** Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law.

**Deleted:** District electronic mail addresses assigned by the district to district employees are not exempt.

**Deleted:** 9/28/17

**Deleted:** RS

The district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

**Legal Reference(s):**

[ORS 180.805](#)  
[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)  
[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual*.

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

*Bialostosky v. Cummings*, 319 Or. App. 352 (2022).

- Deleted: 2
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- Deleted: (2014)

- Deleted: 9/28/17
- Deleted: RS

# Board Maintenance Report

August 10th, 2022

## **FOOTBALL FIELD IRRIGATION**

The irrigation system is complete and is running. The field has been aerated, seeded and fertilized.

## **MODULAR OFFICE**

The plans are currently in with the planner and building department. They still need to run through sanitation, but we hope to have plans in hand to place the new modular office this fall.

## **SIDEWALK TO DISTRICT OFFICE**

A gravel pathway connecting the district office to the main campus was installed along the fence line.

## **FLOORS**

The classroom floor waxing will be completed by the end of the week.

## Technology/Transportation Board Report

August 2022

1. All Buses have either completed or are currently being inspected for annual inspection.
2. Received 60 New chrome books to enter into circulation this school year to replace the old and unreliable CTL devices
3. 65 iPads have been shipped to replace sets of devices in Kindergarten, some first grade, third grade and some fourth grade and to support online student requests.
4. Email migration was more difficult than Lane ESD expected with numerous failed transfers of accounts and some crossing of accounts by the automated system. Most issues hopefully have been identified and have been addressed. Standing ready for return of all staff to address their needs.
5. The Wi-Fi system in process of being replaced. Had numerous access ports fail as soon as they started being used again for summer school. The system was older and it just pushed forward the timeline of a planned replacement. The new system that is being installed allows us to provide wireless access to all personal devices (not School District devices) using a separate pool of IP addresses not normally associated with the actual network, thus relieving us of depleted addresses for school devices, which was a problem in the past. An open guest network will support all privately owned devices now. This system can also be managed remotely using a phone or other portable device quickly and easily.
6. 15 new IP cameras are now installed on the new surveillance system, doubling the previous ability. The new system will allow administration to quickly and easily pull up camera feeds at their workstation. An additional 18 cameras are planned which will replace exact locations currently covered by the old analog system plus additional locations not previously monitored.

## **District Board Meeting: Triangle Lake Charter School Report**

### **August 2022 Meeting**

- **Summer School is currently in session**
  - **K-8: 24 students**
    - **Core Subjects, Physical Education, STEM & Arts/Crafts**
    - **Enrichment Field Trips**
  - **High School: 14 students**
    - **Credit Recovery Courses**
  
- **New for this school year:**
  - **School Day Length: Our school day length has shifted a bit this school year, school starts at 8:00am and school ends at 3:35pm.**
  - **AVID: We are excited to bring a college and career readiness program, AVID, to all our students.**
  - **K-5 Schedule/Rotations: We are returning to the elementary afternoon rotation schedule we've used in previous years for Music, PE, Title and Extensions.**
  - **6-12 Bell Schedule: We have gone back to a traditional bell schedule for secondary students; 7 class periods plus a 30 minute AVID elective.**
  - **Lockers: Lockers are back in the hallways! Students in grades 7-12 will be issued a locker at registration on August 24th.**
  
- **Sports Update:**
  - **HS Volleyball & Football official practices begin on August 15<sup>th</sup>**
  - **HS Cross Country official practices begin on August 22<sup>nd</sup>**
  - **MS Sports practices begin the first day of school September 6<sup>th</sup>**
  
- **Upcoming events:**
  - **MS/HS Registration Event August 24<sup>th</sup> from 2:00pm-6:00pm**
    - **Class schedules**
    - **Forms/Fees**
    - **Locker Check-out**
  - **School Picture Day September 20<sup>th</sup>**

# English Learners in Oregon

Annual Report 2020-21

June 2022



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## **Acknowledgements**

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## Executive Summary

ORS 327.016 directs the Oregon Department of Education (ODE) to prepare an annual report on English learner program funding and student outcomes. The report's intention is to describe the population of English Learners in Oregon and provide a summary of district and state progress towards meeting their needs and objectives. This report is also available on the [ODE website](#). Any member of the public can contact the Government Relations and External Affairs Director to request a copy of this report.

### Definitions

ORS 327.016 describes students who receive English language instruction, supports, and services as part of an English language development (ELD) program as English learners. While these students are learning English in an ELD program, the English learner label only focuses on a singular dimension (i.e., learning English) and does not reflect the linguistic and cultural assets of the students (García, 2009). Thus, although this report will use the English Learner label in order to comply with ORS 327.016, we recognize these students are multilingual and value their linguistic and cultural assets.

The ODE annually reports four groups of English learners: current, former, ever, and never English learners. Current English learners are multilingual students who were learning English in an ELD program during the 2020-21 school year<sup>1</sup>. Former English learners are multilingual students who demonstrated English proficiency and exited an ELD program prior to the 2020-21 school year. Ever English learners are the combination of both current and former English learners. Finally, never English learners are monolingual English or multilingual students who were not eligible to receive English language instruction, supports, and services in an ELD program before or during the 2020-21 school year.

### English Learners in Oregon's K-12 schools

As of May 1, 2021, 557,723 students enrolled in Oregon public schools and districts. Among those students, 9.6 percent were current English learners (53,677 students), 8.7 percent were former English learners (48,663 students), and 81.7 percent were never English learners (455,383 students). Both current and former English learners (i.e., ever English learners and 18.3 percent of students) were an incredibly diverse student population in 2020-21. These students brought rich linguistic and cultural heritages to their classrooms, schools, and communities.

The distribution of current English learners varied across grade levels and districts in Oregon during the 2020-21 school year. The district with the highest percentage of current English learners was Woodburn School District, with 36.2 percent of its student population learning English in an ELD program as of May 1, 2021. On the other hand, 49 percent of Oregon districts either had no current English learners or very few (i.e., less than 5 percent of all students).

Other key features of the English learner student population in the 2020-21 school year include the following:

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<sup>1</sup> Note that current English learners also include students who are eligible to receive English language instruction, supports, and services in an ELD program but do not participate because their parents or guardians waive English language instruction, supports, and services.

## English Learners in Oregon

- The majority of current English learners were in elementary grades (62.7 percent), while the majority of former English learners were in high school grades.
- The number of recently arrived current English learners (i.e., new immigrant students) declined from 4,925 in 2019-20 to 4,373 students in 2020-21.
- Spanish was the predominant home language of current English learners (76.3 percent), but overall there were 181 unique home languages spoken by current English learners. Other prevalent languages include Russian, Vietnamese, Chinese, Arabic, Chuukese, and Somali.
- Approximately 76.6 percent of current English learners were Latino/a/x, and 29.8 percent of Latino/a/x students were current English learners. Nearly the same percentage of Native Hawaiian/Pacific Islander students (28.5 percent) were current English learners.

### Participation in targeted programs

The report also examines the involvement of English learners in targeted federal and state programs: free or reduced price meals, special education, migrant education, and the talented and gifted (TAG) program.

Key findings include the following:

- A higher percentage of both current and former English learners were eligible for free or reduced price meals as compared to students who were never English Learners (86.3 and 79.2 percent vs. 58.8 percent).
- A higher percentage of current English learners received special education services and supports as compared to never English learners (21.1 vs. 15.2 percent); however, ever English learners and never English learners had similar percentages of students receiving special education services and supports (14.6 vs. 15.2 percent).
- Almost 11.0 percent of current English learners received services in migrant education programs (i.e., 5,930 students).
- While across Oregon 7.2 percent of never English learners participated in TAG programs, this figure was 5.6 percent for former English learners and just 0.3 percent for current English learners.

### Progress towards English Language Proficiency

Oregon monitors whether or not current English learners are on-track to attain English language proficiency within seven years. A little more than half of current English learners (55 percent) in elementary school grades were on track. In contrast, current English learners in middle or high school grades as well as current English learners with disabilities were much less likely to be on track.

### Student Academic Outcomes in English Language Arts and Mathematics

Data pertaining to English language arts and mathematics achievement for current, former, and never English learners are unavailable due to low and uneven assessment participation in 2020-21.

### Attendance

Former and never English learners have the highest levels of regular attendance in elementary school grades. Current English learners have rates of regular attendance substantially lower in elementary, middle, and high school grades. Regular attendance rates decline considerably for current, former, and never English learners in middle and high school grades.

### **Graduation**

Former English learners graduated at rates similar to or better than never English learners (84.2 vs. 81.1 percent); however, substantially fewer current English learners graduated in four years (64.4 percent).

### **Post-secondary enrollment**

Post-secondary enrollment rates for former English learners were very similar to those of never English learners; in both cases, about 62.0 percent of high school graduates enroll in college within 16 months of graduation. On the other hand, current English learners were less likely to enroll in post-secondary education institutions. About 42.0 percent of current English learners went on to college within 16 months of high school graduation.

### **District revenues and expenditures**

As in reports from previous years, this report summarizes the ratio of expenditures to revenues. In 2020-21, that ratio was 0.95, slightly less than it was in 2019-20.

## Introduction

In 2020-21, students who received English language instruction, supports, and services in an English language development (ELD) program as well as students who exited the ELD program prior to the 2020-21 school year made up 18.0 percent of all students in Oregon public schools and districts (as of the first school day in May 2021). They form a vital part of our student communities and bring a variety of cultural and linguistic assets that enrich our schools and districts. This report describes this diverse population of students, examines their academic progress and achievement, and summarizes information about key aspects of the education they receive in our state.

## Why this report?

ORS 327.016 directs the Oregon Department of Education (ODE) to prepare an annual report on English learner program funding and student outcomes. The report's intention is to describe the population of English Learners in Oregon and provide a summary of district and state progress towards meeting their needs and objectives in ELD programs. ORS 327.016 requires ODE to include the following information in the annual report:

- English learner student demographics.
- Length of participation in ELD programs.
- Participation in special education and related services.
- Other information identified by the ODE.

In addition, the annual report must include the following financial information:

- Allocations to each school district from the State School Fund for students enrolled in ELD programs.
- The extent to which districts expend these allocations for students enrolled in ELD programs.
- The categories of expenditures for ELD program funding.

Each annual report looks back at the prior school year, which for this year is the 2020-21 school year. This report will be available on the ODE website, submitted to House and Senate Education Committees, and provided to district school boards. State law requires the report to be available to the public at the district's main office and on the district's website.

## Definitions

ORS 327.016 describes students who receive English language instruction, supports, and services as part of an ELD program as English learners. While these students are learning English in an ELD program, the English learner label only focuses on a singular dimension (i.e., learning English) and does not reflect the linguistic and cultural assets of the students (García, 2009). Thus, although this report will use the English Learner label in order to comply with ORS 327.016, we recognize these students are multilingual and value their linguistic and cultural assets.

The ODE annually reports four groups of English learners: current, former, ever, and never English learners. Current English learners are multilingual students who were learning English in an ELD program during the

2020-21 school year<sup>2</sup>. Former English learners are multilingual students who demonstrated English proficiency and exited an ELD program prior to the 2020-21 school year. Ever English learners are the combination of both current and former English learners. Finally, never English learners are monolingual or multilingual students who were not eligible to receive English language instruction, supports, and services in an ELD program before or during the 2020-21 school year.

## Structure of this report

This report consists of five sections:

Section 1: Demographics of English Learners

Section 2: Participation in Targeted Programs

Section 3: Language Development and Academic Achievement

Section 4: Attendance, Progress toward Graduation, Graduation, and Beyond

Section 5: State Revenues and Expenditures for English Learners

Several aspects of this year's report differ from the reports the ODE issued in previous years. For example, where appropriate, this report provides comparisons to never English learners (i.e., students not eligible to receive services from an ELD program). Furthermore, in addition to describing statewide patterns, in some cases the report indicates which districts serve high percentages of certain types of students (e.g., students participating in migrant education programs).

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<sup>2</sup> Note that current English learners also include students who are eligible to receive English language instruction, supports, and services in an ELD program but do not participate because their parents or guardians waive English language instruction, supports, and services.

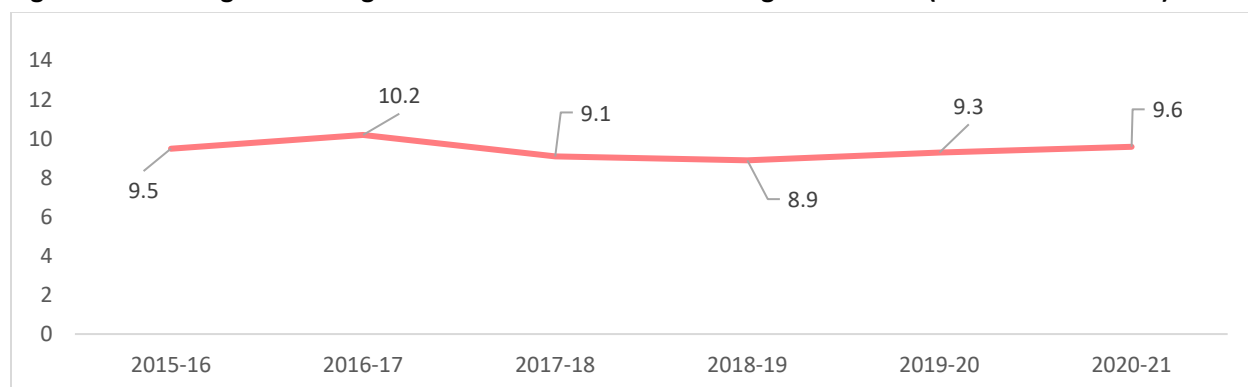
## Section 1: Demographics of English Learners in Oregon in 2020-21

As of the first school day in May 2021, 557,723 students enrolled in Oregon public schools and districts. Among those students, 9.6 percent were current English learners (53,677 students), 8.7 percent were former English learners (48,663 students), and 81.7 percent were never English learners (455,383 students). Both current and former English learners were an incredibly diverse student population in 2020-21 (representing 18.3 percent of all students). These students brought a rich linguistic and cultural heritage to their classrooms, schools, and communities. This section summarizes the demographics of Oregon’s English learner population, considering grade levels, interruptions in formal education among newcomer immigrant students, and racial, ethnic, and linguistic diversity.

### Current and Former English Learners

Current English Learners are multilingual students who are learning English in an ELD program during the school year<sup>3</sup>. They receive English language instruction, supports, and services because they are not proficient in English. The reason for the lack of English proficiency is because English is not their native language or they come from an environment where a language other than English has had a significant impact on their English proficiency. In 2020-21, 53,677 of Oregon’s 557,723 K-12 students, or 9.6 percent, were current English learners<sup>4</sup> (see figure 1).

**Figure 1. Percentage of all Oregon students who were current English Learners (2015-16 to 2020-21).**



A similar number of students in 2020-21 (48,663 or 8.7 percent) were former English learners. Former English learners are multilingual students who demonstrated English proficiency and exited an ELD program prior to the 2020-21 school year. Research does suggest, however, that former English learners may still need support to develop high levels of proficiency in academic English (i.e., the language students need in order to be successful in school; see de Jong 2004; Flores, Batalova & Fix, 2012).

Comparisons between current, former, ever, and never English learners are useful to understand the experiences and outcomes of current English learners. Note that ever English learners are the combination of

<sup>3</sup> Note that current English learners also include students who are eligible to receive English language instruction, supports, and services in an ELD program but do not participate because their parents or guardians waive English language instruction, supports, and services.

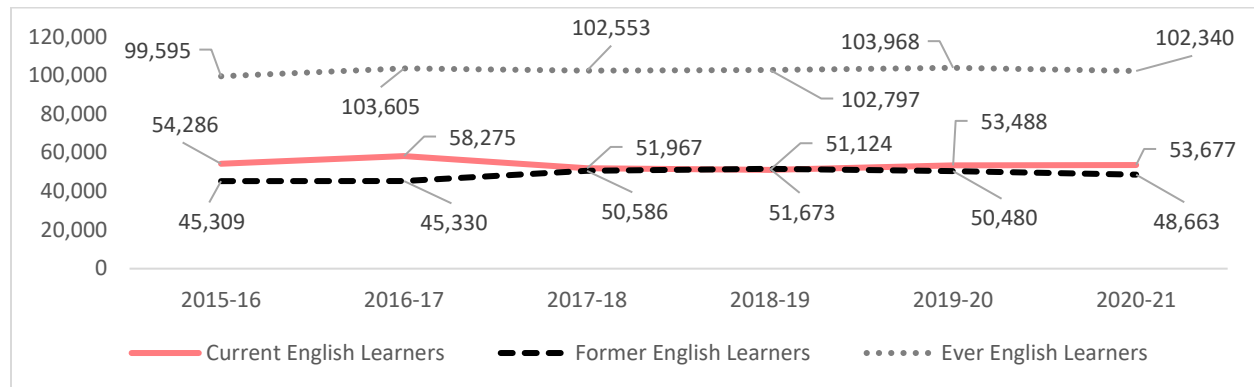
<sup>4</sup> The data for this portion of the report relies on student enrollments as of the first school day in May 2021.

## English Learners in Oregon

current and former English learners, and never English learners are monolingual English or multilingual students who are not eligible to receive English language instruction, supports, and services in an ELD program before or during the school year. Without these comparisons, it can be easy to underestimate the achievement of current English Learners, who tend to perform at lower levels while still developing English. However, once current English learners attain English language proficiency, they often perform academically at significantly higher levels (Thompson, Umansky, & Rew, 2022; Hopkins, Thompson, Linqianti, Hakuta, & August, 2013).

Figure 2 shows the change in the count of current, former, and ever English learners in Oregon over the last six school years. In general, it displays a slightly fluctuating population of ever English learners in Oregon, starting at 99,595 in 2015-16 and, after increasing and declining for a couple years, reaching 102,340 students in 2020-21.

**Figure 2. Number of current, former, and ever English Learners in Oregon (2015-16 to 2020-21).**

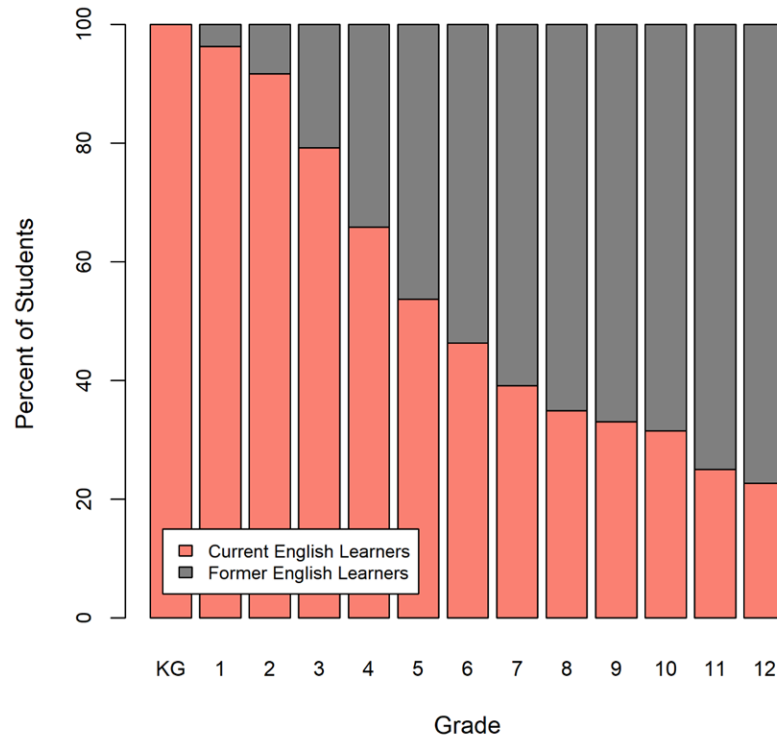


## Characteristics of current English Learners in Oregon

### The majority of current English Learners were in the elementary grades.

Although there were current English learners at every grade level, approximately two-thirds (62.7 percent) were in kindergarten through fifth grade. Far fewer current English learners were in middle school (grades 6-8; 19.2 percent) or in high school (grades 9-12; 18.1 percent). Figure 3 shows the percent of current and former English learners by grade in 2020-21. As the grade level increases from kindergarten to twelfth grade, the percent of current English learners decreases as they attain English proficiency and exit their ELD programs (subsequently, this results in an increase of former English learners).

**Figure 3. Comparison of the percentage of current and former English learners by grade in 2020-21.**

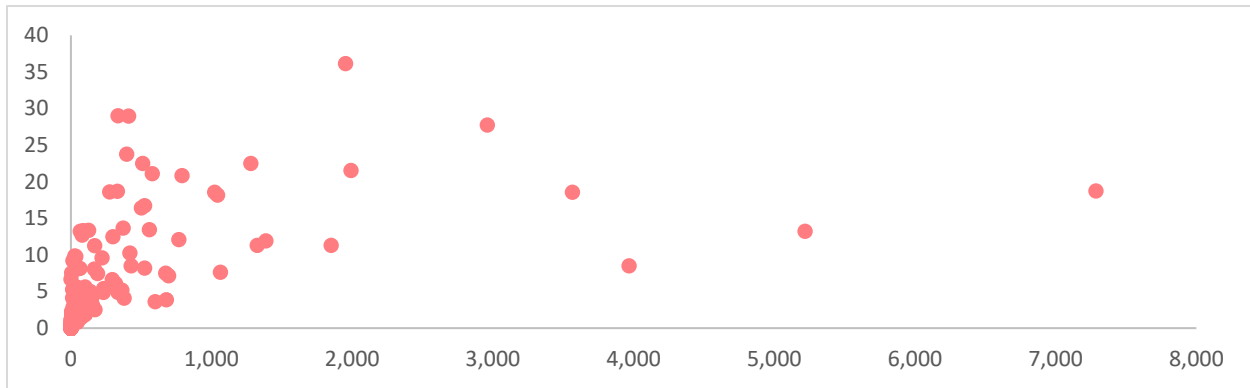


**English Learner enrollment was not uniform across Oregon districts.**

Oregon has 196 school districts. In 2020-21, 146 districts provided English language instruction, supports, and services to current English learners; however, 50 districts did not have any current English learner enrollments. An additional 47 districts provided English language instruction, supports, and services to between 1 and 19 current English learners. This suggests these districts have too few current English learners to be eligible for specific improvement efforts under state and federal accountability initiatives.

Figure 4 shows the distribution of current English learners across Oregon districts. The total number of current English learners in 2020-21 is on the x-axis. While most districts are at the left hand corner, with zero or few current English learners, there were five districts with more than 2,000 current English learners. As some of those districts were larger, however, even large populations of current English learners might make up fewer than 8 percent of the student population (see the y-axis). Thus, in 2020-21, districts experienced very different situations in terms of both the number of current English learners and/or the percentage of their student population who received English language instruction, supports, and services.

**Figure 4. Comparison of the number and percentage of current English learners by district in 2020-21.**



This variation across districts is also evident in table 1, which shows the five districts with the highest numbers of current English learners (i.e., Salem-Keizer, Beaverton, Portland, Hillsboro, and Reynolds), as well as the five districts with the highest percentage of current English learners (i.e., Woodburn, Nyssa, Umatilla, Reynolds, and Milton-Freewater). Note that only Reynolds appears in both lists. Moreover, many of those districts with the highest percentage of current English learners have comparatively small numbers of students.

**Table 1. Districts with the highest number and percentage of current English learners in 2020-21.**

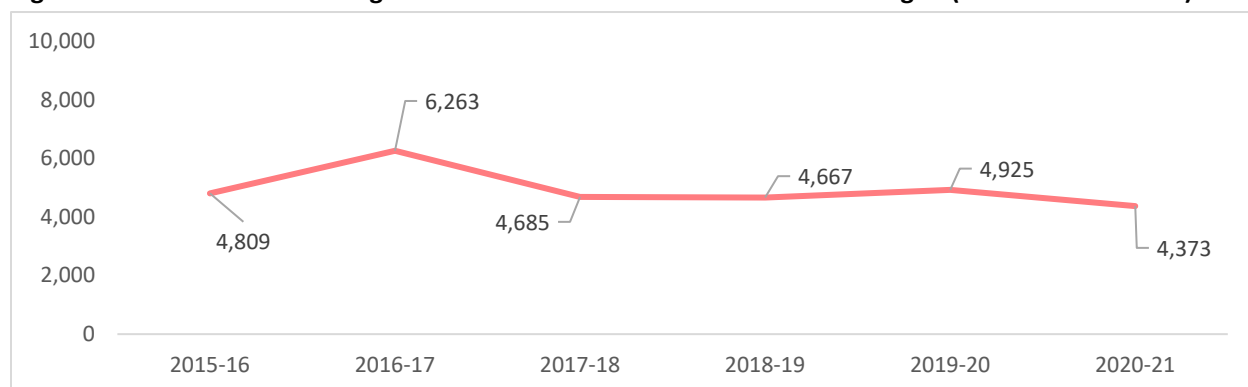
District Name	Number of Current English Learners	Percentage of Current English Learners
Salem-Keizer	7,286	18.8%
Beaverton	5,219	13.2%
Portland	3,968	8.5%
Hillsboro	3,565	18.6%
Reynolds	2,961	27.8%
David Douglas	1,991	21.6%
Woodburn	1,953	36.2%
Nyssa	336	29.0%
Umatilla	411	29.0%
Milton-Freewater	396	23.8%

**The number of recent arrivers declined in 2020-21.**

The term recent arrivers refers to students who were born outside of the U.S. and Puerto Rico, and who have been educated in the U.S. for fewer than three cumulative years (i.e., these students are recent immigrants). They can be current, former, or never English learners; however, the majority are current English learners.

In 2020-21, 4,373 current English learners were recent arrivers. This number represents the smallest count of recent arrivers over the last six years and continues the reduction from 2016-17 (6,263; see figure 5).

**Figure 5. Number of current English learners who were recent arrivers in Oregon (2015-16 to 2020-21).**



Most recent arrivers (60.6 percent) were in the elementary grades, while 16.3 percent were in grades 6-8 and 23.1 percent were in high school. Current English learners who are recent arrivers in middle and high school generally face particularly big challenges, since they have to learn the language while also using English-language textbooks and lectures to learn the content of their courses in a variety of subject areas (Short & Fitzsimmons, 2007). Recent arrivers in the secondary grades are known as adolescent newcomers, and districts sometimes design specialized programs to serve their unique language and cultural needs.

Statewide, the total number of current English learners who were adolescent newcomers in 2020-21 was 1,723. Not all districts provided English language instruction, support, and services to adolescent newcomers; however, five Oregon districts had at least 100 such students in 2020-21 (see table 2).

**Table 2. Districts providing English language instruction, support, and services to at least 100 adolescent newcomers in 2020-21.**

District	Number of Adolescent Newcomers (Recently Arrived Current English Learners in Middle or High School)
Beaverton	226
Salem-Keizer	199
Portland	183
Reynolds	148
David Douglas	100

**In 2020-21, 690 current English learners had experienced interruptions in their education.**

Some current and former English learners had their education interrupted or received limited formal education before arriving in the U.S. school system. Often, these were immigrant or refugee students who had spent time in refugee camps or whose process of immigration to the U.S. prevented them from attending school for a time. These students are known as students with limited or interrupted formal education (often abbreviated as SIFE or SLIFE). Students are SLIFE if they are immigrant students or English learners who enter school in the U.S. after grade two and experience all of the following:

- a. have at least two fewer years of schooling than their peers of the same age,

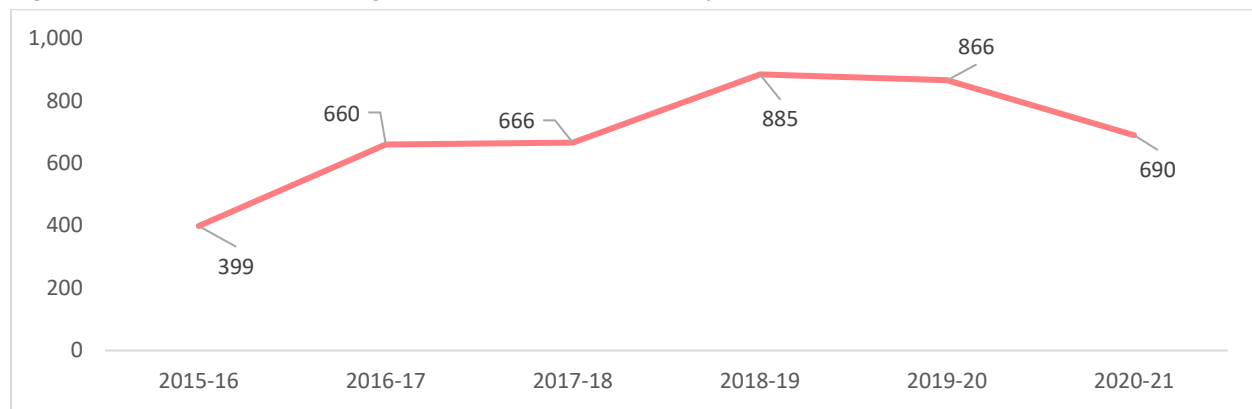
## English Learners in Oregon

- b. function at least two years below grade level expectations in reading and mathematics, and
- c. be preliterate in their native language.<sup>5</sup>

SLIFE students face unique circumstances. In addition to having missed at least two years of schooling, some arrive having experienced significant trauma. Schools need to find ways to serve SLIFE students without placing them in classes with younger students, since forming relationships with peers, including never English learner peers, is a factor that appears to improve academic outcomes (Browder 2014).

The ODE began collecting data on the number of students with limited or interrupted formal education in 2015-16. For the 2020-21 school year, districts reported 866 current English learners with limited or interrupted formal education (about 1.6 percent of all current English learners). As figure 6 illustrates, the number of students with limited or interrupted formal education increased from 2015-16 to 2018-19 but decreased in 2020-21.

**Figure 6. Number of current English learners with an interrupted formal education (2015-16 to 2020-21).**



Most students with limited or interrupted formal education were in high school (62.2 percent). Another 25.1 percent were in the middle school grades (grades 6-8), and only 12.8 percent were in the elementary grades.

In 2020-21, the distribution of current English learners with limited or interrupted formal education was not uniform across Oregon districts. Instead, current English learners with limited or interrupted formal education were, for the most part, concentrated in a few districts. Six districts in Oregon, identified in table 3, provided English language instruction, supports, and services to at least 20 current English learners with limited or interrupted formal education in 2020-21. These six districts alone enrolled 75.5 percent of all SLIFE students in Oregon. Note that three of the five districts serving many adolescent newcomers (see table 2) also enroll a significant numbers of current English learners with interrupted formal education (i.e., Portland, Beaverton, Reynolds, and Hillsboro).

<sup>5</sup> See [ESEA Title III English Learner Definitions](#) for more details.

**Table 3. Districts serving at least 20 current English learners with interrupted formal education in 2020-21.**

District	Number of Current English Learners with Limited or Interrupted Formal Education
Hillsboro	147
Hermiston	96
Portland	89
Beaverton	81
Reynolds	79
Morrow	29

### Current English learners across the state spoke 181 unique home languages.

Statewide, current English learners spoke about 181 different languages at home. By far the most prevalent home language among Oregon current English learners was Spanish, spoken at home by 76.3 percent of all current English learners. The four next most common languages were Russian, Vietnamese, Chinese, and Arabic. Taken together, these top five languages represent 84.7 percent of home languages among current English learners (see table 4). In recent years, the number of current English learners speaking Somali, Mesoamerican languages, and other languages has been increasing. The ODE is updating the way districts report the home languages of current English learners to allow for more accurate reporting in the future.

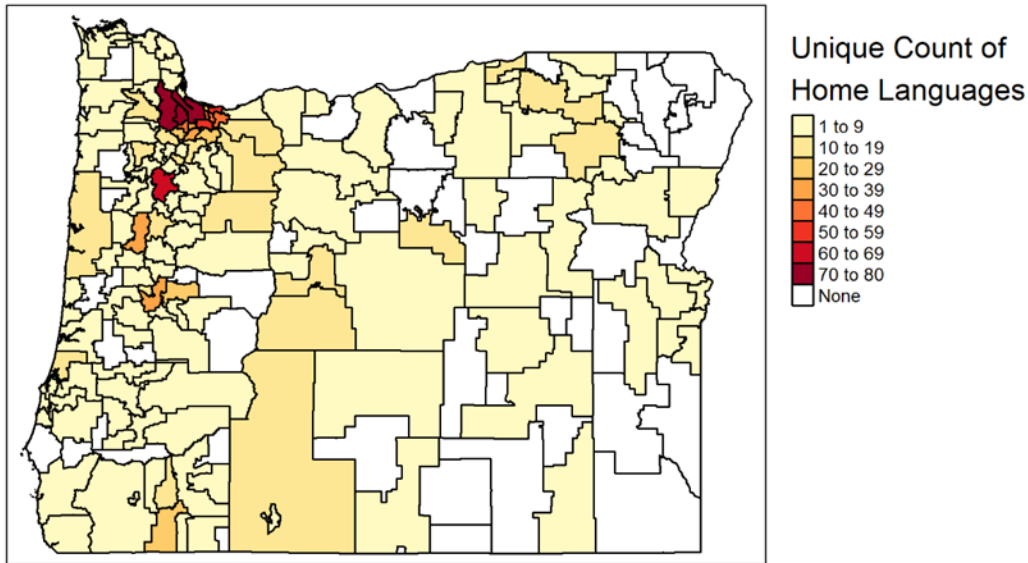
**Table 4. Most prevalent home languages among current English learners in 2020-21.**

Language	Number of Current English Learners with this Language	Percentage of Current English Learners with this Language
Spanish	40,973	76.3
Russian	1,360	2.5
Vietnamese	1,235	2.3
Chinese	1,082	2.0
Arabic	829	1.5
Chuukese	626	1.2
English <sup>6</sup>	613	1.1
Somali	580	1.1
Ukrainian	391	0.7
Japanese	342	0.6
Marshallese	342	0.6
Mayan languages	273	0.5

Home languages other than Spanish tend to concentrate in a few districts. Figure 6 provides a map illustrating the number of different home languages in different Oregon districts. A few districts, mostly in the Portland metropolitan area and Salem, provide English language instruction, supports, and services to students with over 60 unique home languages.

<sup>6</sup> All 613 current English Learners with English as the home language were American Indian/Alaska Native students.

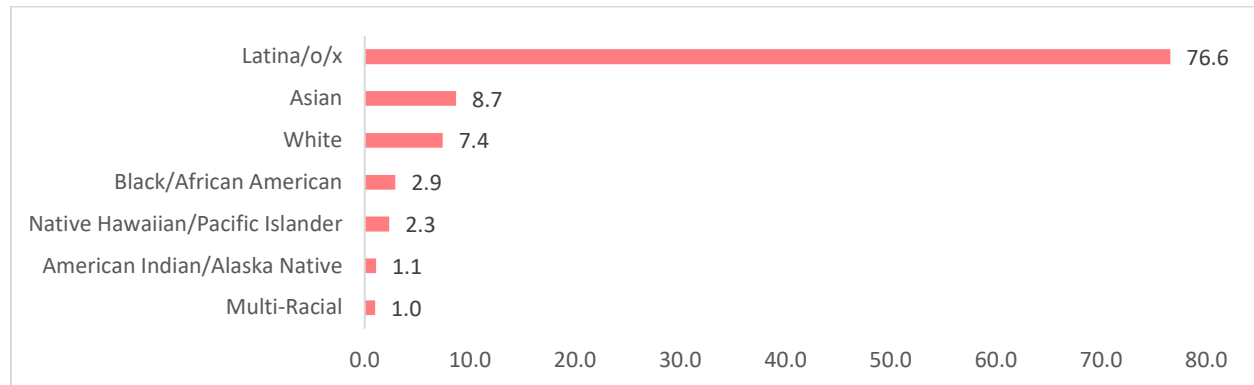
**Figure 7. Geographic distribution current English learner home languages across Oregon districts during 2020-21.**



**The vast majority of current English learners were Latina/o/x.**

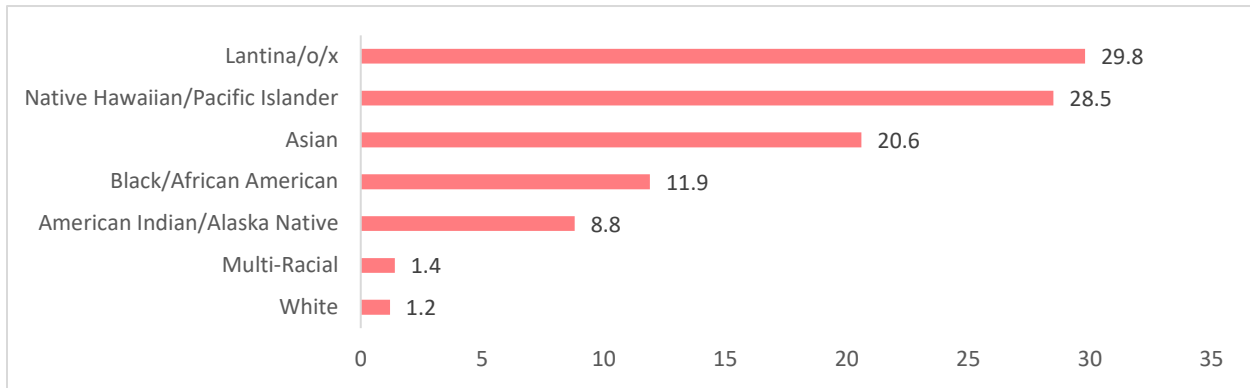
Of the 53,677 current English learners in Oregon during the 2020-21 school year, 41,110 (76.6 percent) were Latina/o/x. Slightly over 16.1 percent were White and Asian, while smaller percentages were Black/African American, Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Multi-Racial (see figure 8).

**Figure 8. Percentage of current English learners by race/ethnicity in 2020-21.**



It is important to note that most Latina/o/x students in Oregon were not current English learners. In fact, according to figure 9, only 29.8 percent of Latina/o/x students were current English learners in 2020-21. Moreover, 28.5 percent of Native Hawaiian/Pacific Islander students were current English learners.

**Figure 9. Percentage of each racial/ethnic group who were current English learners in 2020-21.**



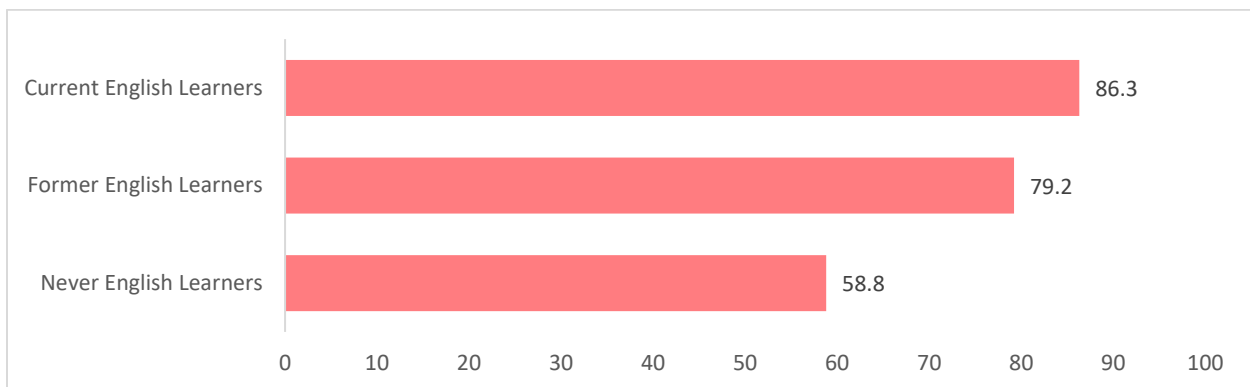
## Section 2: Participation in Targeted Programs

Schools and districts deliver a range of programs that aim to address the needs of particular groups of students. These include free or reduced price meals, special education, migrant education, and TAG programs. Most of these programs receive some federal funding; however, TAG programs receive only state funding. This section of the report describes the participation of English learners in each of these programs during the 2020-21 school year.

### Free or Reduced Price Meals

Students who come from low-income families (those earning below 185 percent of the federal poverty line) are eligible for free or reduced price meals. The percentage of students receiving free or reduced price meals is an estimate of the level of poverty or economic disadvantage in a school. It is an imprecise measure, since some eligible students and families never apply to the program; however, it provides the best data currently available to compare poverty and economic disadvantage levels across schools and districts. According to figure 10, current and former English learners are much more likely than never English learners to be eligible for free or reduced price meals. This suggests that households for current and former English learners are more likely to experience poverty and economic disadvantage. Overall, 86.3 percent of current English learners come from economically disadvantaged households.

**Figure 10. Percentage of current, former, and never English learners receiving free or reduced price meals in 2020-21.**



## Special Education

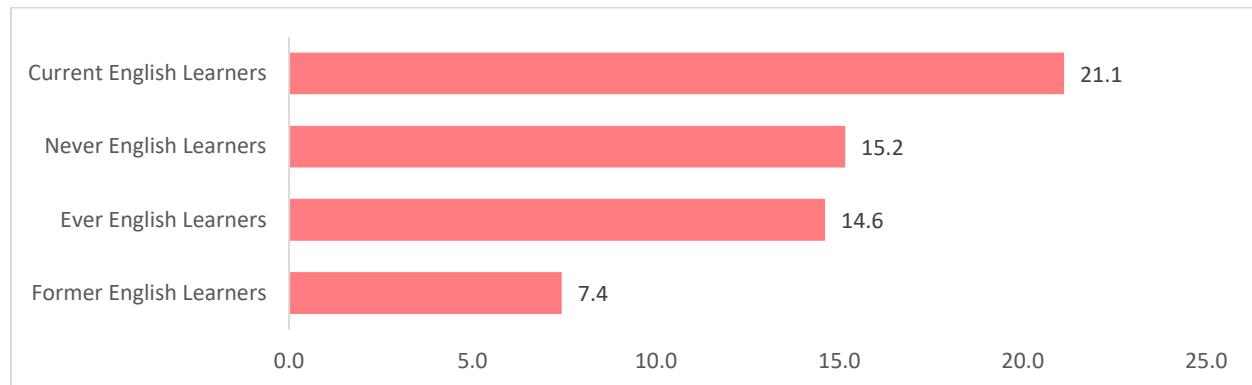
Students who are current English learners and receive special education services and supports are known as dual-identified students, since they receive instruction, supports, and services from two programs (i.e., English language and special education).

There is concern in the field about the difficulty of accurately identifying current English learners who need special education services and supports. Schools may incorrectly identify current English learners as having a learning disability when, in fact, it is their developing English proficiency that adversely influences their educational progress. On the other hand, some schools may overlook genuine disabilities, assuming that current English learners just need more time to learn English. Both identification challenges are prevalent not only in Oregon but across the United States (Artiles & Ortiz, 2002; Hamayan, Marler, Sanchez Lopez & Damico, 2007).

### **Ever English learners and never English learners received special education services and supports at about the same rate.**

As figure 11 illustrates, a far higher rate of current English learners (21.1 percent) received special education services and supports as compared to former (7.4 percent) and never English learners (15.2 percent). However, the percentage of ever English learners (the combination of current and former English learners) receiving services and supports is very similar to that for never English learners.

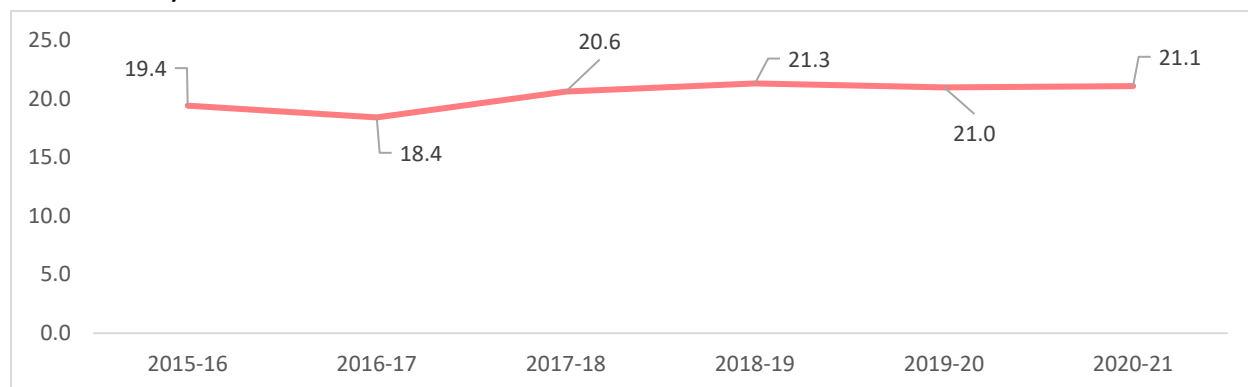
**Figure 11. Percentage of current, former, never, and ever English learners receiving special education services and supports in 2020-21.**



### **The percentage of current English learners receiving special education slightly increased in 2020-21.**

In 2020-21, 11,337 current English learners (21.1 percent) were receiving special education supports and services. The number of current English learners receiving special education services and supports in 2020-21 represents a very slight increase from the year before, when 21.0 percent of current English learners received special education services and supports (see figure 12).

**Figure 12. Percentage of current English learners receiving special education services and supports (2015-16 to 2020-21).**



Most dual-identified students in 2020-21 had a specific learning disability (3,665 students) or a speech or language impairment (3,092 students) as their primary disability.<sup>7</sup> Other primary disabilities, in order of frequency in 2020-21, include other health impairments, autism, intellectual disability, emotional behavior disability, deaf or hard of hearing, orthopedic impairment, visual impairments including blindness, traumatic brain injury, and deaf-blindness.

## Migrant Education

Some English learners also participate in migrant education programs. Students are eligible for migrant education programs if their parent or guardian is a migratory worker and they move from one school district to another during the regular school year. Many migrant children live in poverty, and when they move, they confront the challenges of having to adjust to different teachers with different instructional approaches and materials, as well as building new social connections. The intention of migrant education programs is to ensure that migrant children receive the support that addresses their unique situation and are able to receive supports to succeed academically.

### 11 percent of current English learners received services from Migrant Education Programs in 2020-21.

Across the state in the 2020-21, 5,930 current English learners participated in migrant education programs. That number translates to 11.0 percent of all current English learners. It also means that approximately half (49.7 percent) of the 11,943 students in migrant education programs were current English Learners in 2020-21. Moreover, 39.0 percent of students in migrant education programs in 2020-21 were former English learners. This also implies that 88.7 percent of the 11,943 students who received services from migrant education programs were ever English learners.<sup>8</sup>

<sup>7</sup> A specific learning disability refers to a disorder in one or more of the basic psychological processes involved in understanding or using language that may manifest itself in difficulties in listening, thinking, speaking, reading, writing, spelling, or doing math calculations. A speech or language impairment refers to a communication disorder such as stuttering, impaired articulation, or a language or voice impairment that adversely affects a students' learning or educational performance.

<sup>8</sup> The data for this portion of the report relies on student enrollments as of the first school day in May 2021.

Approximately 103 districts received federal funds in the 2020-21 school year to support their migrant education programs. Districts that did not receive federal funding in 2020-21 did not have eligible students enrolled in their schools and programs. Ten districts had more than 150 current English learners participating in their migrant education program in 2020-21 (see table 5).

**Table 5. Districts with over 150 current English learners participating in migrant education programs in 2020-21.**

District	Number of Current ELs in Migrant Education	District	Number of Current ELs in Migrant Education
Salem-Keizer	616	Nyssa	244
Hillsboro	482	Beaverton	184
Woodburn	447	Hood River County	173
Medford	346	Canby	160
Forest Grove	302	North Wasco County	155

## Talented and Gifted

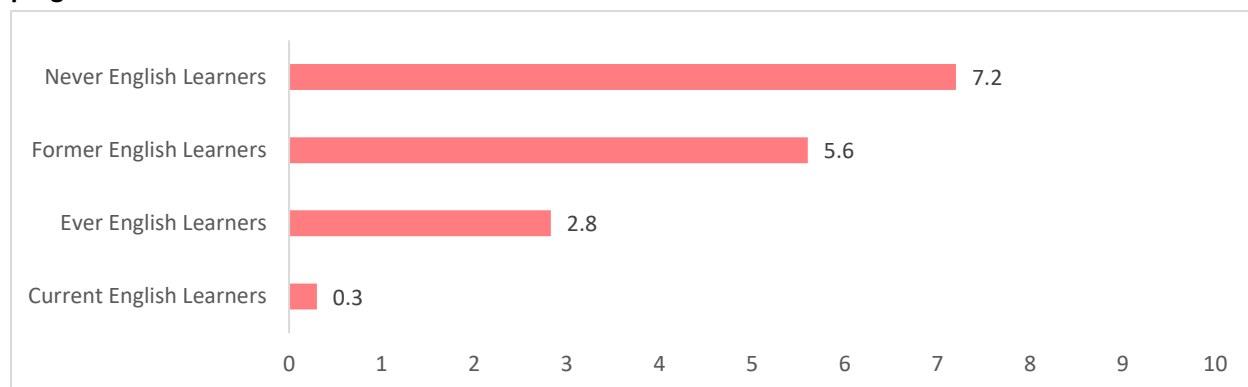
The state requires that all school districts establish policies and procedures to identify students to participate in TAG programs. These students may have high general intelligence and/or demonstrate unusual academic ability in one or more particular areas. State law requires districts to develop a plan to provide programs and services beyond regular school programs in order to ensure that eligible students can develop and realize their potential.

Correctly identifying students for TAG programs and providing specialized services is important because these students may have both unique talents and face unique challenges. For example, some TAG students struggle with perfectionism and the ability to cope with failure. Others engage only selectively at school and have high levels of absenteeism. Recent findings from the ODE suggest that approximately 10 percent of TAG students drop out of high school (Allen, 2016).

### **Current English Learners were rarely eligible for TAG Programs.**

According to figure 13, 7.2 percent of never English learners (32,616 students) were eligible for TAG programs in 2020-21. While 5.6 percent of former English learners were eligible (2,725 students) and 5.9 percent of ever English learners were eligible (2,893 students), less than 1 percent of current English learners were eligible for TAG programs in 2020-21 (168 students). Never English learners were 24 times more likely to be eligible than current English learners in 2020-21 ( $7.2 \text{ percent} \div 0.3 \text{ percent} = 24$ ).

**Figure 13. Percentage of current, former, ever, and never English learners who participated in a TAG program in 2020-21.**



### Section 3: Language Development and Academic Outcomes for English Learners

Students who are current English learners have to develop proficiency in English. In addition and at the same time, they must learn all the same academic content as other students in Oregon. This section of the report provides data about English language proficiency and academic outcomes of current English learners (with comparisons to former, ever, and never English learners).

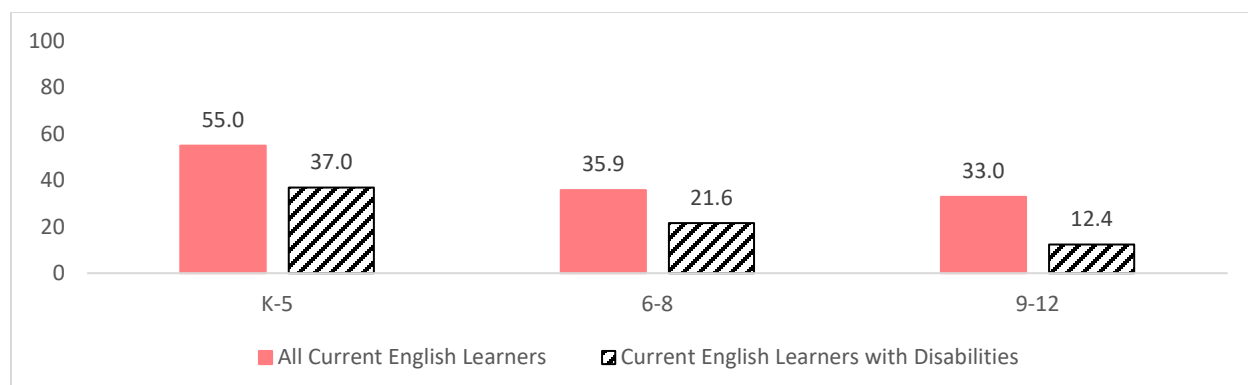
#### Progress towards English Language Proficiency

Title III of the Every Student Succeeds Act (ESSA) requires current English learners to take an English language proficiency assessment (ELPA) annually. The ELPA measures a student’s proficiency in the domains of listening, reading, speaking, and writing. Students who demonstrate proficiency on all four ELPA domains are ready to exit the ELD program. Since 2016-17, the ODE monitors whether current English learners are on track to attain English language proficiency using a trajectory expectation model. Current English learners are on track if their current ELPA domain performance meets or exceeds trajectory expectations given (1) initial ELPA domain performance, (2) years identified as a current English learner, and (3) disability and/or an interrupted formal education status.

According to figure 14, as the grade level increases, the percentage of current English learners on track to attain English language proficiency decreases from 55.0 percent in elementary school grades to 33.0 percent in high schools grades. Furthermore, the same pattern is evident for current English learners with disabilities where the percentage decreases from 37.0 percent in elementary school grades to 12.4 percent in high school grades. To some extent, the decrease in the percentage of current English learners on track to attain English language proficiency from elementary to high school grades is not a surprise due to the annual exiting of current English learners. This has a considerable impact on the composition of current English learners across grade levels. Thus, inferences and comparisons across grade levels and between groups of current English learners (e.g., those with and without disabilities) must use caution.<sup>9</sup>

<sup>9</sup> It is also important to note that ELPA participation was low and uneven in 2020-21 (i.e., the participation rate was approximately 38 percent). Not all current English learners had a safe and in-person opportunity to take the ELPA.

**Figure 14. Percentage of all current English learners and current English learners with disabilities on track to attain English language proficiency by elementary (K-5), middle (6-8), and high school grades (9-12) in 2020-21.**



### **Long-term current English learners made up 20.0 percent of all current English learners.**

Parents and communities have concerns about the ability of Oregon’s schools and districts to ensure current English learners attain English language proficiency and exit an ELD program within an appropriate amount of time. Current English learners who are unable to meet proficiency expectations after a period of time are known as long-term current English Learners. The ODE defines a long-term current English learner as a student who receives English language instruction, supports, and services in an ELD program for more than seven years.

In 2020-21, most current English learners (80.0 percent) were not long-term current English learners; however, this means that 20.0 percent of current English learners received English language instruction, supports, and services for more than seven years. This is a concern because slower development of English language proficiency is highly predictive of other academic challenges (Menken & Kleyn, 2009). An important point to consider is the ability of Oregon’s schools and districts to meet the needs of current English learners. This is particularly salient given that 37.8 percent of current English learners with disabilities received English language instruction, supports, and services for more than seven years in 2020-21.

### **Approximately 15 percent of current English learners receiving special education services and supports developed English language proficiency in six years.**

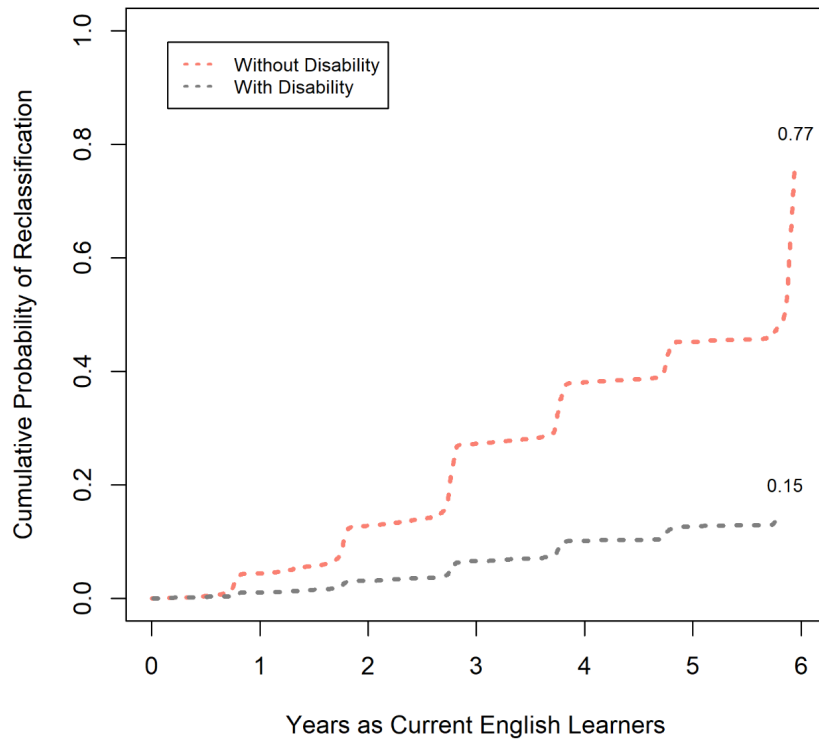
It is also useful to look at the development of English language proficiency from another angle, namely, what proportion of current English learners develop proficiency within a particular amount of time?

This measure uses data for all current English learners who received English language instruction, supports, and services in an ELD program in 2020-21 regardless of the length, start, or end of enrollment. While most of the data in this report rely on the first school day in May 2021 as a snapshot, this measure includes all current English learners (even those not enrolled on the first school day in May 2021).

Figure 15 addresses this question for current English learners with and without disabilities. For current English learners without disabilities who began receiving English language instruction, supports, and services

on or after July 1, 2015, the probability of reclassification (i.e., attaining English language proficiency and exiting an ELD program) after six years is 0.77 (or, after multiplying by 100, 77 percent). That is, 77 percent of the current English learners without disabilities attained English language proficiency and exited an ELD program after six years. On the other hand, only 15 percent of current English learners with disabilities attained English language proficiency and exited an ELD program after six years.

**Figure 15. Probability of reclassification for current English learners with and without disabilities after six years (July 1, 2015 to June 30, 2021).**



## Student Academic Outcomes in English Language Arts and Mathematics

Per the ESSA, all students must take annual summative assessments in English language arts and mathematics in grades 3 through 8 and 11. Although these assessments provide tools, supports, and accommodations for current and former English learners (e.g., English/Spanish language side-by-side in mathematics, glossaries available in 12 languages<sup>10</sup>, and test directions available in 20 languages<sup>11</sup>), they may be challenging for students who are still developing English language proficiency.

In the 2020-21 school year, the ODE [received](#) an assessment waiver from the U.S. Department of Education. The waiver provided temporary flexibility in terms of the administration of summative assessments in certain grades. That is, instead of taking English language arts and mathematics assessments in grades 3 through 8

<sup>10</sup> Glossaries are available in English, Spanish, Arabic, Cantonese and Mandarin, Ilokano and Tagalog, Korean, Punjabi, Russian, Ukrainian, and Vietnamese.

<sup>11</sup> Test directions are available in Arabic, Burmese, Cantonese, Dakota, Ilokano and Tagalog, French, Haitian Creole, Hmong, Japanese, Korean, Lakota, Mandarin, Punjabi, Russian, Somali, Spanish, Ukrainian, Vietnamese, and Yup'ik.

and 11, the waiver only requires students to take the English language arts assessment in grades 3, 6, 7, and 11, and the mathematics assessment in grades 4, 7, 8, and 11. Despite the flexibility, assessment participation was very low and uneven across grades for current, former, and never English learners in 2020-21<sup>12</sup>. Thus, English language arts and mathematics achievement is only representative of the students who had a safe, in-person opportunity to participate in each assessment and is not comparable across schools, districts, student groups (e.g., current, former, and never English learners), and school years. For these reasons, this report will not display English language arts and mathematics achievement for the 2020-21 school year. Please see [statewide assessment results](#) for more information about the assessment waiver, participation, and achievement.

## Section 4: Attendance, Progress toward Graduation, Graduation, and Beyond

This section of the report examines several important outcomes for English learners. These are attendance, ninth grade progress towards graduation, four-year graduation, earning a Seal of Biliteracy, and post-secondary enrollment.

### Regular Attendance

In recent years, researchers and educators alike have devoted increasing attention to ensuring students attend school on a regular basis. Research has shown that even moderate levels of absenteeism can have a profound impact on students' grades, performance on standardized assessments, graduation rates, and success in college (Allensworth & Evans, 2016; Ginsburg, Jordan, & Chang, 2014). In Oregon, students exhibit "regular attendance" at school if they attend more than 90 percent of school days during the school year.<sup>13</sup>

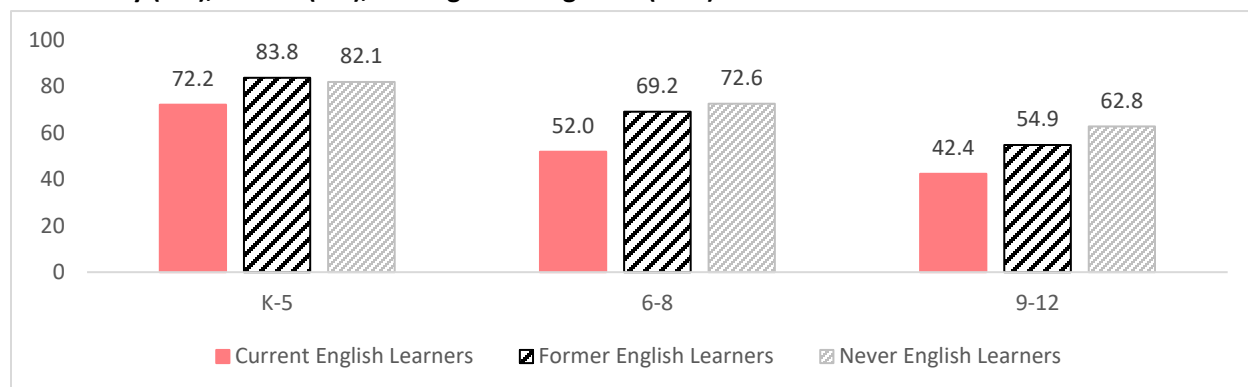
Among elementary grades in 2020-21, former and never English learners have the highest levels of regular attendance (see figure 16). Current English learners, on the other hand, have rates of regular attendance lower in elementary, middle, and high school grades. In fact, regular attendance rates decline considerably for current, former, and never English learners in middle and high school grades (with current and former English learners declining by approximately 30 and 29 percentage points between elementary and high school grades).

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<sup>12</sup> English language arts assessment participation ranges from approximately 7 percent in 11<sup>th</sup> grade for current English learners to 40 percent in 3<sup>rd</sup> grade for never English learners. Mathematics assessment participation ranges from approximately 6 percent for current English learners to 40 percent in 4<sup>th</sup> grade for never English learners.

<sup>13</sup> Note that regular attendance in 2020-21 is not comparable to prior years due to the impact of the COVID-19 pandemic and substantive policy changes to support remote learning.

**Figure 16. Percentage of current, former, and never English learners regularly attending school by elementary (K-5), middle (6-8), and high school grades (9-12) in 2020-21.**



## On Track to Graduate

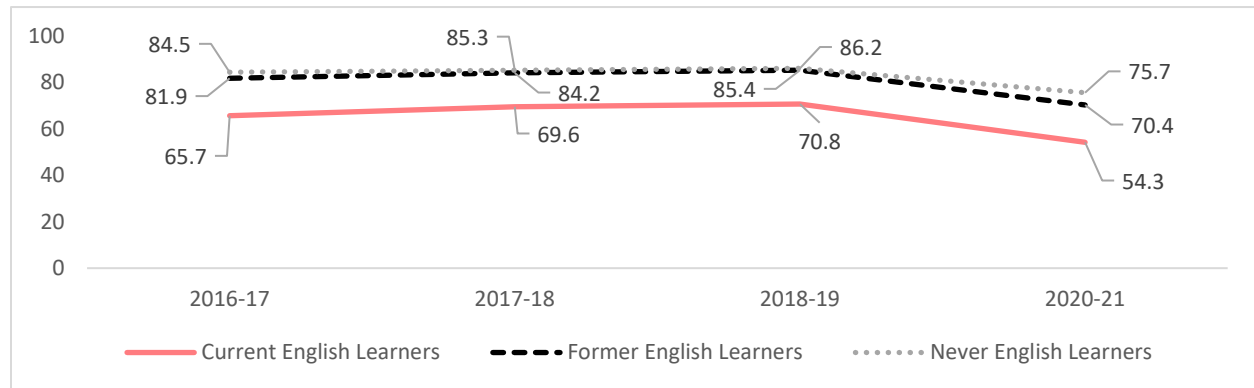
Around the country, states and districts track whether students in the 9<sup>th</sup> grade are on track to graduate within four years. They do this because ninth grade is a critical year for determining whether students will ultimately graduate from high school; identifying students who are not on track allows schools to provide supports and interventions to help keep students in school and progressing towards graduation. In Oregon, students in the 9<sup>th</sup> grade are on track to graduate if they earn at least six credits or 25 percent of the credits their district requires for graduation.

### **From 2016-17 to 2020-21, a higher percentage of former and never English learners were on-track to graduate in comparison to current English learners.<sup>14</sup>**

According to figure 17, former and never English learners in 9<sup>th</sup> grade are on track to graduate at substantially higher percentages than current English learners from 2016-17 to 2020-21. Former and never English learners have very similar percentages. Their gap shrinks from 2.6 percentage points in 2016-17 to 0.8 percentage points in 2018-19; however, the gap between former and never English learners widens in 2020-21 (i.e., 5.3 percentage points). From 2016-17 to 2018-19, current, former, and never English learners exhibited considerable improvement in the percentage of students on-track to graduate. Current English learners demonstrated the largest improvement with 5.1 percentage points. However, all three groups of students experience a sizeable decline in 2020-21 with current and former English learners decreasing by 16.5 and 15.0 percentage points since 2018-19. The considerable decline is due to the impact of the COVID-19 pandemic on students, families, communities, and schools.

<sup>14</sup> Data representing the percentage of current, former, and never English learners who were on track to graduate in ninth grade were not available during the 2019-20 school year. The reason for the unavailability is due to the State of Oregon's response to the COVID-19 pandemic (e.g., the cancellation of data collections that either capture the specific data or support the calculation of this measure at the district and state levels).

**Figure 17. Percentage of 9<sup>th</sup> grade current, former, and never English learners on track to graduate within four years (2016-17 to 2020-21).**



### Four-Year Graduation

The ODE uses a cohort adjusted graduation rate to examine and monitor the percentage of students graduating within a specific number of years. The data for this section relies on the four-year cohort adjusted graduation rate for current, former, and never English learners.<sup>15</sup>

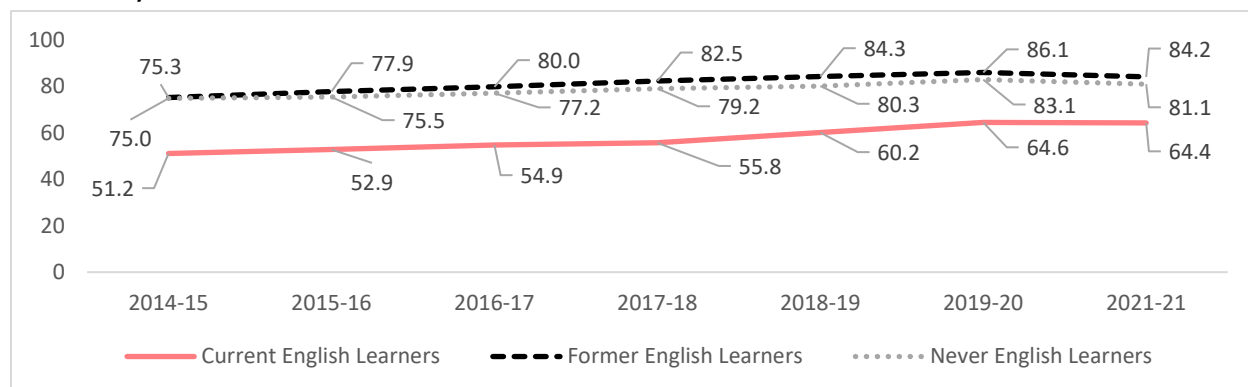
#### **Former English learners graduated at rates similar to or better than never English learners; however, substantially fewer current English learners graduated in four years.**

According to figure 18, former and never English learners graduate in four years at relatively similar rates; however, although similar, the rate for former English learners was higher from 2014-15 to 2020-21. In some years (e.g., 2018-19), the four-year graduation rate for former English learners was higher than the rate for never English learners (84.3 percent vs. 80.3 percent).

Current English learners, on the other hand, graduated in four years at lower rates than former and never English learners; however, it is important to note that the four-year graduation rate for current English learners has grown considerably from 2014-15 to 2020-21 (an increase of 13.2 percentage points).

<sup>15</sup> For the purposes of reporting graduation data to the public, current English learners are multilingual students who received English language instruction, supports, and services in an ELD program at any time during high school. Note that current English learners included students who were eligible to receive English language instruction, supports, and services in an ELD program but did not participate because their parents or guardians waived services. Former English learners are multilingual students who attained English language proficiency and exited an ELD program prior to entering high school. Lastly, never English learners are monolingual English or multilingual students who were not eligible to receive English language instruction, supports, and services in an ELD program at any time in grades kindergarten through twelve.

**Figure 18. Percentage of current, former, and never English learners graduating within four years (2014-15 to 2020-21).**



## Oregon State Seal of Biliteracy

The Seal of Biliteracy offers recognition of the many cognitive, academic, and economic benefits of bilingualism. Students can earn a Seal of Biliteracy on their diplomas if they meet the following requirements:

- meet all graduation requirements, and
- score at the intermediate high level in listening, speaking, reading, and writing in a partner language.

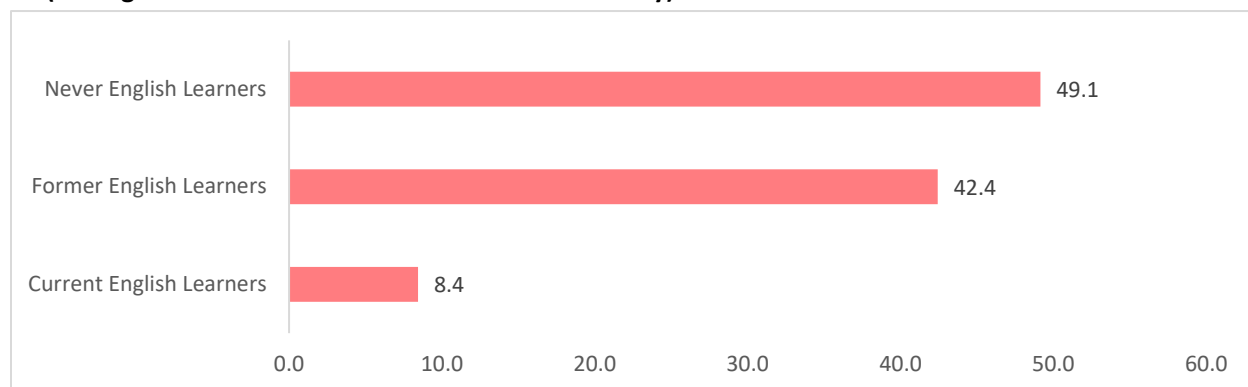
The data for this section relies on students who graduated in 2020-21 (and were part of the four-year cohort adjusted graduation rate) as the denominator in calculations. Moreover, this section will examine the count and percentage of current, former, and never English learners<sup>16</sup> who earned the Seal of Biliteracy in 2020-21.

## The majority of students who earned the Seal of Biliteracy in 2020-21 were ever English learners and never English learners who are native speakers of languages in addition to English.

Of the 37,320 students who graduated in 2020-21, 1,874 students (or 5.0 percent) also earned the Seal of Biliteracy. Among those 1,874 students, 49.1 were never English learners, 42.4 percent were former English learners, and 8.4 percent were current English learners (see figure 19). Note that the majority of students who earn the Seal of Biliteracy are (1) ever English learners and (2) never English learners who are native speakers of languages in addition to English.

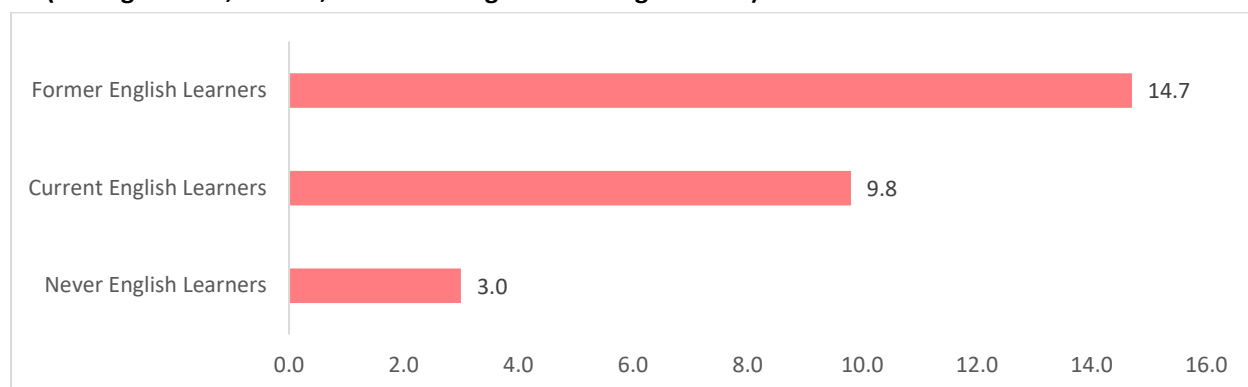
<sup>16</sup> For the purposes of reporting Seal of Biliteracy data in this report, current English learners are multilingual students who received English language instruction, supports, and services in an ELD program at any time during high school. Note that current English learners included students who were eligible to receive English language instruction, supports, and services in an ELD program but did not participate because their parents or guardians waived services. Former English learners are multilingual students who attained English language proficiency and exited an ELD program prior to entering high school. Lastly, never English learners are monolingual English or multilingual students who were not eligible to receive English language instruction, supports, and services in an ELD program at any time in grades kindergarten through twelve.

**Figure 19. Percentage of current, former, and never English learners earning the Seal of Biliteracy in 2020-21 (among all students who earned the Seal of Biliteracy).**



According to figure 20, among former English learners who graduated in 2020-21, 14.7 percent earned the Seal of Biliteracy. Moreover, 9.8 percent of current English learner graduates earned the Seal of Biliteracy in 2020-21. This means that, among ever English learners who graduated in 2020-21, 24.5 percent also earned the Seal of Biliteracy.

**Figure 20. Percentage of current, former, and never English learners earning the Seal of Biliteracy in 2020-21 (among current, former, and never English learner graduates).**



**Students earned the Seal of Biliteracy for their knowledge of 20 different partner languages; however, Spanish was the most common partner language.**

More than three-quarters of students earning the Seal of Biliteracy (79.2 percent) had Spanish as their partner language. The next three partner languages, in order of the number of students, were French, Chinese, and Japanese, all with 50 or more students earning the Seal of Biliteracy in that language. Spanish, Russian, and Chinese were the partner languages with the most current and former English learners earning the Seal of Biliteracy. On the other hand, the top three partner languages among never English learners who earned the Seal of Biliteracy in 2020-21 were Spanish, French, and Japanese.

**Nine districts had 50 or more students earning the Seal of Biliteracy.**

In 2020-21, nine districts had 50 or more students earning the Seal of Biliteracy (see table 6). Moreover, among Woodburn’s students who graduated in 2020-21, 60.1 percent earned the Seal of Biliteracy. Six other districts in 2020-21 had 10 percent or more of their high school graduates earning the Seal of Biliteracy.

**Table 6. Districts with 50 or more students earning the Seal of Biliteracy in 2020-21<sup>17</sup>.**

District	Number of Students	District	Number of Students
Portland	350	Hillsboro	73
Beaverton	242	West Linn/Wilsonville	71
Woodburn	184	Corvallis	62
Salem-Keizer	170	North Clackamas	60
Eugene	143		

## Post-Secondary Enrollment

The ODE annually examines and publicly reports the percentage of high school graduates who enroll in post-secondary education institutions in Oregon and across the U. S. (e.g., public and private, 2-year and 4-year, etc.). A post-secondary education affords students a wide range of advantages, including greater employment opportunities, financial security, opportunities to contribute in their community, and greater life satisfaction. However, it is important to be clear that enrollment in a post-secondary institution is not the only meaningful and advantageous post-high school opportunity available to students. Others may include military service, community or religious service, and competitive employment. The data for this measure uses students who graduated in 2018-19 (and were part of the four-year cohort adjusted graduation rate) as the denominator in calculations.<sup>18</sup> Moreover, this portion of the report will examine the count and percentage of current, former, and never English learners<sup>19</sup> who enrolled in a post-secondary education institution within sixteen months after graduation.

### **Never English learners were more likely to enroll in post-secondary education institutions than current English learners; however, former English learners had comparable post-secondary enrollment rates as never English learners.**

Figure 21 shows the post-secondary enrollment rates by graduation year for three groups of Oregon students. The post-secondary enrollment rates for never English learners, represented by the gray dotted line, ranged from 61.9 to 62.6 percent from 2012-13 to 2018-19. The salmon line displays the same information for students who were current English Learners. Current English learners enrolled in post-secondary institutions at substantially lower rates than never and former English learners. The post-secondary enrollment rates for current English learners annually increased from 41.2 percent in 2012-13 to

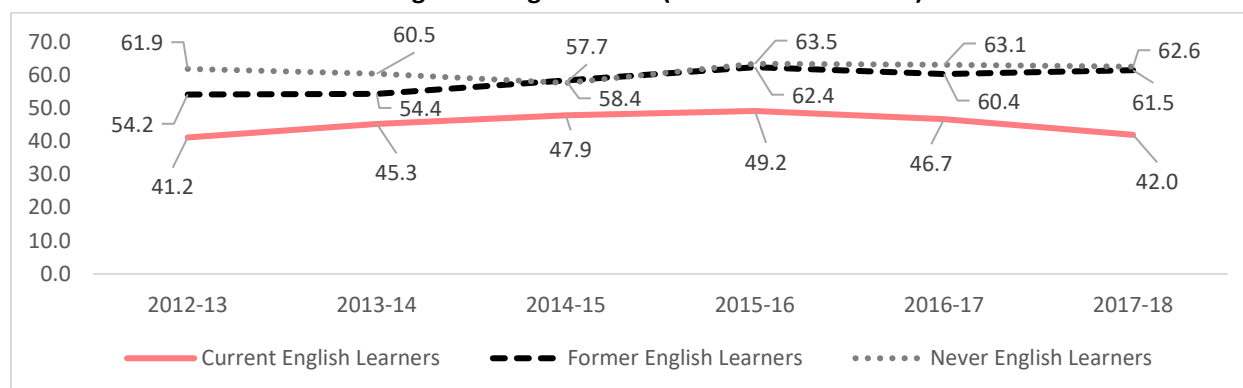
<sup>17</sup> Note that the counts in this table reflect students who graduated in 2020-21 (and were part of the four-year cohort adjusted graduation rate) and earned the Seal of Biliteracy. There were students who earned the Seal of Biliteracy in 2020-21 but were part of the five-year cohort or another cohort.

<sup>18</sup> Post-secondary enrollment data for current, former, and never English learners who graduated from high school in 2019-20 were unavailable as of the publication of this report.

<sup>19</sup> For the purposes of reporting post-secondary enrollment data in this report, current English learners are multilingual students who received English language instruction, supports, and services in an ELD program at any time during high school. Note that current English learners included students who were eligible to receive English language instruction, supports, and services in an ELD program but did not participate because their parents or guardians waived services. Former English learners are multilingual students who attained English language proficiency and exited an ELD program prior to entering high school. Lastly, never English learners are monolingual English or multilingual students who were not eligible to receive English language instruction, supports, and services in an ELD program at any time in grades kindergarten through twelve.

49.2 percent in 2015-16; however, they decreased in both 2016-17 and 2018-19 to levels similar to 2012-13. The black dashed line shows the post-secondary enrollment rates for former English learners. The post-secondary enrollment rates for former English learners increased from a low of 54.2 percent in 2012-13 to a high of 62.4 percent in 2015-16. Moreover, since 2015-16, former English learners had post-secondary enrollment rates that were reasonably comparable to never English learners.

**Figure 21. Percentage of current, former, and never English learners enrolling in post-secondary institutions within 16 months of high school graduation (2012-13 to 2018-19<sup>20</sup>).**



## Section 5: State Revenues and Expenditures for Current English Learners

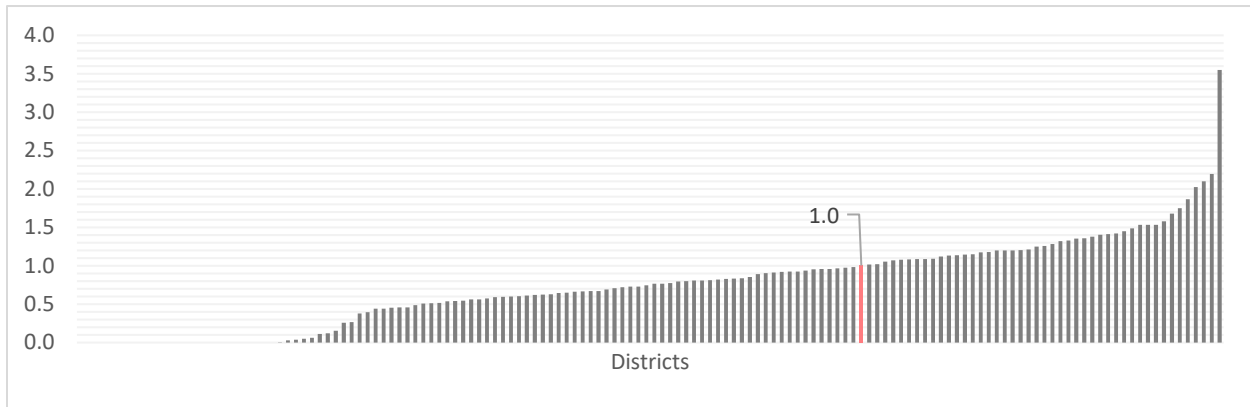
Each year, Oregon’s State School Fund provides funding to districts through General Purpose Grants. The amount of the grant relies on a formula that considers the number of students in the district (known as average daily membership weighted or ADMw). On average, the per-pupil funding amount in 2020-21 was \$8,754.<sup>21</sup> In addition to this basic funding, districts receive additional state funds for each student enrolled in an ELD program. This amount is  $0.5 \times \$8,754$  or \$4,377 per current English learner. Altogether, the state allocated \$217,742,292 for these additional English learner funds in the 2020-21 school year.

Figure 22 depicts the relationship between current English learner revenues the state allocated to districts via the State School Fund Formula and the total current English learner expenditures from the General Fund expressed as a ratio. Statewide, the ratio of expenditures to revenues in 2020-21 was 1.0, meaning that district expenditures on current English learners reflected 100 percent of the funds the state allocated to districts via the State School Fund Formula. Some districts spent more than this percentage (up to 355%), while others spent less (as little as 0%). The values on the extreme ends of the range, however, may reflect variations in the way that some districts report data. Some districts with few current English learners report revenue received from the state, but do not identify expenditures specific to current English learners, even though they may expend funds for English learner services. Other districts on the high end of the spending ratio may include expenses for dual-language programs that also educate former and never English learners, rather than calculating the percentage spent solely on current English learners.

<sup>20</sup> The year (e.g., 2012-13) represents the school year in which students graduated from high school.

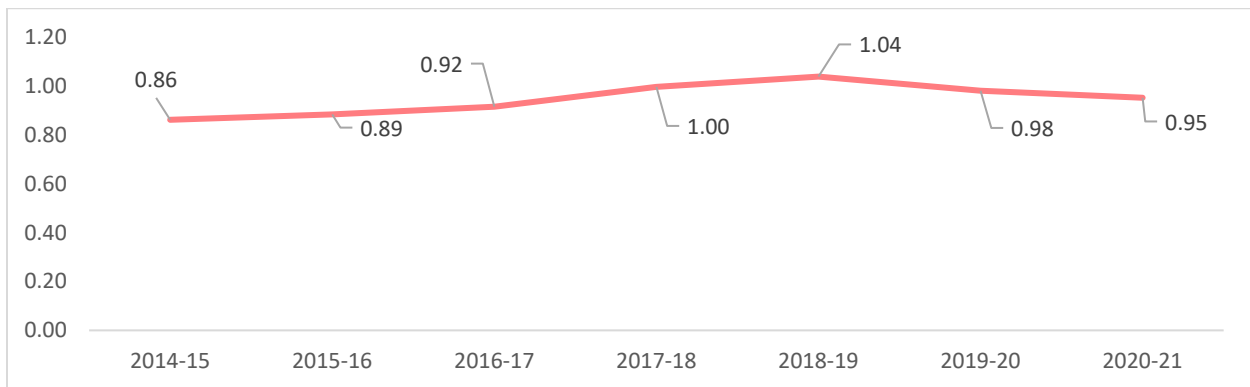
<sup>21</sup> While \$8,754 is the average amount, the grant amount can vary a bit for different districts because of the way the formula is set up.

**Figure 22. Ratio of current English learner expenditures to revenues across districts in 2020-21.**



As figure 23 illustrates, the statewide ratio increased steadily from 2014-15 to 2018-19; however, in 2019-20 and 2020-21, the ratio decreased below 1.0.

**Figure 23. Ratio of statewide expenditures on current English learners to revenues (2014-15 to 2020-21).**



Expenditures from the General Fund on current English learners either belong to Function 1291 (covering expenditures for instruction and interventions to help current English learners learn English) or Area of Responsibility 280 (other supports for current English learners, such as interpretation services or transportation).<sup>22</sup>

Current English learner expenditures for 2020-21 totaled \$207,663,788. Districts accounted for approximately 80 percent of the expenditures (\$166,065,893) using Function 1291 and 20 percent of the expenditures (\$41,597,895) using Area of Responsibility 280.

In addition to this state funding, districts with at least 69 current English learners may access federal Title III grants, which in 2020-21 provided an additional \$135.58 per student for supplemental current English learner services<sup>23</sup>. A description of these federal funds is beyond the scope of this report but information on the grant amounts are available on the [ODE website under Title III Allocations](#).

<sup>22</sup> For a more detailed description of the accounting system categories, see [Oregon’s Program Budgeting and Accounting Manual](#).

<sup>23</sup> Districts with fewer than 69 students can join other districts in a consortium to access these grants.

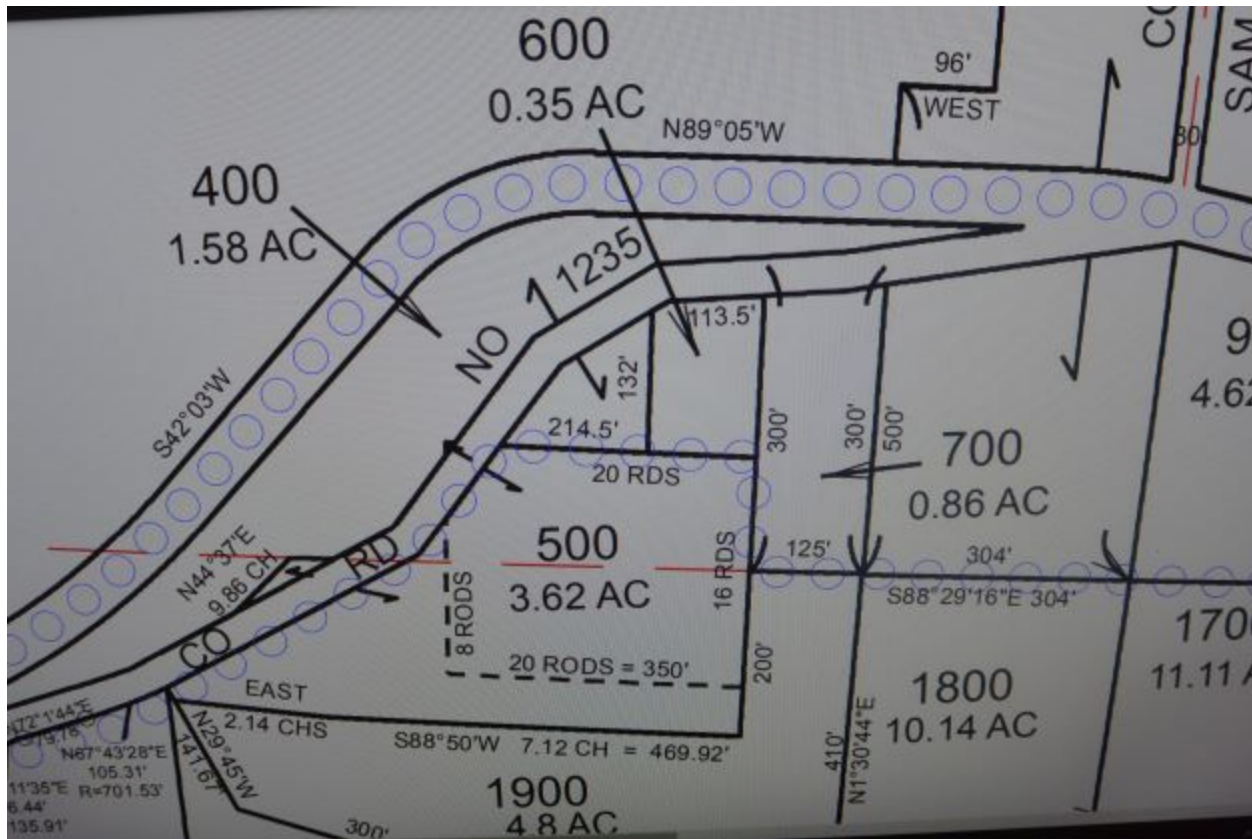
## References

- Allen, A. (2016). *Examining best practices in gifted education to identify and serve culturally and linguistically diverse students*. Presentation at the Oregon Association of Bilingual Educators, Happy Valley, Oregon, June 24, 2016.
- Allensworth, E., & Evans, S. (2016). Tackling absenteeism in Chicago. *Phi Delta Kappan*, 98(2), 16-21.  
<https://doi.org/10.1177/0031721716671900>
- Artiles, A., & Ortiz, A. (Eds.). (2002). *English language Learners with special education needs: Assessment, identification, and instruction*. Washington, DC: Center for Applied Linguistics.
- Browder, C. T. (2014). *English Learners with limited or interrupted formal education: Risk and resilience in educational outcomes*. University of Maryland: dissertation.
- De Jong, E.J. (2004). After exit: Academic achievement patterns of former English language Learners. *Education Policy Analysis Archives*, 12 (50). Downloaded from <https://epaa.asu.edu/ojs/article/view/205/331>
- Flores, S. M., Batalova, J., & Fix, M. (2012). *The Educational trajectories of English language learners in Texas*. Washington DC: Migration Policy Institute.
- García, O. (2009). Emergent bilinguals and TESOL: What's in a name? *TESOL Quarterly*, 43(2), 322-326.  
<https://doi.org/10.1002/j.1545-7249.2009.tb00172.x>
- Ginsburg, A., Jordan, P., & Chang, H. (2014). *Absences add up: How school attendance affects student success*. Attendance Works. Downloaded from [https://www.attendanceworks.org/wp-content/uploads/2017/05/Absenses-Add-Up\\_September-3rd-2014.pdf](https://www.attendanceworks.org/wp-content/uploads/2017/05/Absenses-Add-Up_September-3rd-2014.pdf)
- Hamayan, E., Marler, B., Sanchez Lopez, C., & Damico, J. (2007). *Special education considerations for English language Learners: Delivering a continuum of services*. Philadelphia: Caslon.
- Hopkins, M., Thompson, K. D., Linqanti, R., Hakuta, K., & August, D. (2013). Fully accounting for English learner performance: A key issue in ESEA reauthorization. *Educational Researcher*, 42(2), 101–108.  
<https://doi.org/10.3102/0013189X12471426>
- Menken, K., & Kleyn, T. (2009). The difficult road for long-term English Learners. *Educational Leadership*, 66(7), 26-29
- Short, D. J., & Fitzsimmons, S. (2007). *Double the work: Challenges and solutions to acquiring language and academic literacy for adolescent English language learners: A report to Carnegie Corporation of New York*. Alliance for Excellent Education.
- Thompson, K. D., Umansky, I. M., & Rew, W. J. (2022). Improving understanding of English learner education through an expanded analytic framework. *Educational Policy*. <https://doi.org/10.1177/08959048221087214>

# Triangle Grange / District 90 'Lot-Line' Update

- Background / Issue Identification
- History
- Complicating Factors
- Additional Research / Support Required
- Next Steps

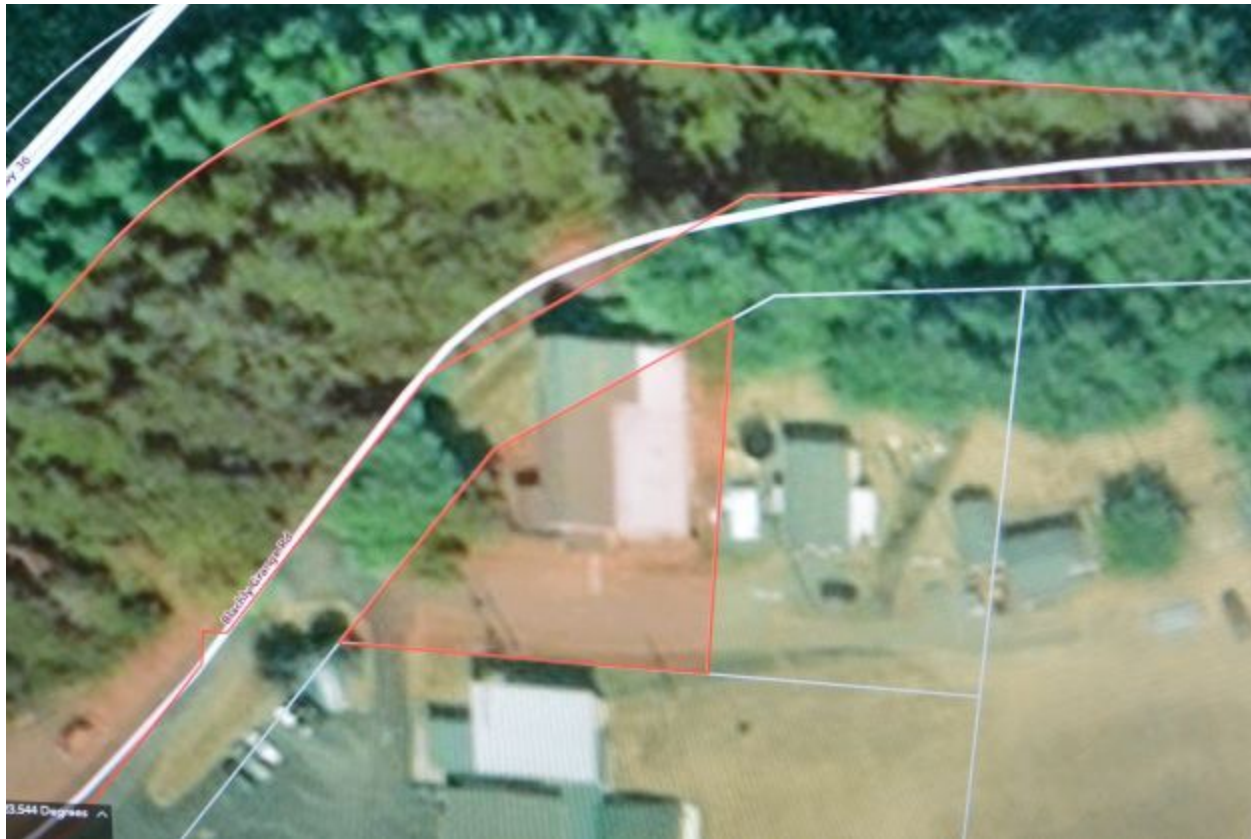
# Tax Lot Map View



# Tax Lot # 16-07-09-00-00600 (Grange Owned Property)



# Tax Lot # 16-07-09-00-00400 (District Owned Property)



# Student Rights & Responsibilities 2022-23



## BLACHLY SD BEHAVIOR PHILOSOPHIES

Over the past two years, Blachly SD has been committed to creating more safe and welcoming schools. As a part of this process, we have redesigned our behavior systems to be more inclusive and equitable, focusing on learning and growth. Thanks to deep work by our Administrators last year, we have developed the Working Behavior Philosophy below. Throughout the Fall of 2022, we will gather feedback from students, families, and community stakeholders to inform our final version, which will be published in August of 2023. While we develop our restorative behavior systems, students may experience some responses from staff that align with existing disciplinary supports. We will continue working toward full implementation of disciplinary practices that are intended to restore relationships that were impacted, reduce the likelihood the behavior will occur again, and reinforce the skills necessary to thrive.

### Working BLACHLY SD (BSD) Philosophy of Behavior Statement

We believe in our students and encourage them to be safe and make healthy decisions regarding their behavior. When an incident occurs, students, parents/guardians, and school staff are invited to collaboratively seek an understanding of the situation, and to work together to learn and repair relationships and any harm from the incident.

BSD will utilize effective school practices to ensure a school climate that is appropriate for learning, and that assures the safety and welfare of students and staff in all aspects of school related functions. In addition, the district is committed to eliminating disparities and disproportionality by developing a school culture where expectations are explicitly taught and consistently reinforced to provide an environment where all students feel connected, safe, supported, valued, and heard.

Successful behavior practices have the following characteristics:

1. They are viewed as a learning opportunity, designed to teach, recognize, and promote positive behaviors.
2. They ensure an opportunity for students to obtain an education, focused on keeping students engaged in the classroom.
3. They are culturally responsive by seeking a deeper understanding and honoring each student's cultural assets and values.
4. They are explicit, reasonable, and timely.
5. They include a variety of prevention and intervention measures.
6. They provide the opportunity for staff, parent/family and student participation.
7. They are logical, fair, consistent, developmentally appropriate, and considerate of circumstances.
8. They acknowledge and consider individual differences among students with insight and sensitivity.
9. They increase the student's awareness of the impact of their behavior and provide an opportunity to be reflective and repair relationships, as appropriate.
10. They build a sense of community and increase the community's capacity for resolving conflict, while maintaining a positive school culture.

## SUMMARY OF DISCIPLINE

These policies and procedures are designed to protect the safety, rights and responsibilities of students, parents and employees. These apply to student conduct which occurs while a student is:

1. On school premises before, during, or after normal school hours.
2. At a school-sponsored event before, during, or after normal school hours, including field trips and school-sponsored tours and activities in another city, state or country.
3. Traveling to and from school or a school-sponsored event.
4. On school premises at any other time when the school is being used for a school-sponsored event.
5. Enrolled in summer school and/or intersessions.
6. Off school premises when such conduct involves threats or harm to students, staff and/or district property.

In addition, the student may be referred to a school counselor, the CARE Team, or Threat Assessment Team. The following list is not comprehensive of all behaviors that may require discipline, but it calls attention to some examples for illustrative purposes.

OFFENSE	<b>PROGRESSIVE SEQUENCE OF CONSEQUENCES</b> <i>Any level of consequences may be administered for any offense taking into consideration the age of and the past behavior of the student.</i>
<b>Assault, Physical</b> – To intentionally, knowingly, or recklessly cause physical injury and/or cause substantial pain to another person.	<ul style="list-style-type: none"> <li>• A student who physically assaults another person will not be returned to the classroom until their assigned consequence has been completed and may be reassigned to another class, classroom, or school.</li> <li>• Contact with parent or guardian.</li> <li>• Suspension for up to 10 school days.</li> <li>• Restitution.</li> <li>• Referral to law enforcement.</li> <li>• Continuing suspension and recommendation for expulsion.</li> <li>• Evaluation (mental health, counseling) at parent's expense.</li> </ul>
<b>Aggressive Behavior</b> – Physical behaviors directed toward another person, including, but not limited to, kicking, hitting, biting, shoving, tripping, slapping, or attempting to injure.	
<b>Threat</b> – To place another person in fear of imminent physical injury by word (written or verbal) or conduct.	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Conflict management meeting.</li> <li>• In-school suspension with a special project.</li> <li>• Suspension for up to 10 school days, with a special project.</li> <li>• Referral to law enforcement.</li> <li>• Conference with parent prior to return of student to school.</li> <li>• Continuing suspension with recommendation for expulsion.</li> <li>• Evaluation at parent's expense.</li> </ul>
<b>Bullying, Harassment &amp; Intimidation</b> – Any act that substantially interferes with a person's educational opportunities or performance, that takes place on school property, at any school-sponsored activity, on school-provided transportation or at any official school bus stop; and that has the effect of knowingly placing a person in reasonable fear of physical harm or reasonable fear that damage may occur to the person's property; or creates a hostile educational environment which serves to distress, threaten, demean, annoy or torment another person.	
<b>Sexual Harassment</b> – Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature that unreasonably interferes with a person's education and/or a person's participation in school activities, or that creates an intimidating, hostile or offensive school-related environment.	
<b>Discriminatory Harassment</b> – The belief that members of one race are superior to members of another race or ethnic group and the use of words, and/or actions to carry out those beliefs.	
<b>Insubordinate Behavior</b> – Behaviors which are defined as insubordinate may include, but are not limited to: disobeying or defying the authority of district personnel; verbal, physical, and/or profane or rude behaviors; disrupting any classroom, school or district-sponsored activity; behavior that constitutes a safety risk to the student or others; intentionally and/or knowingly distributing video or photos of student(s) behavior that is not in accordance with school rules and guidelines and/or multiple referrals for insubordinate behaviors. Unsafe behaviors during bus rides to and from school or school sponsored events.	<ul style="list-style-type: none"> <li>• Removal from classroom or any district activity.</li> <li>• Contact and conference with parent or guardian.</li> <li>• Detention, in-school suspension.</li> <li>• Suspension for up to 10 school days, with a special project or in-school suspension with a special project</li> <li>• Continuing suspension and a recommendation for expulsion.</li> </ul>
<b>Weapons</b> – Possessing, transmitting, selling, or in any way displaying any weapon, device, instrument, material or substance, firearm, illegal explosive, or other implement, which could reasonably be considered or used as a weapon, or attempted to be used as a weapon, or threatened to be used as a weapon, or is readily capable of causing death or serious physical injury and/or which is of no reasonable or educational use to the student.	<ul style="list-style-type: none"> <li>• Confiscation of item related to offense.</li> <li>• Contact and conference with parent or guardian.</li> <li>• Referral to law enforcement authority.</li> <li>• Continuing suspension with recommendation for expulsion.</li> </ul>
<b>Look-alike Weapons</b> – Possessing, transmitting, selling, or in any way displaying any device, instrument, material or substance, or other implement which could reasonably be considered a weapon, as defined in policy and/or which is of no reasonable or educational use to the student.	<ul style="list-style-type: none"> <li>• Confiscation of item related to offense.</li> <li>• Contact and conference with parent or guardian.</li> <li>• In-school suspension.</li> <li>• Suspension for up to 10 school days.</li> <li>• Referral to law enforcement.</li> <li>• Continuing suspension and recommendation for expulsion.</li> </ul>

<p><b>Alcohol and Other Drugs</b> – Possessing, buying, use of, or being under the influence of an alcoholic beverage; inhalants, including solvents and other dangerous substances; or other drug as defined by but not necessarily limited to the Uniform Controlled Substance Act, ORS 475.005; possession of paraphernalia, possession of look-alikes being represented as being a controlled substance and/or misuse of prescription or non-prescription drugs.</p>	<ul style="list-style-type: none"> <li>• Confiscation of item(s) related to offense.</li> <li>• Contact and conference with parent or guardian.</li> <li>• Referral to law enforcement authority.</li> <li>• Suspension, in or out of school, for up to 10 school days.</li> <li>• Continuing suspension and a recommendation for expulsion.</li> <li>• Possible recommendation for diversion.</li> </ul>
<p><b>Alcohol and Other Drugs</b> – Selling, distributing or possession with the intent to sell alcoholic beverages, inhalants, including solvents and other dangerous substances; or any other drug as defined by, but not necessarily limited to, the Uniform Controlled Substance Act, ORS 475.005, including look-alikes being represented as being a controlled substance and/or misuse of prescription or non-prescription drugs.</p>	
<p><b>Tobacco or Tobacco Products</b> – Smoking, possessing, selling, buying, transmitting, distributing, or otherwise using tobacco or tobacco products. This applies to look-alike tobacco and tobacco products and to those substances represented as being tobacco and tobacco products (such as e-cigarettes and their contents).</p>	<ul style="list-style-type: none"> <li>• Confiscation of any item(s) related to the offense.</li> <li>• Contact and conference with parent or guardian.</li> <li>• Special project as assigned by administrator.</li> <li>• Suspension, in or out of school for up to three (3) days.</li> <li>• Referral to law enforcement authority.</li> </ul>
<p><b>Attendance-Unauthorized absence</b> – Any unauthorized absence from class without prior permission from parent or guardian.</p>	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Development of attendance contract to be determined by school administrator.</li> <li>• Detention or in-school suspension.</li> <li>• Referral to law enforcement authority.</li> <li>• Retention/failure to receive credit for course work.</li> </ul>
<p><b>Attendance- Tardiness</b> – Any unauthorized absence from class without prior permission from parent or guardian.</p>	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Development of attendance contract to be determined by school administrator.</li> <li>• Detention or in-school suspension.</li> <li>• Retention/failure to receive credit for course work.</li> </ul>
<p><b>Firesetting</b> – Any act or attempted act of firesetting.</p>	<ul style="list-style-type: none"> <li>• Confiscation of item related to offense.</li> <li>• Contact and conference with parent or guardian.</li> <li>• Referral to law enforcement authority.</li> <li>• Restitution.</li> <li>• Removal from participation in school activities until restitution is made.</li> <li>• Suspension for up to 10 school days.</li> <li>• Continuing suspension and recommendation for expulsion.</li> </ul>
<p><b>Computer Network and Internet</b> – Any misuse or use of any network and/or internet system to threaten damage to district property or personnel or in any way sabotages or modifies district programs, the district's computer networks and/or internet system, as defined in District policy INS-A004.</p>	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Suspension or revocation of system privileges for minimum of 30 calendar days.</li> <li>• In-school suspension.</li> <li>• Suspension for up to 10 school days.</li> <li>• Permanent revocation of system privileges.</li> <li>• Referral to law enforcement.</li> <li>• Continuing suspension and recommendation for expulsion.</li> </ul>
<p><b>Property Damage and Theft</b> – Deliberate or intentional damage to any district facility and property and/or theft of property belonging to the district or to another individual, including, but not limited to, improper care of books, locker and lock.</p>	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Restitution.</li> <li>• In-school suspension.</li> <li>• Suspension for up to 10 days.</li> <li>• Removal from participation in school activities until restitution is made.</li> <li>• Continuing suspension and recommendation for expulsion.</li> <li>• Referral to law enforcement authority.</li> <li>• Evaluation at parent's expense.</li> </ul>
<p><b>Nonpayment of fees, fines, and/or restitution for damaged or lost property.</b></p>	<ul style="list-style-type: none"> <li>• Contact with parent or guardian.</li> <li>• Referral to collection agency and/or law enforcement.</li> </ul>

## **SUSPENSION**

Suspension is the temporary removal of a student from all school building(s)/property and from participation and/or attendance in or at school activities or district-sponsored events and or activities, including athletics and access to school transportation, for not more than ten school days.

A student, parent, or other person in parental relationship shall have two school days from the school administration's decision to suspend, in which to appeal the decision to the Superintendent or designee.

The Superintendent or designee will review the written record and/or may conduct an informal hearing, and render a written decision within three (3) school days from the notice of the appeal. A student, parent, or other person in parental relationship shall have the right to appeal the Superintendent or designee's decision to the Board within two (2) school days from the receipt of said decision.

## **EXPULSION**

Any student who violates district policies and procedures may be subject to expulsion. Expulsion is the removal by the School Board or its designee of a student from school building(s)/property, school transportation, and from participation in school activities for not more than one calendar year.

If students with disabilities and/or students who have current special education evaluations pending have committed an offense for which expulsion is a suggested disciplinary consequence, prior to this change of placement, a determination will be made as to whether the student's misconduct is caused by the student's disability or an inappropriate placement.

A student who has been recommended for expulsion will receive a hearing before a hearing officer; the hearing will be conducted pursuant to ORS 332.061 and in accordance with district policy and procedures as may be directed by the Superintendent.

A student may be represented by legal counsel or another person at the student's expense. The student, parent or other person in parental relationship shall be permitted to inspect, in advance of the hearing, any affidavits or exhibits, which the district intends to submit at the hearing. The student shall be permitted to introduce evidence by testimony, writings, or other exhibits. The case shall be determined solely on the evidence presented at the hearing. The hearing officer shall render a decision in writing within 24 hours of the hearing.

Within five school days of the receipt of the hearing officer's initial decision, or seven calendar days if the expulsion decision occurs after school ends in June, the parent, other person in parental relationship, or the student if 18 years of age or over may request a Board review of the decision on a Notice of Appeal form developed by the Superintendent's Office. The appeal shall be filed with the Office of the Superintendent.

## **DIVERSION**

Upon recommendation of the school administrator, a student who has violated district weapons or drug/alcohol policy or rule may be given the option to participate in a Diversion Program.

## **ALTERNATIVE EDUCATION**

Students who have been expelled from the district will be notified of alternative educational programs designed to provide a variety of environments, times, structures and /or method so that they can participate in during the time they are expelled.



## Blachly School Board Communication Protocols

2022-2023

1. The board's expectations for communication from the superintendent in a crisis (defined as: emergency situations involving first responders, law enforcement, media and situations where the board has rights to information): The superintendent will communicate via text with the chair and vice chair as soon as he is available to do so. The chair and vice chair will inform the rest of the board.
2. The board's expectation for communication from the superintendent about something important, but which is NOT a crisis: In time-sensitive situations where notice is going out to the district or community, the board will be included in the distribution. For non-time-sensitive issues, the superintendent will include information in a weekly update to the board.
3. Media requests: The superintendent handles these.
4. School visits: If a board member wants to visit the school to observe a classroom, a program, etc., notice to the superintendent or principal will be given.

# BLACHLY SCHOOL BOARD-SUPERINTENDENT OPERATING AGREEMENT



## PURPOSE:

The Board of Directors is the educational policymaking body for Blachly SD to effectively meet the system's challenges the School Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective group agreements must be in place. The following are the group agreements for the Board and Superintendent:

### COLLABORATIVE GOVERNANCE:

1. Members of the Board and the Superintendent shall work together as a team; modeling lifelong learning and collaboration.
2. Board members shall recognize and respect the Superintendent's responsibility to manage the school district and to direct employees in district and school matters.
3. Board members shall give careful consideration, listening to all perspectives, to all issues brought to the board by individuals and district leadership.
4. The Board shall make decisions only at properly called meetings. Board members recognize that individual members have no authority to take individual action in policy or district and school administrative matters, unless so authorized by board vote.

### COMMUNICATION AGREEMENTS:

1. Board members shall follow the chain-of-command and communicate directly with the Superintendent when a question arises, or a concern or complaint is voiced by a staff member, student, parent or community member.
2. Board Members shall make every effort to communicate directly with the Superintendent or Board Chair prior to meetings of the board to address questions and/or concerns about agenda items.
3. Board members and the Superintendent shall communicate one-on-one, when an individual concern arises, with any member of the board-superintendent team as appropriate.

### BOARD EXPECTATIONS OF THE SUPT:

1. Work with the board to establish a clear vision for the district.
2. Represent the district by being visible in the community.
3. Provide data to the board so that data-driven decisions can be made.
4. Distribute appropriate information to all board members and is accessible between board meetings to answer individual questions.
5. A mutual expectation that the superintendent will communicate with the board promptly and effectively, as will the board with the superintendent.

### SUPERINTENDENT'S EXPECTATIONS OF THE BOARD:

1. Willingness to share the successes and failures of district.
2. Assistance in gaining acceptance and support in the community.
3. Willingness to acknowledge and follow the chain of command in the district.
4. Effort to foster unity, harmony, and open communications within the board.
5. A mutual agreement that both the board and superintendent will avoid surprises at board meeting.

SIGNATURES OF AGREEMENT: Date \_\_\_\_\_

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# BOARD-SUPERINTENDENT WORKING AGREEMENT

## BOARD'S EXPECTATIONS OF THE SUPERINTENDENT

1. Work toward becoming a team with board members.
2. Respect and acknowledge the board's role in setting policy and overseeing the performance of the superintendent.
3. Work with the board to establish a clear vision for the school district.
4. Prepare preliminary goals annually for the board's considerations.
5. Provide data to the board members so that data-driven decisions can be made.
6. Possess a working knowledge of all legal and local policies.
7. Inform the board of all critical information including relevant trends, anticipated adverse media coverage or critical external or internal change.
8. Distribute appropriate information to all board members.
9. Communicate with board members promptly and effectively.
10. Distribute the board agenda by \_\_\_\_\_ (time, day) prior to the regularly scheduled board meetings on \_\_\_\_\_ (day) of the following week, except when major holidays fall on Friday.
  11. Respect the confidentiality requirement of board meeting executive sessions.
  12. Treat all board members professionally.
  13. Communicate to individual board members if a problem or issue is observed developing with an individual board member.
  14. Conduct a self-assessment prior to the board's evaluation of the superintendent's job performance.
  15. Represent the school district by being visible in the community.
  16. Provide follow-up information to board members on concerns and issues they have referred to the superintendent—close the communication loop.

## **SUPERINTENDENT'S EXPECTATIONS OF THE BOARD**

1. Recognition of the superintendent as the educational leader of the school district.
2. Willingness to share the success and failures of the school system with the superintendent.
3. Assistance in gaining acceptance and support in the community.
4. Willingness to abide by its own rules, policies and code of ethical conduct.
5. Willingness, within budget constraints, to provide the superintendent with adequate staff and clerical assistance.
6. Willingness to acknowledge and follow the chain of command of the school district.
7. Respect for the confidentiality requirement of board meeting executive sessions.
8. Avoidance of seeking personal privilege.
9. Willingness to participate in professional development activities at the local, state and national level.
10. Effort to foster unity, harmony and open communications within the board.
11. Understanding of the relative or complementary role of the superintendent and board in policy making.
12. Careful consideration of each recommendation made by the superintendent.
13. Insistence on all available facts and data before deciding.
14. Willingness to study and evaluate educational issues affecting the school district.
15. Practice of avoiding surprise items at board meetings.
16. Integrity of the highest order.

# OSBA Model Sample Policy

Code: CPA-AR  
Revised/Reviewed:

## Layoff and Recall for Administrators

### General

This administrative regulation applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.<sup>1</sup>

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall offer recommendations to the Board regarding transfers, both voluntary and involuntary, and the position(s) which will be eliminated. The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence.

The Board desires/expects administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

When the district determines that a layoff of licensed administrators is necessary, the superintendent or designee will use the procedures described in Section II of this regulation. The superintendent or designee will make every reasonable effort to transfer a licensed and qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, in accordance with the procedures described in Section III. The superintendent or designee may combine remaining positions, if it meets district curriculum needs, so that administrators continue to be licensed and qualified to perform available jobs.

### Section I - Definitions

1. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience, additional training or educational attainments, but not based solely on type of license and endorsements of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years.
2. "Merit" means the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.

<sup>1</sup> Prior to laying off any administrators, the district will work with legal counsel to determine if the procedures in ORS 339.934, including cultural or linguistic expertise criteria, apply to any impacted employees.

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3. "Seniority" is calculated from the first day of actual service as an administrator in the district inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.
4. "License" means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public school district.
5. "Qualifications" mean training, experience, skill and other attributes in addition to the individual's license.

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**Section II - Layoff Procedures**

1. Administrative positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
2. The superintendent or designee may use the following job groups as a guideline:
  - a. School Administrators
    - Group 1: Principals
    - Group 2: Assistant principals
  - b. Central Office Administrators
    - Group 3: Directors (e.g., transportation, maintenance, special education, etc.)
    - Group 4: Coordinators (e.g., talented and gifted (TAG), special education, curriculum, etc.)
    - Group 5: Others
3. If a new administrative position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
4. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
5. The superintendent or designee may recommend layoffs within job groups based on license, seniority, qualifications, merit and/or competence.
6. After identification of the administrator(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators in that group to the remaining positions as necessary.
7. The superintendent or designee will determine whether the administrators identified for layoff will be transferred to a vacant administrative position under the procedures of Section III below or as provided for in state law given the option of a classroom teaching assignment provided the administrator is licensed and determined by the district to be qualified based on merit and/or competence for the assignment.

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**Section III - Reassignments and Transfers**

1. The superintendent or designee will review an administrator’s personnel file, and from consultation with the administrator’s supervisors, shall determine if an administrator who will be laid off under Section II can be transferred to a vacant administrative position. Each transfer may be based on license, seniority, qualifications, merit, and/or competence.
2. An administrator may voluntarily accept a classroom teaching assignment in lieu of a layoff.
  - a. The administrator may accept a classroom teaching assignment which is currently vacant.
  - b. If the administrator previously taught and was a contract teacher in the district, the administrator may displace (“bump”) a probationary or contract teacher with less seniority.
  - c. If the administrator never taught in the district, the administrator may displace (“bump”) a probationary teacher with less seniority.
3. While an administrator retains rights to recall to a vacant administrative position in accordance with Section IV below, an administrator who voluntarily accepts a classroom teacher assignment will also be covered by the layoff/recall and other provisions of the collective bargaining agreement governing regularly employed teachers for purposes of their rights as teachers.

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**Section IV - Recall**

1. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the recall pool.
2. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
3. A laid-off administrator who rejects recall to a position offered by the district for which the administrator is licensed and qualified to perform and which is similar to the workday or work year of the person’s previous position, thereby waives any further recall rights, and the administrator’s employment terminates effective the date of rejection of the job offer.
4. Licensed and qualified administrators will be considered for recall based on proper licensure and qualifications to perform the essential functions of the job. The district retains the right to recall a less senior administrator to the position if that individual has more merit and/or competence.
5. Administrators will be recalled based on license, seniority, qualifications, merit, and/or competence.
6. Notification of recall will be delivered in person or deposited as certified mail, postage prepaid and addressed to the last known address of the laid-off employee. It is the responsibility of the administrator to ensure up-to-date mailing information is provided to the district. The individual shall be allowed ~~7~~ calendar days from the date of personal delivery or postmark to accept the position in writing. If the individual declines the recall or fails to accept within the ~~7~~-day period

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or fails to report for duty on the date specified in the recall notice, the individual's name will be removed from the recall pool. The individual will be considered to have resigned employment with the district and waived any further right of recall.

7. An administrator who wishes to remain eligible for recall to a position requiring a license must maintain a valid license.
8. Individuals who wish to waive recall rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the district. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the district.
9. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits or seniority during the period of the layoff. If applicable, the district will apply any sick leave accrued from another school district employment during the recall time as allowed by state law.
10. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to the approval and rules of the insurance carrier(s).
11. ~~An employee must have completed at least 135 contract days during one school year in order to be eligible for one vertical step advancement for the succeeding school year. If, because of layoff, an employee does not complete at least 135 contract days that school year, the employee will be placed on the same salary schedule step as the employee was on prior to layoff.~~
12. Nothing in this regulation shall be construed so as to interfere with the district's right to dismiss an administrator, not extend the contract of an administrator or dismiss or nonrenew the contract of a probationary administrator pursuant to state law.
13. ~~An individual who is no longer employed as an administrator in the district due to resignation, assignment to a nonadministrative position, expiration of the recall period or rejection of a position offered by the district shall receive salary for all unused vacation time following the termination of employment as an administrator.~~

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### Section V - Announcements of Decisions

Public announcements of layoff decisions should occur only after prior notice to affected administrators. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

### Section VI - Appeal Procedure

An appeal from a layoff decision shall be by arbitration pursuant to the employee's individual employment contract, administrator group contract (employment agreements or meet and confer agreements) or rules of the Employment Relations Board.

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### Section VII - Future Changes in Procedure

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment

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Layoff and Recall for Administrators – CPA-AR

thereof, provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any individual who is in the “recall pool” at the time these procedures are amended, revised or repealed. The district will also consult with employees covered by this administrative regulation prior to making any decisions regarding changes to this procedure.

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# OSBA Model Sample Policy

Code: EFA-AR

Revised/Reviewed:

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## Local Wellness Program

The district's comprehensive age-appropriate nutrition program will be implemented in district schools in accordance with the following requirements:

### Definitions

1. "Accompaniment foods" means food items served along with another food to enhance palatability such as butter, jelly, cream cheese, salad dressing, croutons and condiments.
2. "Combination foods" means products that contain two or more components, representing two or more of the recommended food groups: fruit; vegetable; dairy; protein; or grains.
3. "Competitive foods" means any food or drink sold in competition with the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) during the school day.
4. "Entree item" means an item that is either:
  - a. A combination food of meat or meat alternate and whole grain rich food; or
  - b. A combination food of vegetable or fruit and meat or meat alternate; or
  - c. A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (such as dried beef jerky); or
  - d. Grains only when served in the SBP.
5. "Food service area" means any area on school premises where NSLP or SBP meals are both served and eaten, as well as any areas in which NSLP or SBP meals are either served or eaten.
6. "Meal period" means the period(s) during which breakfast or lunch meals are served and eaten, and as identified on the school schedule.
7. "Nutrition education" means a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating habits.
8. "Oregon Smart Snacks Standards"<sup>1</sup> means the minimum nutrition standards for competitive foods and beverages.
  - a. Food items, including accompaniment foods, must:
    - (1) Be a grain product that contains 50 percent or more whole grains by weight or have as the first ingredient a whole grain (e.g., flour, flake or meal); or
    - (2) Have as the first ingredient, one of the non-grain major food groups: fruits; vegetables; dairy or protein foods (e.g., meat, beans, poultry, seafood, eggs, nuts, seeds); or

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<sup>1</sup> Oregon Department of Education, [Oregon Smart Snacks Standards](#)

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- (3) Be a combination food that contains one-quarter cup of fruit and/or vegetable; or
- (4) Have one of the food items above as a second ingredient if water is the first ingredient; and
- (5) Meet all the competitive food nutrient standards:

- (a) Calories:

- (i) Snacks contain no more than:

- 1) 150 calories as packaged or served for elementary level;
    - 2) 180 calories as packaged or served for middle school level; and
    - 3) 200 calories as packaged or served for high school level.

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- (ii) Entrees contain no more than 350 calories as packaged or served.

- (b) Total fat: contains 35 percent or less of total calories from fat per item as packaged or served.

Exemptions to the total fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts, seeds, nut or seed butters, products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat and seafood with no added fat.

- (c) Saturated fat: contains no more than 10 percent of total calories from saturated fat per item as packaged or served.

Exemptions to the saturated fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts and products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat.

- (d) Transfat: contains 0 grams of trans fat per item as packaged or served.

- (e) Sugar must be no more than 35 percent by weight.

- (i) Exempt from the sugar standard are:

- 1) Dried whole fruits or vegetables;
    - 2) Dried whole fruit or vegetable pieces;
    - 3) Dehydrated fruits or vegetables with no added nutritive sweeteners; and
    - 4) Dried fruits with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, blueberries, tart cherries).

- (f) Sodium:

- (i) Snacks contain no more than 200 mg sodium per item as packaged or served.
  - (ii) Entrees contain no more than 480 mg sodium per item as packaged or served.

- (g) Caffeine free, except for naturally occurring trace amounts, for elementary and middle school level.

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- (h) Exempt from all nutrients standards on any day are:
  - (i) Fresh, canned and frozen fruits or vegetables with no added ingredients except water.
  - (ii) Fruit packed in 100 percent juice, extra light or light syrup.
  - (iii) Canned vegetables that contain a small amount of sugar for processing purposes.
  - (iv) [Sugar-free chewing gum.]
- (i) Entrees in same or smaller portion served on the day or the day following in the National School Lunch or School Breakfast Programs are exempt from the nutrient standards for:
  - (i) Calories;
  - (ii) Total fat;
  - (iii) Saturated fat;
  - (iv) Transfat;
  - (v) Sodium; and
  - (vi) Sugar.

b. Beverages must be:

- (1) For elementary level students:
  - (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
  - (b) Lowfat milk (unflavored), with portion size not to exceed 8 ounces and 150 calories;
  - (c) Nonfat milk (including flavored), with portion size not to exceed 8 ounces and 150 calories;
  - (d) Nutritionally equivalent milk alternatives, portion size not to exceed 8 ounces and 150 calories;
  - (e) Full strength, unsweetened fruit or vegetable juices, portion size not to exceed 8 ounces and 120 calories;
  - (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 8 ounces and 120 calories;
  - (g) Caffeine free, except for naturally occurring trace amounts.
- (2) For middle school level students:
  - (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
  - (b) Lowfat milk (unflavored), portion size not to exceed 10 ounces and 190 calories;
  - (c) Nonfat milk (including flavored), portion size not to exceed 10 ounces and 190 calories;
  - (d) Nutritionally equivalent milk alternatives, portion size not to exceed 10 ounces and 190 calories;
  - (e) Full strength, unsweetened fruit or vegetable juices, portion size not to exceed 10 ounces and 150 calories;

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- (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 10 ounces and 150 calories;
- (g) Caffeine free, except for naturally occurring trace amounts.

(3) For high school level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), portion size not to exceed 12 ounces and 225 calories;
- (c) Nonfat milk (including flavored), portion size not to exceed 12 ounces and 225 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 12 ounces and 225 calories;
- (e) Full strength, unsweetened fruit or vegetable juices, portion size not to exceed 12 ounces and 180 calories;
- (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 12 ounces and 180 calories;
- (g) Low or no calorie beverage is less than 5 calories per 8 ounce serving or less than or equal to 10 calories per 20 fluid ounces, portion size not to exceed 20 ounce serving;
- (h) Other beverages are not to exceed 40 calories per 8 fluid ounces (or 60 calories per 12 fluid ounces) with portion size not to exceed 12 ounces.

c. Use the nutrient standard for the lowest grade group when mixed grades have open access to competitive foods.

- 9. “School day” means a student education day beginning at midnight and ending at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities.
- 10. “School campus” means all areas of property under the jurisdiction of the school that are accessible to students during the school day.
- 11. “Snack” means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

### **Nutrition Promotion and Nutrition Education**

Nutrition promotion and nutrition education shall be a sequential and integrated focus on improving students’ eating behaviors, reflect evidence-based strategies and be consistent with state and local district health education standards.

Nutrition education at all levels of the district’s curriculum shall include the following essential components designed to help students learn:

- 1. Age-appropriate nutritional knowledge, including the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary

supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;

2. Age-appropriate nutrition-related skills, including but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
3. How to assess one's personal eating habits, set goals for improvement and achieve those goals.

### **Food and Beverage Marketing**

The district (i.e., school nutrition services, athletics department, PTA, PTO) will review existing contracts, new contracts and equipment and product purchase or replacement to reflect the applicable food and beverage marketing guidelines established by the district wellness policy.

“Food and beverage marketing” is defined as advertising and other promotions in schools. Food and beverage marketing often include oral, written or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.

This term includes, but is not limited to, the following:

1. Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container;
2. Displays, such as on vending machine exteriors;
3. Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards;

Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance;

4. Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district;
5. Advertisements in school publications or school mailings;
6. Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

### **Physical Activity and Physical Education**

In order to insure students are afforded the opportunity to engage in physical activity and physical education in the school setting, the following guidelines apply:

1. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of all classes or courses as part of a well-rounded education;

2. Physical education will be a course of study that focuses on students' physical literacy and development of motor skills;
3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;
4. All physical education classes will be taught by licensed physical education teachers and/or appropriately licensed teachers as outlined by the Teacher Standards and Practices Commission (TSPC);
5. Daily recess period(s) will be provided that will not be used as a punishment or a reward.

### **Nutrition Guidelines and Food Services Operation**

In order to support a school's nutrition and food services operation as an essential partner in the educational mission of the district and its role in the district's comprehensive nutrition program, the principal is responsible for ensuring:

1. The school encourages all students to participate in the school's NSLP [and SBP] meal opportunities;
2. The school notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply;
3. The school's NSLP[,] [and] [SBP] [Special Milk Program (SMP)] maintains the confidentiality of students and families applying for or receiving free or reduced-priced meals [or free milk] in accordance with the National School Lunch Act;
4. The school's NSLP[,] [and] [SBP] [SMP] operates to meet dietary specifications in accordance with the Healthy, Hunger-Free Kids Act of 2010 and applicable state laws and regulations;
5. The school sells or serves varied and nutritious food choices consistent with the applicable nutrition standards set by the USDA and the Oregon Smart Snacks Standards. A school or district, that operates or contracts the food service component of their NSLP and SBP, shall form a nutrition advisory committee comprised of staff, students and parents. Cultural norms and preferences will be considered;
6. Food prices set by the district are communicated to students and parents. District pricing strategies will encourage students to purchase full meals and nutritious items;
7. Procedures are in place to provide families, on request, information about the ingredients and nutritional value of the foods served;
8. Modified meals are prepared for students with special dietary needs:

- a. The district will provide substitute foods to students with a disability<sup>2</sup> that restricts their diet, when supported by a written statement from a state-licensed health care professional who is authorized to write medical prescriptions.
  - b. Such substitutions will be provided only when a medical statement from the licensed health care professional is on file at the school. The medical statement must state the nature of the child's impairment so its effect on the student's diet is understood, and what must be done to accommodate the impairment.
9. Food service equipment and facilities meet applicable local and state standards concerning health, safe food preparation, handling and storage, drinking water, sanitation and workplace safety;
  10. Students are provided adequate time and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:
    - a. Tables and chairs are of the appropriate size for students;
    - b. Seating is not overcrowded;
    - c. Students have a relaxed environment;
    - d. Noise is not allowed to become excessive;
    - e. Rules for safe behavior are consistently enforced;
    - f. Tables and floors are cleaned between meal periods;
    - g. The physical structure of the eating area is in good repair; and
    - h. Appropriate supervision is provided.
  11. The guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. § 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. § 1758(f)(1), § 1766(a)), as those regulations and guidance apply to schools.

### **Competitive Food Sales**

In keeping with federal regulations, the district controls the sale of all competitive foods. Accordingly, the district will select food items that meet the Oregon Smart Snacks Standards.

The sale of foods and beverages in competition with the district's NSLP and SBP meals shall be permitted when all income from the food sales accrues to the benefit of the district's nutrition and food services operation or a school or student organization as approved by the Board.

### **Other Foods Offered or Sold**

Foods and beverages sold [or offered] in classrooms or school-sponsored activities during the school day shall follow the Oregon Smart Snacks Standards.

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fund raisers on the school campus during the school day.

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<sup>2</sup> To comply with Section 504 as it relates to a student's severe food allergy, such as milk, gluten, nut or soy, and including but not limited to diabetes, colitis, etc.

## [Employee Wellness<sup>3</sup>

The district's Employee Wellness Program [may] [shall] include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees' needs and interests;
2. Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;
3. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;
4. Education and resources to help employees make decisions about health care; and
5. Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

The district encourages participation from all employees. "Employees" are not limited to instructional staff (i.e. teachers and instructional assistants), but includes all administrators and support staff.

The following groups are seen as essential for establishing, implementing and sustaining an effective employee wellness program:

1. School personnel who implement existing wellness programs in the district (i.e., employee wellness committee);
2. District personnel who implement health programs for students (e.g., school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other staff); and
3. Decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program ( e.g., Board members, superintendents, human resource administrators, fiscal services administrators and principals).]

### **Other Activities that Promote Student Wellness**

The district will provide the following activities and encourage the following practices which promote local wellness:

1. [Scoliosis screenings;]
2. [Safe Routes to Schools Program;]

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<sup>3</sup> [This language is optional and not required by state or federal law.]

3. [Physically active community engagement (e.g., skate night, fun run, dance night);]
4. [Nonfood-related fund raisers;]
5. [Physical activity brain breaks during transitions from one subject to another;]
6. [Intramural sports;]
7. [Monthly/Weekly school walks;]
8. [Assemblies which focus on wellness issues such as the importance of breakfast, healthy beverages, and how students and staff can incorporate 60 minutes of physical activity into their day;]
9. [The use of alternates to food as rewards in the classroom;]
10. [Support groups for overweight and underweight students, and those students who struggle with nutrition and physical activity;]
11. [Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;]
12. [Include wellness as a standing agenda item for school-based meetings (e.g., staff meetings, site council meetings, PTO).]

### **Staff Development**

Ongoing pre-service and professional development training opportunities for staff will be encouraged. Staff responsible for nutrition education will be encouraged to participate in professional development activities to effectively deliver the nutrition education program as planned. Nutrition and food service personnel will receive opportunities to participate in professional development activities that address strategies for promoting healthy eating behavior; food safety; maintaining safe, orderly and pleasant eating environments; and other topics directly relevant to the employee's job duties. The principal is responsible to ensure such training is made available, including but not limited to, the following:

1. Personnel management;
2. Financial management and record keeping;
3. Cost- and labor-efficient food purchasing and preparation;
4. Sanitation and safe food handling, preparation and storage;
5. Planning menus for students with special needs and students of diverse cultural backgrounds;
6. Customer service and student and family involvement;
7. Marketing healthy meals;
8. Principles of nutrition education, including selected curriculum content and innovative nutrition teaching strategies; and

9. Assessment by staff of their own eating practices and increased awareness of behavioral messages staff provide as role models.

## **Family and Community Involvement**

In order to promote family and community involvement in supporting and reinforcing nutrition education in the schools, the principal is responsible for ensuring:

1. Nutrition education materials and cafeteria menus are sent home with students;
2. Parents are encouraged to send healthy snacks/meals to school;
3. Parents and other family members are invited to periodically eat with their student in the cafeteria;
4. Families are invited to attend exhibitions of student nutrition projects or health fairs;
5. Nutrition education workshops and screening services are offered;
6. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes, etc.);
7. Staff are encouraged to cooperate within their own schools and with other agencies and community groups to provide opportunities for student volunteer or paid work related to nutrition, as appropriate;
8. Staff encourages and provides support for parental involvement in their children's physical education[;][.]
9. [Materials promoting physical activity are sent home with students[; and][.]
10. [Physical activity is a planned part of all school-community events.]

## **Program Evaluation**

In order to evaluate the effectiveness of the local wellness program in promoting healthy eating, increased physical activity among students, and to implement program changes as necessary to increase its effectiveness, the superintendent or designee is responsible for ensuring:

1. Board policy and this administrative regulation are implemented as written;
2. All building, grade-level nutrition education curricula and materials are assessed for accuracy, completeness, balance and consistency with state and local district educational goals and standards;
3. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, comprehensive nutrition program, and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;
4. Teachers deliver nutrition education through age-appropriate, culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;

5. Teachers and school nutrition and food service personnel have undertaken joint project planning and action;
6. Teachers have received curriculum-specific training;
7. [Teachers provide physical activity instruction and programs that meet the needs and interests of all students;]
8. Families and community organizations are involved, to the extent practicable, in nutrition education; and
9. One or more persons within the district or at each school, as appropriate, will be charged with the operational responsibility of ensuring that the policy and administrative regulations are followed and will develop an evaluation plan to be used to assess the district's level of compliance with state and federal requirements.

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# OSBA Model Sample Policy

Code: EH-AR  
Revised/Reviewed:

## Records and Data Management

### Employee Responsibilities

1. Employees will evaluate the content and purpose of each record to determine which retention schedule requirement defines the record's required retention period.
2. It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
3. Employees shall retain records, e.g., documents or email, that have not fulfilled the legally-mandated retention period.
4. Employees will organize their records so they can be located and used.
5. Employees will promptly dispose of transitory, non-public record and personal records from the network and email system.
6. Employees are responsible for ensuring that records that are public records are properly archived prior to any district system auto clean-up schedules.

### ~~[State School District Retention~~

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# OSBA Model Sample Policy

Code: GCDG/GDDA-AR  
Revised/Reviewed:

## Criminal Records Checks and Fingerprinting

### Requirements

1. Any individual newly hired employee<sup>1</sup>, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor<sup>2</sup>, whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.

The superintendent will identify contractors who are subject to such requirements.

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.
7. {<sup>3</sup>}A volunteer allowed by the district into a position that has direct, unsupervised contact with students shall undergo an in-state criminal records check.

<sup>1</sup> Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

<sup>2</sup> A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

<sup>3</sup> {If the district allows volunteers to have direct, unsupervised contact with students, districts are required to conduct criminal records checks on these volunteers. Choose the bracketed language options in 7, 8 and/or 9 of this policy that aligns with district practice. If the district allows volunteers to have direct, unsupervised contact with students the presented language is required. Align policy IICC – Volunteers with chosen language here. }

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8. ~~A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy<sup>4</sup> by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.~~
9. ~~A volunteer that is not likely to have direct, unsupervised contact with students ~~will~~ ~~will not~~ be required to undergo an in-state criminal records check.~~

**Exceptions**

A newly hired employee<sup>5</sup> is not subject to fingerprinting if:

1. ~~The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or~~
2. ~~{<sup>6</sup>}~~ The Oregon Department of Education (ODE) determines the person:
  - a. Submitted to a criminal records check for the person’s immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
  - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
  - c. Remained continuously licensed or registered with the TSPC.

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**Notification**

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
  - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
  - b. Any action resulting from such checks completed by the ~~ODE~~ that impact employment, contract or volunteering may be appealed as a contested case to ODE;
  - c. All employment or contract offers ~~for the ability to volunteer~~ are contingent upon the results of such checks;
  - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment ~~for~~ ~~or~~ contract status ~~for~~ or the ability to volunteer in the district ~~for~~;
  - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts ~~for~~ ~~or~~ ODE forms ~~(written or electronic)~~ ~~may~~ ~~will~~ result in immediate termination from employment or contract status;
  - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status ~~for~~ ~~for~~;
  - g. ~~A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number ~~may~~ ~~will~~ result in immediate termination from the ability to volunteer in the district. ~~The district ~~may~~ ~~will~~ remove the volunteer from the position allowing direct, unsupervised contact with students.~~~~

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<sup>4</sup> See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

<sup>5</sup> Any individual hired within the last three months.

<sup>6</sup> {This revision to TSPC rules sunsets July 1, 2024.}

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2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or ~~volunteer~~ forms.

### Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
  - a. Employing district staff;
  - b. Contracted agent of employing district; or
  - c. Local or state law enforcement agency.
3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment~~,~~ ~~or~~ contract ~~or~~ volunteering~~.~~
5. A copy of the fingerprinting results will be kept by the district.

### Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors<sup>7</sup>, shall be paid by the ~~individual~~ ~~district~~.
2. ~~An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.~~
- ~~3. Fees associated with required criminal records checks for volunteers shall be paid by the individual district.~~
4. ~~Fees associated with a required fingerprinting for volunteers shall be paid by the individual district.~~

### Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the district upon:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or

<sup>7</sup> A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

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- b. Notification<sup>8</sup> from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
- 2. A subject individual ~~may~~~~will~~ be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
- 3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
- 4. ~~A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.~~
- 5. ~~If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual ~~will~~~~may~~ be denied the ability to volunteer.~~
- 6. ~~A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form ~~will~~~~may~~ be denied the ability to volunteer in the district.~~

**Appeals**

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

<sup>8</sup> Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

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# OSBA Model Sample Policy

Code: GCPA-AR

Adopted:

## Reduction or Recall of Licensed Staff

The Board will make the final decision on programs to be kept, cut or eliminated following a review of the reduction plan developed by the superintendent. The Board will determine when staff layoffs become necessary, and will approve positions to be cut or limited as after receiving a recommendation from the superintendent.<sup>1</sup> Individuals that may be impacted by the layoff shall not be discussed by the Board. The affected employees shall be notified within a reasonable time.

### Definitions

1. “Competence” means the ability of a teacher to teach a subject or grade level based on consideration of any of the following:
  - a. Teaching experience within the past five years related to the subject or grade level;
  - b. Educational attainments, which may not be based solely on being licensed to teach; or
  - c. The teacher’s willingness to undergo additional training or pursue additional education.
2. “Cultural or linguistic expertise” means the expertise of one teacher, as measured against the expertise of another teacher, based on consideration of any of the following factors:
  - a. A teacher’s linguistic ability in relation to an in-district language, as determined by the district using a method of verification or attestation of fluency for all in-district languages;
  - b. A teacher’s completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
  - c. A teacher’s current work assignment that requires the teacher to work at least 50 percent of the teacher’s work assignment time:
    - (1) At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or
    - (2) At programs, schools or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools or school districts.
3. “In-district language” means a heritage language or a language other than English that is spoken:
  - a. By five percent or more of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the students enrolled in the schools of the district; or
  - b. At five percent or more of the homes of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the homes of the students enrolled in

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<sup>1</sup> Districts are encouraged to consult with legal counsel and any applicable collective bargaining agreements prior to taking any action on reductions of staff.

the schools of the district. “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.

4. “**Procedures Qualified**” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force.
5. “Qualified teacher with cultural or linguistic expertise” means a teacher who:
  - a. Has more cultural or linguistic expertise than a teacher with more or equal seniority; and
  - b. Holds proper licenses or other credentials to fill a remaining position.
6. “Student from a historically underserved background” includes a student who:
  - a. Is an English language learner;
  - b. Is from a racial or ethnic group that has historically experienced academic disparities, including racial or ethnic groups for which a statewide education plan has been developed under ORS 329.841, 329.843 or 329.845 for students who are black, African-American, American Indian, Alaska Native, Latino or Hispanic;
  - c. Is economically disadvantaged; or
  - d. Has a disability.
7. “Teacher” has the meaning given that term in ORS 342.120.†
- 8.

When determining which teachers will be retained when the district reduces staff, the district shall prioritize seniority, except as follows:

1. A district shall retain a qualified teacher with cultural or linguistic expertise who has less seniority if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to teachers without cultural or linguistic expertise.
2. If a qualified teacher with cultural or linguistic expertise is retained as described above and the district is determining which teachers to retain who do not have cultural or linguistic expertise, the district shall prioritize:
  - a. Seniority<sup>2</sup>; or
  - b. Competence or merit in accordance with law.
3. The district may retain a teacher with less seniority than a teacher being released if the district determines that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

The district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about reduction in staff or recall of staff. Retained teachers will be properly licensed and qualified, as defined in Oregon statutes, for the positions they fill.

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<sup>2</sup> Seniority shall be calculated from the first day of actual service as teachers with the district, inclusive of approved leaves of absence. In the event there is a tie in calculating seniority, it shall be broken by drawing lots.

The district will develop criteria and procedures for identifying in-district languages, verifying teacher language abilities, reviewing teacher pathway programs and determining which teachers teach in schools with 25 percent or more students from a historically underserved population. Procedures and timelines will be communicated to teachers.

## **Recall**

A teacher who was released due to a reduction in staff will be eligible for recall for 27 months after the last date of release, unless waived by a rejection of a specific position. No new teacher shall be hired to any position until all staff who remain on a recall list who are licensed and qualified for the position have been given an opportunity to accept the position.

The district shall notify teachers on the recall list of a position opening by registered letter, return receipt requested, at their last known address. Teachers shall have [7] calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional [14] days from date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

If the teacher rejects any position offered for which the teacher is licensed and qualified, or the teacher fails to respond within the specified timeline, the teacher shall forfeit all recall rights.

Staff returning to work shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the release.

Teachers will have recall rights for a maximum 27-month period. If they choose, released teachers may maintain their district insurance and health plans by paying their own premiums as prescribed by law, subject to the rules of the insurance carrier.

†Teachers affected by a reduction in staff may be placed on the substitute list for any position requested when released. They will be notified for those positions requested before other substitutes are notified.†

# OSBA Model Sample Policy

Code: IGBAF-AR

Revised/Reviewed:

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{This AR is designated as required because the district is required to do everything in this AR. Having this AR may help demonstrate compliance during the ODE audit process.}

## Special Education - Individualized Education Program (IEP)\*\*

### 1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
  - (1) Before special education and related services are provided to a student;
  - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
  - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
  - (1) The Oregon standard IEP; or
  - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
  - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
  - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

### 2. IEP Meetings

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- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
  - (1) The student's parent(s);
  - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
  - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
  - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
  - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
  - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
  - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
  - (1) Whenever appropriate, the student with a disability is a member of the team.
  - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.

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- (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

- (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
- (2) If the district refers or places a student in an education service district, state-operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
  - (1) The parent and the district consent in writing to the excusal;
  - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
  - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
  - (1) A statement of the student's present levels of academic achievement and functional performance that:
    - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
    - (b) Describes the results of any evaluations conducted, including functional and developmental information;
    - (c) Is written in language that is understood by all IEP team members, including parents;
    - (d) Is clearly linked to each annual goal statement;

- (e) Includes a description of benchmarks or short-term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short-term objectives. The goals and, if appropriate, objectives:
  - (a) Meet the student’s needs that are present because of the disability, or because of behavior that interferes with the student’s ability to learn, or impedes the learning of other students;
  - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
  - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
  - (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
  - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
  - (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
  - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the district will measure student’s progress toward completion of the annual goals and when periodic reports on the student’s progress toward the annual goals will be provided.

6. Individualized COVID-19 Recovery Services<sup>1</sup>

<sup>1</sup> The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

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Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:

- a. Special education and related services;
- b. Supplementary aides and services;
- c. Additional or intensified instruction;
- d. Social emotional learning support; and
- e. Peer or adult support.

The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.

- a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.
- b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.
- c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.

Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.

- a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.
- b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.

The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.

After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:

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- a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;
- b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services
- c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.

If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.

Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.

Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.

#### 7. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

#### 8. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
  - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
  - (2) The results of the initial or most recent evaluation of the student;
  - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
  - (4) The academic, developmental and functional needs of the child.

- b. In developing, reviewing and revising the student’s IEP, the IEP team considers the following special factors:
- (1) The communication needs of the student; and
  - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
- (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
  - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
  - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
  - (4) For a student who is deaf or hard of hearing, the student’s language and communication needs, including opportunities for direct communication with peers and professional personnel in the student’s language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student’s language and communication mode;
  - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
  - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
    - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
    - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 411-345-0020. Information about these services shall also be provided to the parent by the district

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at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

- (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
  - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

9. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
  - (1) Participation of students with disabilities in state and districtwide assessment; and
  - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

10. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
  - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
  - (2) Identified in the student's IEP; and
  - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The district's criteria for determining the need for extended school year services include:

- (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
  - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. “Regression” means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. “Recoupment” means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

11. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student’s IEP. These services and/or devices may be part of the student’s special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student’s home or in other settings if the student’s IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

12. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student’s parents) provides a free appropriate public education to the student (including services comparable to those described in the student’s IEP from the previous district), until the district either:

- (1) Adopts the student’s IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student’s parents, will provide a free appropriate public education to the student, including services comparable to those described in the student’s IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARS.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.

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- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

# OSBA Model Sample Policy

Code: IGBBC-AR  
Revised/Reviewed:

## Complaints Regarding the Talented and Gifted Program

*(This AR has been recoded to IGBB-AR. Please see the newer version with file name IGBB R G1.)*

The following procedure will be utilized when complaints arise regarding the district's talented and gifted programs and services ("TAG").

All complaints regarding TAG will be reported to the superintendent. The complainant will be given the Talented and Gifted Standards Complaint Form which must be filled out and submitted to the superintendent's office before further consideration can be given to the complaint.

1. Upon receipt of a TAG complaint, the superintendent shall arrange for a review committee consisting of the [TAG coordinator/teacher, the program supervisor, a counselor and a school psychologist].
2. The review committee shall meet within [two] working days of when the superintendent received the written complaint and review all pertinent information. A recommendation from the review committee will be submitted to the superintendent within [10] working days of receiving the original complaint.

The review committee may recommend that:

- a. The programs or services are appropriate; or
- b. The programs or services are not appropriate.

The superintendent shall report the recommendations of the review committee to the Board[ at the next regularly scheduled Board meeting].

3. After consideration of the recommendations, if any, issued by the review committee the Board will issue a decision within [20] days of the Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.

If the complainant, who is [a student,] a parent or guardian of a student who attends school in the district[,] [or] a person who resides in the district, remains dissatisfied and has exhausted local procedures, may appeal<sup>1</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

[<sup>2</sup>] Timelines may be extended upon written agreement between the district and the complainant.

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<sup>1</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

<sup>2</sup> [For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. However, the district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)]

[Name of District]  
[Address]

**TALENTED AND GIFTED STANDARDS COMPLAINT FORM**

**D**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone (Daytime) \_\_\_\_\_ (Evenings) \_\_\_\_\_

Date of Complaint \_\_\_\_\_

1. What is the nature of your complaint? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. What is the district currently doing? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. In your opinion, in what way is this situation a violation of state standards?

\_\_\_\_\_  
\_\_\_\_\_

4. What do you feel the district should be doing? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. Other pertinent comments \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

**E**

# OSBA Model Sample Policy

Code: IMB-AR  
Revised/Reviewed:

## District Improvement Program

The district's comprehensive continuous improvement program planning efforts will be guided by the following key actions:

1. The superintendent will convene a committee<sup>1</sup> ~~[once every four years]~~ ~~[biennially]~~ consisting of ~~[Board members,]~~ administrators, staff, parents~~,~~ students~~]~~ and other community stakeholders with representation from the demographic groups of school population. The purpose of the committee will be to:
  - a. ~~[Establish a clear vision,]~~ and mission supporting student ~~[equity and]~~ achievement as the top priority of the district;~~]~~
  - b. ~~[Define student achievement and identify specific state and local performance benchmarks and district goals based on self-evaluation data;]~~
  - c. Conduct a self-evaluation to design, develop and update the district's continuous improvement plan;
  - d. Develop an action plan linked to specific benchmarks and goals for improving student achievement and growth. The plan will be reflected in school and district improvement plans;
  - e. Develop strategies for annually monitoring, reviewing and revising the action plan and school and district improvement plans as necessary.
2. ~~[The committee will complete a review of,]~~ self-evaluation data needed to assess student achievement performance progress, set benchmarks, establish goals and develop action plans; compiled and disaggregated annually at the district and building level. ~~[Data may include,]~~ and may not be limited to:
  - a. ~~[Numbers of district students who take statewide assessment tests, who meet, fail to meet or who exceed state and local standards; levels of achievement by building, grade level, class and growth in performance;]~~
  - b. ~~[Academic outcomes on statewide and local and other assessment, including the Scholastic Aptitude Test (SAT), American College Test (ACT), etc.;~~
  - c. ~~[Grade point average (GPA) results by class, socioeconomic status, demographics, grade level and school;]~~
  - d. ~~[Percentage of students enrolled in, and completion rates, for advanced courses at the [elementary,] middle and high school levels and among diverse populations;]~~
  - e. ~~[Completion rates by building, grade level, class and district, including diverse populations;]~~
  - f. ~~[Post-secondary enrollment, including community colleges, trade/apprenticeship programs and military enlistments, if known;]~~
  - g. ~~[Student, teacher, administration]~~ and community demographics;
  - h. ~~[Student behavioral/disciplinary referral/attendance data, mobility data and participation in~~ curricular and extracurricular activities as an indicator of student success in school;

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<sup>1</sup> With representatives invited to participate from the demographic groups of their school population.

- i. Previous school and district improvement plan results to determine which components were successful, which were not and degree to which specific strategies were implemented; and
  - j. Survey results of stakeholder satisfaction.
3. The district's action plan to meet identified, specific benchmarks and goals for the improvement plan is subject to superintendent review and Board approval.
- The district's improvement plan shall include, but not be limited to:
- a. Goals to implement the following:
    - (1) A rigorous curriculum aligned with state standards;
    - (2) High-quality instructional programs;
    - (3) Short- and long-term professional development plans;
    - (4) Programs and policies that achieve a safe educational environment;
    - (5) Education service plans for students who have or have not exceeded all of the academic content standards;
    - (6) Staff leadership development;
    - (7) A plan for family and community engagement;
    - (8) High-quality data systems;
    - (9) A strong school library program;
    - (10) Improvement planning that is data-driven.
  - b. A description of district efforts to achieve local efficiencies and efforts to make better use of resources;
  - c. A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities;
  - d. A needs assessment to be conducted which addresses priorities in accordance with Oregon Revised Statute (ORS) 329.095.
4. Accountability to assure the district's continuous improvement plan is implemented will be a shared responsibility of staff, administrators and the Board. Minimally, the superintendent will ensure:
- a. Specific administrative responsibility for implementing plan strategies and assuring that the activity takes place in the manner described is assigned, monitored and evaluated;
  - b. Data analysis results are included as an essential component of the teacher goal setting and evaluation process and as a basis for staff development;
  - c. Principals at the building level compile all necessary disaggregated data for the district's self-evaluation, to enable an assessment of student achievement and comprehensive recommendations to meet identified benchmarks and goals;
  - d. Student performance results on identified benchmarks and goals are annually reported to the community in conjunction with state assessment results, and improvement plan progress and the district's status in relation to Oregon Administrative Rules Chapter 581, Division 022 standards as required by the ODE;
  - e. Retain copies of the improvement plans in accordance with State retention and public records requirements;
  - f. Communications strategies are developed and implemented for keeping stakeholders (e.g., parents, students, teachers, staff and community representatives) informed, including specific activities for providing information on student achievement improvement progress and feedback through surveys, forums and other similar methods.

**Deleted:** <#>District-identified benchmarks and goals for the improvement of student achievement will reflect needs of school subpopulations, be clearly stated, measurable and based on Oregon Department of Education (ODE) guidelines (Quintile Method, Progress Toward Meeting Standards Methods, Individual Aggregate Method, Benchmark Aggregate Method or Composite Method) or other methods as deemed appropriate by the district;

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**Deleted:** <#>e.Recommendations for allocation and realignment of district resources to support student achievement improvement efforts. For example:  
<#>Curriculum revision to ensure K-12 alignment with state and local academic content standards;

<#>Establishment of appropriate educational alternatives for students who exceed academic content standards, for students who are not meeting academic content standards and accommodations for students with special needs. Such alternatives may include before- school or after-school and summer school tutoring, remediation or enrichment activities and programs;  
<#>Staffing needs, assignments and reassignment;  
<#>Instructional materials needs;

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The district will submit its continuous improvement plan to the Oregon Department of Education (ODE) at least once every four years or more frequent if there are substantial changes<sup>2</sup> following the annual review, or when requested by ODE.

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<sup>2</sup> “Substantial change” is defined in OAR 581-022-2250(3)(c).

HR8/08/22|LF

District Improvement Program – IMB-AR

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# OSBA Model Sample Policy

Code: JEA-AR  
Revised/Reviewed:

## Compulsory Attendance Notices and Citations\*\*

Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:

### 1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine that the parent or guardian has failed to enroll their child and to maintain the child in regular attendance. "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification of the violation. If the student is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student's parole or probation officer of the absence;
- c. Serve the notification personally or by certified mail. The notification will be written in the native language of the parent or guardian;
- d. Ensure that notification includes a statement requiring the student to appear on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP), if the child does not currently have an IEP, or request a review of their child's current IEP;
- f. Provide a copy of the notice and pertinent attendance records to the superintendent or designee at the time notice is given to the parent or guardian;
- g. Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.

**Deleted:** <#>[Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records;]¶

### 2. Superintendent or Designee

The superintendent or designee will:

- a. If after review of attendance records a citation appears warranted, prior to issuing the citation, provide written notification to the parent or guardian. The notice will be written in the native language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:
  - (1) The student is required to attend regularly, a school full-time during the school year;
  - (2) A citation for violation of compulsory attendance laws may be issued by the superintendent or designee;
  - (3) The parent has the right to request:

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- (a) An evaluation to determine if the student should have an IEP, if the student does not have one; or
- (b) A review of the student’s current IEP.

- (4) The parent or guardian and student are required to attend a conference with the superintendent or designee. The date, time and place of conference will be specified. This conference may not be scheduled until after an evaluation or review as described in item 3. above, if requested by the parent, has been completed.

3. ~~C~~Conference

The superintendent or designee will conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee will:

- a. ~~R~~Review Oregon’s compulsory attendance law and the student’s attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a plan for student attendance improvement (i.e., contract, etc.);
- d. Inform the parent and student of other available resources in the district and community, if available;
- e. Discuss the potential consequences for continued compulsory attendance noncompliance, including the potential for the issuance of a citation and the consequences for violation of the Board’s student conduct and truancy policies.

4. ~~C~~Citation

Compulsory attendance noncompliance citations may be issued by the superintendent or designee.

The superintendent or designee shall:

- a. Determine that the parent or guardian has continued to fail to enroll their student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;
- b. Contact the clerk of the court for the county and determine which court will hear the case and when;
- c. Ensure the official representing the district will be available to present evidence of the violation at the time and date specified;
- d. Determine whether the local court’s interpretation of Oregon Revised Statute (ORS) 339.095 requires the student be named as defendant. Complete form accordingly;
- e. Complete Uniform Compulsory Attendance Citation and Complaint form as follows:
  - (1) Specify appropriate court, district, circuit, municipal or justice;
  - (2) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;
  - (3) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;
  - (4) Provide all pertinent offense information, including the period of time during which the absences occurred;

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- (5) Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;
  - (6) Provide all pertinent student information including the grade, date of birth, length of time in the district and parent(s) name(s);
  - (7) Provide date of superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;
  - (8) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;
  - (9) Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;
  - (10) Personally serve (not mail) the citation;
  - (11) Complete time and date citation was issued, name, title and signature of district official serving the citation;
  - (12) Ensure the parent or guardian is provided the citation;
  - (13) Ensure the designated court is appropriately notified immediately after the citation is served;
  - (14) Ensure the district retains a copy of the citation;
  - (15) Consult with district's attorney to assist in these procedures, as necessary.
- f. Maintain student attendance records in accordance with applicable education records laws.†

**Deleted:** <#>[Ensure the parent or guardian is served with the goldenrod (bottom) copy;]¶  
 <#>[Ensure the white and yellow copies are sent to the appropriate court, immediately after the citation is served;]¶  
 <#>[Ensure the pink copy is retained by the district. Additional information may be maintained on the back of the pink copy, including the dates the attendance supervisor's and the superintendent's or designee's notifications were sent, dates of contact with parents or guardians and names of school staff who have been involved with the issue;]¶

Blachly School District  
20264 Blachly Grange Rd, Blachly, Oregon, 97412  
Phone:541-925-3262

\*\*\*\*\* ATTENDANCE SUPERVISOR'S NON-ENROLLMENT NOTICE \*\*\*\*\*

Date \_\_\_\_\_  
Parent(s)/Guardian \_\_\_\_\_  
Address \_\_\_\_\_

Dear \_\_\_\_\_,  
(Parent/Guardian)

After review of attendance records, your child \_\_\_\_\_ (name) is not exempted from compulsory attendance for school, under provisions of ORS 339.030, and is not currently enrolled in school.

In accordance with Oregon law, children between ages 6 through 18 must be enrolled in school. Please enroll your child at Triangle Lake Charter School no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP), or request a review of your child's current IEP.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: Lane County Educational Center, Michelle Martin.

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

Britany Bottensek, Principal

cc: Adam Watkins, Superintendent

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- Deleted: Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.

Blachly School District  
20264 Blachly Grange Rd, Blachly, Oregon, 97412  
Phone:541-925-3262

\*\*\*\*\* ATTENDANCE SUPERVISOR'S IRREGULAR ATTENDANCE NOTICE \*\*\*\*\*

Date \_\_\_\_\_  
Parent(s)/Guardian \_\_\_\_\_  
Address \_\_\_\_\_

Dear \_\_\_\_\_,  
(Parent/Guardian)

After review of attendance records, your child \_\_\_\_\_ (name) is not maintaining regular attendance as required by ORS 339.065. "Regular attendance" is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period school is in session. According to attendance records, your child has had \_\_\_\_\_ unexcused absences from school on the following dates: \_\_\_\_\_.

Please send your child to school no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP), or request a review of your child's current IEP. If you request an evaluation for an IEP or a review of a current IEP, a conference will be held after such evaluation or review.

[If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: Lane County Educational Center, Michelle Martin.]

If you have questions and/or need assistance, please contact Anni Thiessen at 541-925-3262 Ext. 103.

Sincerely,

Brittany Bottensek, Principal

cc: Adam Watkins, Superintendent

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[District]  
[Address, City, State, Zip Code]  
[Phone: ]

**\*\* SUPERINTENDENT'S NOTICE OF COMPULSORY ATTENDANCE NONCOMPLIANCE \*\***

Date \_\_\_\_\_  
Parent(s)/Guardian \_\_\_\_\_  
Address \_\_\_\_\_

Dear \_\_\_\_\_,  
(Parent/Guardian)

According to district records, you were notified by the district's attendance supervisor on [date] that your child, [name], ~~is not yet enrolled in school~~ ~~is not maintaining regular school attendance~~ as required by Oregon compulsory attendance laws.

Your child was required to appear in school no later than the next school day following your receipt of ~~the~~ notice and maintain regular attendance for the remainder of the school year. District records indicate your child continues to be absent from school. ~~A child is required to regularly attend a full-time school.~~

The superintendent or designee may issue a citation for your continued violation of Oregon's compulsory attendance law.

You ~~may~~ request an evaluation of your child's individualized education program (IEP) or a review of your child's current IEP.] [requested an evaluation to determine if your child should have an individualized education program (IEP).] [ requested a review of an existing IEP for your child] and the requested evaluation or review was completed on [date].]

In accordance with law, you and your child are required to attend a conference with [designated school official] on [date] at [time] to discuss:

1. Oregon's compulsory attendance law and your child's attendance record;
2. The reasons for your noncompliance;
3. The development of a plan for improvement;
4. Resources available to help your child be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;
5. Any questions you may have concerning the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies.

Failure to attend this conference or ~~to~~ maintain your child in regular school attendance ~~will~~ result in the issuance of a citation, as provided by law.

[If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].]

If you have questions ~~and/or need assistance~~, please contact [name] at [number].

Sincerely,

[Superintendent]/[Designee]

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Compulsory Attendance Notices and Citations\*\* – JEA-AR

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# OSBA Model Sample Policy

Code: KBA-AR  
Revised/Reviewed:

## Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A public records request shall be submitted in writing through the [district office] at [address].
2. Upon receipt of a written request, the district shall respond within five business days<sup>1</sup> acknowledging receipt of the request or completing<sup>2</sup> the district's response to the request.

If the district provides an acknowledgment of the request, it must:

- a. Confirm that the district is the custodian of the requested record;
  - b. Inform the requester that the district is not the custodian of the requested record; or
  - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
    - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
    - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
  4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:
    - a. The staff or volunteers<sup>3</sup> necessary to complete a response to the public records request are unavailable;
    - b. Compliance would demonstrably impede the district's ability to perform other necessary services; or

<sup>1</sup> "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

<sup>2</sup> The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

<sup>3</sup> Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

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c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

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5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.

6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.

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7. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.

8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

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9. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the district. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of [\$.25 per page]. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

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