

Regular Board Meeting  
Wednesday, January 10, 2024 6:00 PM Pacific

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

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

Present: 5, Absent: 2.

Staff: Brittany Bottensek, Katherine Tripp, Shane Bencoter, Dennis Boyd, Kelly Goodwin, Pat Rufo, Molly Rust

Community & Students: Ella Smith

Dwight Coon: Present

Present: 6, Absent: 1.

Staff: Brittany Bottensek, Katherine Tripp, Dennis Boyd, Kelly Goodwin, Pat Rufo, Molly Rust

Community & Students:

1. **CALL TO ORDER**
2. **WELCOME GUESTS AND VISITORS**
3. **CHANGES OR ADDITIONS TO THE AGENDA**
4. **PUBLIC FORUM/COMMUNICATIONS**
5. **CONSENT AGENDA**
  - 5.1. **BOARD MINUTES**
  - 5.2. **FINANCIAL REPORT**
  - 5.3. **THIRD READ BOARD POLICIES**
  - 5.4. **BASEBALL CO-OP**
  - 5.5. **NEW HIRE**
  - 5.6. **RESIGNATION**
  - 5.7. **MOTION**
6. **REPORTS**
  - 6.1. **ENROLLMENT**
  - 6.2. **STUDENT BODY REPORT**
  - 6.3. **FACILITIES REPORT**
  - 6.4. **TRANSPORTATION/TECHNOLOGY REPORT**
  - 6.5. **STUDENT SERVICES REPORT**
  - 6.6. **PRINCIPAL'S REPORT**
  - 6.7. **SUPERINTENDENT'S REPORT**
  - 6.8. **DIRECTORS REPORT**

**7. UNFINISHED BUSINESS**

**7.1. SIA ANNUAL REPORT 2022-23**

**8. NEW BUSINESS**

**8.1. INTEGRATED GUIDANCE 2023-24**

**8.2. EARLY LITERACY GRANT**

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

**10. RECONVENE REGULAR SESSION**

**11. ANNOUNCEMENTS**

**11.1. UPCOMING BOARD MEETING**

**12. ADJOURN THE REGULAR MEETING**

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

# 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, November 8, 2023 7:00 PM  
Pacific

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

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

Present: 6, Absent: 1.

Ella Smith, Sherrill Harder, Jim Applegate, Pat Rufo, Brittany Bottensek, Lisa Wagner, Kelly Goodwin, Dennis Boyd.

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

Board Chair Pennel called the meeting to order at 7:00 pm.

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

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

We will be adding to the agenda under item 8.3-Superintendent Request, and removing 8.2-OSBA Voting from the agenda.

#### **4. PUBLIC FORUM/COMMUNICATIONS**

Ms. Lisa Wagner shared a comment with the board. The topic was Charter Board Information.

#### **5. CONSENT AGENDA**

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

The board reviewed the minutes from both September and October and there were no questions or changes.

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

Ms. Pat Rufo presented the board with the October check register. She discussed the spending categories and answered any questions about specific line items.

##### **5.3. ENROLLMENT**

Superintendent Watkins shares our current enrollment. We have been maintaining our enrollment that we had projected. We would always like to add more students to campus and will look at continuing our advertisement and outreach.

##### **5.4. SECOND READ BOARD POLICIES**

Director Schiesser asks about the wellness committee, Superintendent Watkins will go back and review.

Director Drago asks about GCPC-GDPC G1. This needs further review in regard to striking items. We struck #2 out, in regard to retirement of open positions. Would this prevent them

from long-term subbing positions? Superintendent Watkins answers no, he explains in more detail.

These policies will be back on the table for adoption in January.

#### **5.5. RESIGNATION**

Superintendent Watkins shares the resignation of Stasha Wallin from the Kitchen Manager position. She will be really missed. We commend her on the job well done in this position while she has been with us.

#### **5.6. MOTION**

Board Chair Eastburn moved to approve the consent agenda as amended. This motion, made by Jeff Eastburn and seconded by Dwight Coon, Carried.

Lenae Sjostrom: Absent, Ciara Clark: Yea, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 6, Nay: 0, Absent: 1

### **6. REPORTS**

#### **6.1. STUDENT BODY REPORT**

Superintendent Watkins introduces our new Student Body President, Ella Smith. Ms. Smith shares her report with the board.

#### **6.2. FACILITIES REPORT**

Mr. Shane Benscoter prepared a report for the board. He was unable to attend tonight.

Director Drago asks if we will have to re-apply for the grant for the thermostats at the end of the year. Superintendent Watkins shares this collection of data will allow them to then submit for a grant once collected. But this is not currently costing us any money and no grant writing has started.

Director Schiesser asks if we know how long the 4 phases will take. Superintendent Watkins says no, we have not been given that information.

Director Eastburn asks if Mr. Benscoter did the installation of the thermostats. Superintendent Watkins answers no, but he will shadow them next time they are out, and he believes he can do them the next round.

#### **6.3. TRANSPORTATION & TECHNOLOGY REPORT**

Mr. Boyd provided a report for the board.

Board Chair Pennel asks about the research being done in regard to propane buses. The state is pushing to get rid of diesel buses. Our options would be gas or propane because electric buses will not last along our routes. These would be new purchases to replace old buses. There is a lot to look into prior to making decisions.

#### **6.4. STUDENT SERVICES REPORT**

Ms. Tripp has been ill and was not able to attend this meeting or provide a report.

#### **6.5. PRINCIPAL'S REPORT**

Ms. Bottensek provided her report and gave some details about how well the Fall Festival went. She thanked the community members who attended and helped run stations. She shares there will be a gallery walk for AVID career posters during conferences.

Board Chair Pennel asks about the activity buses for winter seasons. Ms. Bottensek answers,

there will still be two routes, the times will be 5:15 and 9:15 tentatively. The students must remain in the gym and the HS coach must monitor them.

Ms. Bottensek gives an update on our soccer co-op. The girls soccer team played in Bend last night and won 4-0, and they are in the championship game this Saturday in Sherwood against Willsonville.

## **6.6. SUPERINTENDENT'S REPORT**

Superintendent Watkins shares this last spring the early literacy bills passed with some funding. Funding is based on ADM weight, this also requires a 25% match by districts. Ms. Bottensek sat in a meeting recently, as well as Superintendent Watkins. The application for this opens December 1st for your plan. We will be reviewing the plan options and availabilities. Superintendent Watkins and Ms. Bottensek will be joining others at the ESD soon to work with others to craft a plan and be able to submit it after the new year.

Director Eastburn asks what amount of funds we are going after. Superintendent Watkins says he can not answer this. The first number they sent us was based off an old ADM, so he has requested a corrected weight to be emailed back to him.

He updates the board about our first quarter reporting for the integrated guidance, and we have still not received our grant agreements/funding. He is currently working on the final reporting for HSS and SIA.

Superintendent Watkins shares that we are looking into the implementation of a new student information system. There have been several ongoing staff complaints with regard to the usability, functionality and compatibility of our current system. The system we are looking into now is Synergy. We are looking at how we could onboard this as it will be a large lift for staff. After the initial lift, the yearly cost would be very comparable to what we pay now. We can break the licensure and training initial costs into a 3-year approach. We are currently looking at what grants could help us cover this expense.

Lastly, Superintendent Watkins shares he was able to meet with both Grange leadership, Maxine Worthylake and Larry Avery. We shared the draft lease agreement with them at this meeting. It went very well. We collaborated on ideas moving forward. We asked that they take the agreement back to their Grange members and review the document, and we can meet again if there are areas they would like to restructure. We went over some of the areas in the agreement, such as easement. We explained some of the reasoning of the document based on what our lawyers suggested. They let us know they would also take it to the State Grange to review the agreement prior to coming back together to discuss. The conversation went well and was good collaboration on both sides. We will schedule another meeting when the Grange comes back to us.

Director Coon asks if we talked to our attorney about a land swap. Superintendent Watkins states we didn't go over this with our attorney. But it did come into conversation with the grange representation as a possibility moving forward. We discussed the importance of their income from their rental, as well as what resources the school might be able to move towards. Board Chair Pennel states that the lease agreement was very boilerplate. Superintendent Watkins states we discussed financials such as utilities that the Grange covers vs what the school covers.

## **7. UNFINISHED BUSINESS**

There was no unfinished business.

## 8. NEW BUSINESS

### 8.1. WIBC PRESENTATION

Director Schiesser moved to approve the request for the WIBC trip out of state in November. This motion, made by Bev Schiesser and seconded by Dwight Coon, Carried.

Lenae Sjostrom: Absent, Jeff Eastburn: Abstain (With Conflict), Derek Pennel: Abstain (With Conflict), Ciara Clark: Yea, Dwight Coon: Yea, Meleah Drago: Yea, Bev Schiesser: Yea  
Yea: 4, Nay: 0, Absent: 1, Abstain (With Conflict): 2

Principal Bottensek shares that for future years we will address approving the WIBC trip in October as this trip is out of state and must have board approval. Each year our band students will apply to enter WIBC, and then we will update the board on how many students were chosen to attend. This year, 3 of our band students were selected for the trip to Washington as well as 1 alternate who was chosen to attend. Ms. Brecheisen is also able to attend since her students were chosen, and she will attend band PD during this trip.

### 8.2. OSBA ELECTIONS

Board Chair Pennel removed this from the agenda

### 8.3. Superintendent Request

Director Coon moves to approve the Superintendents request. This motion, made by Dwight Coon and seconded by Meleah Drago, Carried.

Lenae Sjostrom: Absent, Ciara Clark: Yea, Dwight Coon: Yea, Meleah Drago: Yea, Jeff Eastburn: Yea, Derek Pennel: Yea, Bev Schiesser: Yea  
Yea: 6, Nay: 0, Absent: 1

Superintendent Watkins is asking to attend another class, which is 3 credits. He is able to use a conference and do an independent study around it. This is an additional class this year instead of doing it next year. This is more relative to what we are doing in our district currently.

### 8.4. Board Review/Information Share

Director Drago attended another board meeting recently and has some information and data to share. She shared data documents and discussed if shared data like this would be helpful to compile for our school and maybe share out. This data could then be used to share with our staff, parents, the board and might help in attracting families to our school.

Superintendent Watkins shares that we do get a lot of this data shared with us on the At a Glance by the state and is shared on our website. We are hoping to build one based more on the informative assessments we do in the classroom and day to day. The hope is that we can share the state average, schools of our size and then our data.

Superintendent Watkins asks that if there is data that the board would like to see, please ask him for it.

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

There was no executive session.

## 10. RECONVENE REGULAR SESSION

There was no executive session.

## 11. ANNOUNCEMENTS

**11.1. UPCOMING BOARD MEETING**

Board Chair Pennel reminds the board that this will be a 2-hour training session in December. Our next regular meeting will be in January.

**12. ADJOURN THE REGULAR MEETING**

Board Chair Pennel adjourned the meeting at 8:19 pm.

**13. DOCUMENTS FOR BOARD INFORMATION**

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Derek Pennel  
Board Chair

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Adam Watkins  
Superintendent

# OSBA Model Sample Policy

Code: BD/BDA  
Adopted:

## Board Meetings

~~[Optional policy. School boards must follow public meeting law regardless of whether the board adopts this policy. This policy reflects public meeting law as amended by House Bill 2805 (2023).]~~

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening<sup>1</sup> of a quorum of the Board as the district's governing body to make a decision<sup>2</sup> or to deliberate<sup>3</sup> toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Board, i.e. a work session. "Meeting" does not include any on-site inspection of any project or program the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

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The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. ~~[For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings<sup>4</sup> and/or] posted on the district's website.]~~

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law<sup>5</sup>. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination

<sup>1</sup> "Convening" means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

<sup>2</sup> "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

<sup>3</sup> "Deliberation" means discussion or communication that is part of a decision-making process.

~~[<sup>4</sup> When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting[, at the designated portion of the agenda,] by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.]~~

<sup>5</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

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on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they are not included in the notice.

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If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

If requested to do so at least {72} hours before a meeting held in public, the Board will make a reasonable effort to provide translation services. {6}

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

#### 1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may be scheduled if less than a quorum is present at a meeting, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons. At least 24 hours' notice must be provided to all Board members, the news media which have requested notice, and the general public for any special meeting.

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Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

{6 Districts are encouraged to evaluate translation needs and resources prior to adding this language. A district may decide that translating the agenda, minutes or other documents, or public comment is sufficient. }

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## 2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

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Communications outside of a Board meeting may contain:

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a. Communications to, between or among members of a governing body that are:

- (1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
- (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
- (3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or

b. Individual responses to questions posed by community members, subject to other limitations in Board policy.

Deleted: <#>Agenda item suggestions;  
<#>Reminders regarding meeting times, dates and places;  
<#>Board meeting agendas or information concerning agenda items;  
<#>One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);

E-mails sent to other Board members will have the following notice:

*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by public meetings law.*

## 3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law.

## 4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. The Board may make ~~is discouraged from making~~ official decisions during a work session. ~~Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.~~

## 5. Executive Sessions

Executive sessions may be held ~~as an agenda item~~ during regular, special or emergency meetings for a reason permitted by law. ~~(See Board policy BDC - Executive Sessions)~~

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Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.<sup>7</sup>

**Mandatory Training**

Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGEC) at least once during the Board member’s term of office and shall verify attendance in accordance with OGEC procedures.

END OF POLICY

**Legal Reference(s):**

[ORS Chapter 192](#)

[ORS 255.335](#)

[ORS 433.835 - 433.875](#)

[ORS 332.040 - 332.061](#)

Deleted: [ORS 174.100](#)  
[ORS 174.104](#)

Deleted: [ORS Chapter 193](#)

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

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

OR. ATTY. GEN. Public Records and Meetings Manual.

[House Bill 2805 \(2023\)](#).

Deleted: Oregon House Bill 2560 (2021),  
Oregon House Bill 3041 (2021).

<sup>7</sup> See House Bill 2805 (2023) Section 5(2) for requirements of the response.

<sup>8</sup> {This is required for Board members in districts with total expenditures for a fiscal year of \$1 million or more. This number will be reviewed by OGEC at least once every five years. If the district has total expenditures of less than \$1 million, this language can be kept, but “shall” should be replaced with “is encouraged to.”}

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## OSBA Model Sample Policy

Code: BDC  
Adopted:

### Executive Sessions

{Optional policy. School boards can only meet in executive session when statute allows. This policy can be a helpful resource for Board members in determining whether executive session can be used.}

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be included as an agenda item of an existing meeting [in accordance with Board policy BDDC - Board Meeting Agenda] or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, the presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

Deleted: convened by order of the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. T

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.<sup>1</sup> (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer,<sup>2</sup> employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))

<sup>1</sup> This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. Prior to holding an executive session under ORS 192.660(2)(a), the Board must ensure

- a. The vacancy has been advertised;
- b. Regular hiring procedures have been adopted;
- c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and
- d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

<sup>2</sup> To determine whether the individual involved is considered a public officer, consult with legal counsel.

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6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
9. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))
10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))
11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))
12. To review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

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Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and
3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential except as provided by law. Board members and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required by law.

END OF POLICY

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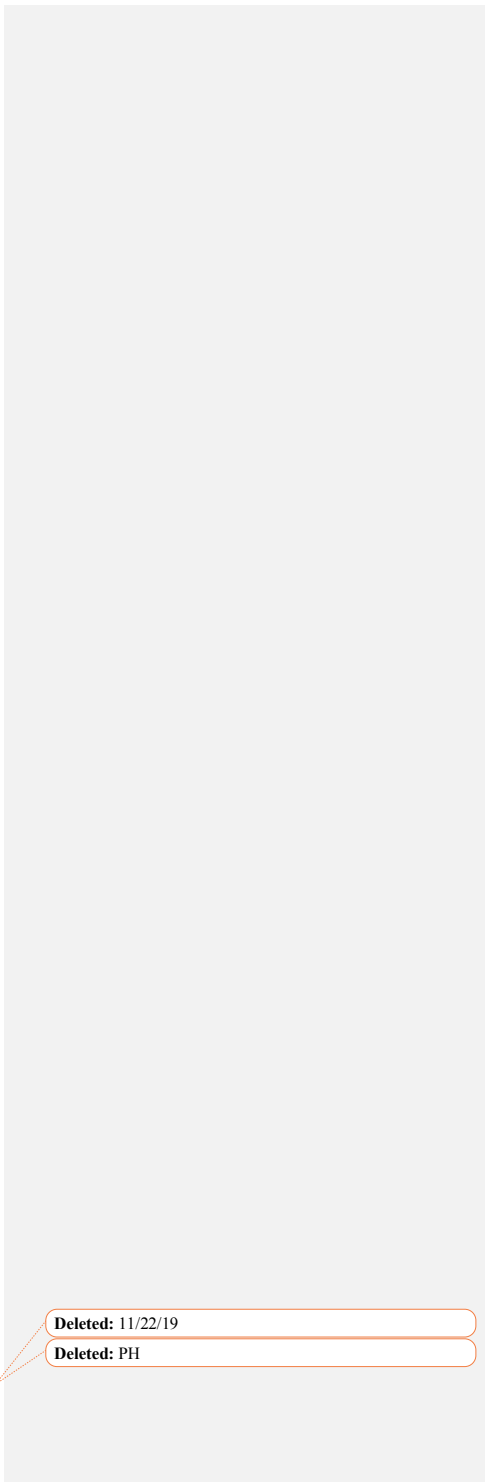
**Legal Reference(s):**

[ORS 192.660](#)

[ORS 332.045](#)

[ORS 332.061](#)

OR. ATTY. GEN. Public Records and Meetings Manual.  
Oregon Government Ethics Commission, [Staff Advisory Opinion](#) No. 22-106S  
[House Bill 2806](#) (2023)



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## OSBA Model Sample Policy

Code: EFA  
Adopted:

### Local Wellness

{Required. 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] [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{†}; and

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

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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);~~
  - 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~~

<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}

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~~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;
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;

<sup>4</sup> {The goals listed are examples; 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.}

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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.

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.

<sup>5</sup> {The goals listed are examples; 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.}

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**{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>.

**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 minute requirements in order to meet ODE’s physical education content standards and state law.

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:

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

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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}~~<sup>{6}</sup> shall participate for a least 150 minutes during each school week, and students in grades ~~{6}~~<sup>{7}</sup> through 8 for at least an average of 150 minutes during each school week, as calculated over the duration of a school year;
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.

<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.

<sup>7</sup> {The goals listed are examples; 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> {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496. }

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

~~{<sup>11}</sup>Employee Wellness<sup>{12}</sup>}~~

<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](#)}

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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);
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

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Local Wellness – EFA  
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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>1</sup>, i.e., at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities].
5. “School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction of the school that are accessible to students during the school day.<sup>1</sup>

END OF POLICY

**Legal Reference(s):**

<a href="#">ORS 327.531</a>	<a href="#">ORS 336.423</a>	<a href="#">OAR 581-051-0306</a>
<a href="#">ORS 327.537</a>		<a href="#">OAR 581-051-0310</a>
<a href="#">ORS 329.496</a>	<a href="#">OAR 581-051-0100</a>	<a href="#">OAR 581-051-0400</a>
<a href="#">ORS 332.107</a>	<a href="#">OAR 581-051-0305</a>	

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).  
[House Bill 3199](#) (2023).

<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](#)

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# OSBA Model Sample Policy

Code: GCBDA/GDBDA  
Adopted:

## Family Medical Leave \* (Version 1)

{Highly recommended policy. The law does not require districts to have a board-adopted policy, but the district is required to follow the law. Having policy and an administrative regulation in place can assist with compliance. Policy is intended for districts with 50 or more employees as counted in accordance with ORS 659A.153. If the district has between 25 and 50 employees, the district should use version 2 of GCBDA/GDBDA – Family Medical Leave \*. If the district does not have 25 employees, the district should not adopt this policy.}

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA)<sup>{1}</sup>, the Oregon Family Leave Act (OFLA)<sup>{2}</sup>, the Oregon Military Family Leave Act (OMFLA), Paid Family Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins: there is no minimum average number of hours worked per week. Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee’s eligibility for OMFLA.

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>3</sup>, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.<sup>4</sup>

Federal and state leave entitlements generally run concurrently.

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<sup>1</sup> Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee “is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.” See 29 CFR 825.110(a)(3). Consequently, FMLA applies to districts with fewer than 50 employees, but individual employees will not be eligible to receive benefits.}

<sup>2</sup> OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)}

<sup>3</sup> The wages are not required to have been earned for work in the district.

<sup>4</sup> See OAR 471-070-1010 for additional information.

The superintendent [or designee] will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

**P**  
END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 659A.090](#)  
[ORS 659A.093](#)

**R**

[ORS 659A.096](#)  
[ORS 659A.099](#)  
[ORS 659A.150 - 659A.186](#)

[ORS 659B.010](#)  
[OAR 839-009-0200 - 0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).  
Senate Bill 999 (2023).

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# OSBA Model Sample Policy

Code: GCBDA/GDBDA-AR(1)  
Revised/Reviewed:

## Family Leave \* (Version 1)

{Highly recommended administrative regulation (AR). The law does not require districts to have this information in an AR, but the district is required to follow the law. Having an AR in place can assist with compliance. This AR is intended for districts with 50 or more employees. If the district has between 25 and 50 employees, use version 2 of GCBDA/GDBDA-AR(1) - Family Leave \*. If the district does not have 25 employees, the district should not use this AR.}

### Employee Eligibility

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

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.<sup>1</sup> For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins: there is no minimum average number of hours worked per week.

An employee is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

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

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
  - a. Is eligible to take leave OFLA at the time the employee separates; and
  - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:

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

- a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
- b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify leave in the same leave year;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave;
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason;
4. An employee unable to work because of a disabling compensable injury<sup>2</sup> need not requalify in order to use OFLA leave following a period the employee is off work due to the compensable injury; and
5. An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition need not requalify to take leave for the death of that family member.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, the district must consider days, paid or unpaid, an employee is maintained on payroll. Full-time public school teachers who have been maintained on payroll by the district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave.

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

### **Qualifying Reason**

Eligible employees may access FMLA leave for the following reasons:

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<sup>2</sup> As defined in ORS 656.005.

1. Serious health condition of the employee or the employee’s covered family member. Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care<sup>3</sup> or continuing treatment by a health care provider<sup>4</sup>.
2. Parental leave<sup>5</sup> (separate from eligible leave as a result of a child’s serious health condition):
  - a. Bonding with and the care for the employee’s newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted child or newly placed child in foster care<sup>{6}</sup> under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted child or newly placed child in foster care over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military Caregiver Leave: leave for the care for spouse, child or next-of-kin who is a covered servicemember with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee’s spouse, child or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee’s covered family member. Serious health condition means:
  - a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;
  - b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
  - c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
  - d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.<sup>7</sup>
2. Parental leave (separate from eligible leave as a result of the child’s serious health condition):

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

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

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

<sup>6</sup> {ORS 659A.159 uses the term “foster child.” Districts can choose to use either “foster child” or “child in foster care” throughout this AR.}

<sup>7</sup> This definition is from ORS 659A.150(7). A more detailed definition is available in OAR 839-009-0210(22).

- a. Bonding with and the care for the employee’s newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted child or newly placed child in foster care over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee’s child. For OFLA, sick child leave includes absence to care for an employee’s child whose school or child care provider has been closed<sup>8</sup> in conjunction with a statewide public health emergency declared by a public health official.<sup>9</sup>
  4. Bereavement Leave: leave related to the death of a covered family member.<sup>10</sup>
  5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
  6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same leave year may be reconfirmed at the start of each qualified leave requested.

## Definitions

1. Family member:
  - a. For the purposes of FMLA, “family member” means:
    - (1) Spouse<sup>11</sup>;
    - (2) Parent;
    - (3) Child; or
    - (4) Persons who are “in loco parentis”.
  - b. For the purposes of OFLA, “family member” means:
    - (1) Spouse or domestic partner;

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

<sup>9</sup> The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

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

<sup>10</sup> Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

<sup>11</sup> “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

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

2. Child:

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

3. In loco parentis:

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

4. Next of kin:

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

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

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

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

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

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

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

7. Public health emergency:

For OFLA a public health emergency means;

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

## Leave Period

For the purposes of calculating an employee’s leave period, the district will use ~~the calendar year~~ ~~any fixed 12-month “leave year”~~ [the 12-month period measured forward from the date the employee’s leave begins] ~~a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave~~ ~~a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences~~ <sup>{13}</sup>. The same method for calculating the one-year period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated leave period described above.

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<sup>13</sup> Beginning July 1, 2024, districts are required to use the final bracketed option for OFLA purposes. See SB 999 (2023). Prior to making a change to the leave period calculation, 60 days’ notice must be provided to employees. FMLA continues to measure the leave year as 12 months, which could result in slight differences for some employees.

## Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period<sup>14</sup>. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement, or to care for the employee's parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the designated leave period. However, an employee may be entitled to an additional, full 12 weeks of parental leave during the designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA.<sup>15</sup> Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.<sup>16</sup>

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

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12<sup>17</sup>. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of

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<sup>14</sup> An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district's leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

<sup>15</sup> Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

<sup>16</sup> Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

<sup>17</sup> For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

the leave period shall be used for calculating the employee's normal workweek<sup>18</sup>. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

### **Intermittent Leave**

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

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

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(30)(a).

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

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

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

### **Alternate Work Assignment**

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;

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<sup>18</sup> For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

4. The transfer is compliant with state and federal law, including but not limited to the applicable protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on intermittent OFLA leave to another position with the same or different duties to accommodate the leave, provided:

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

If an eligible employee is transferred to an alternative position to accommodate the employee's serious health condition, and as a result the employee works fewer hours than the employee was working in the original position, the employee's OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

### **Special Rules for School Employees**

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

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

2. Limitation on Leave Near the End of the School Year

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

- a. When the qualified leave begins more than five weeks before the end of the school year:
  - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee would return to work during the three-week period before the end of the term.
  - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain on leave until the end of the school year, provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
  - (1) The leave will last more than two weeks; and
  - (2) The employee would return to work during the two-week period before the end of the school year.

- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

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

## **Paid/Unpaid Leave**

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family Medical Leave Insurance (PMFLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with OFLA and FMLA when taken for the same purpose. Subject to any related provisions in any applicable collective bargaining agreement [an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.]{<sup>19</sup>} This includes when an employee is being paid through PMFLI. The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

## **Benefits and Insurance**

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

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

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

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

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<sup>19</sup> {Coordinate with any language regarding use of accrued leave during PMFLI from GDBDF/GDBDF or any equivalent plan information.}

<sup>20</sup> See also ORS 342.934(4)(d) in reduction force situations.

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

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

### **Fitness-for-Duty Certification**

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

### **Application**

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

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

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

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.<sup>21</sup>

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

### **Medical Certification**

The district may require an eligible employee to provide medical documentation, when appropriate<sup>22</sup>, to support the stated reason for such leave. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

Any additional certifications, including second and third opinions, will be in accordance with applicable law.

### **Posted Notice**

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite that is accessible to and regularly frequented by employees.<sup>23</sup> The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.<sup>24</sup>

### **Record Keeping**

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

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

### **Federal vs. State Law**

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA

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<sup>21</sup> See OAR 839-009-0250(4)(c).

<sup>22</sup> Medical documentation is not allowed in every situation. Review current laws and guidance for more information.

<sup>23</sup> [https://www.oregon.gov/boli/employers/Documents/BOLI\\_Printable\\_FamilyMedLv.pdf](https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf); electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

<sup>24</sup> <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

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## OSBA Model Sample Policy

Code: GCPC/GDPC  
Adopted:

### Retirement of Staff \*

{Senate Bill (SB) 1049 (2019) made it possible for employees to retire under PERS and work for a PERS-covered employer, without hour restrictions in most situations. House Bill (HB) 2296 (2023) extends this law to 2034. The law does not require districts to allow PERS-retired employees to work in the district, rather, leaves the decision up to the district. OSBA encourages districts to evaluate the situation (including financial impacts) prior to making a decision regarding these employees. If districts do allow retired employees to return to work, OSBA recommends working with legal counsel to develop criteria and procedures that can be consistently implemented. Also consider the bargaining impacts of the selected practice.}

To assist the district in its planning efforts, staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

~~{Retiring employees are encouraged to coordinate with PERS and the [Human Resources Department] to ensure that all requirements are met. The superintendent will develop requirements, limitations and procedures for employment as a PERS retiree.}^{1}}~~

*{Regarding PERS-workback, there are three main options for districts, please choose one of the following:}*

~~{When an employee of the district retires under PERS, that employee's employment with the district will terminate. Individuals who have retired under PERS are not eligible for employment in the district.}~~

*{OR}*

~~{When an employee of the district retires under PERS, that employee's employment with the district will terminate. PERS-retired individuals may apply for open positions with the district.}^{2,3}}~~

*{OR}*

~~{District employees will be allowed to retire under PERS and return to their position in the district [only for the remainder of the school year]}^{4,5}}~~

END OF POLICY

<sup>1</sup> {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

<sup>2</sup> There must be a break in service for retired employees returning to work.

<sup>3</sup> {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

<sup>4</sup> {Districts can limit workback, but must consider equity pay laws when developing any criteria.}

<sup>5</sup> There must be a break in service for retired employees returning to work.

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**Legal Reference(s):**

[ORS Chapter 237](#)  
[ORS Chapter 238](#)

[ORS Chapter 238A](#)  
[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).  
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).  
OR. CONST., art. IX, §§ 10-13.  
[House Bill 2296 \(2023\)](#).

## OSBA Model Sample Policy

Code: LBE  
Adopted:

### Public Charter Schools\*\*

Public charter schools may be established as a new public school or a virtual public school, from one or more existing public schools in the district or a portion of the school, or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution, or encompass all the schools in the district unless the district is composed of only one school.

Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

An applicant must submit a complete public charter school proposal that meets the requirements of Oregon law, and includes other information required by the district in the application process. The public charter school will be located and operated within the sponsoring district except where authorized by law.

The public charter school employer will be determined with each proposal. If the district is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the district is not the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.

The district will determine if it has any vacant or unused buildings and make a list of such buildings; buildings may be made available for public charter school use, subject to Board approval and Board policy.

Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials

are available.<sup>1</sup> Students must adhere to state law, Board policies, regulations, and rules concerning student conduct and discipline. ~~Public charter school students shall not be permitted to participate in district curricular programs.<sup>2</sup>~~

Public charter school students in grades K-8 may participate in their resident district’s activities that are offered before or after regular school hours. Public charter school students in grades 9-12 may participate in their resident district’s available activities that are sanctioned by the Oregon School Activities Association (OSAA) when the requirements found in Oregon law are met.

The district ~~will~~ ~~will not~~ provide instructional materials, lesson plans, or curriculum guides for use in a public charter school.

The superintendent will develop administrative regulations to include, but not limited to, the proposal process, review, and appeal procedures, and program evaluation, renewal, and termination.

END OF POLICY

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**Legal Reference(s):**

- |                             |                             |   |
|-----------------------------|-----------------------------|---|
| <a href="#">ORS 327.077</a> | <a href="#">ORS 338</a>     | <a href="#">ORS 339.450</a>             |
| <a href="#">ORS 327.109</a> | <a href="#">ORS 339.141</a> | <a href="#">ORS 339.460</a>             |
| <a href="#">ORS 332.107</a> | <a href="#">ORS 339.147</a> | <a href="#">OAR 581-026-0005 - 0710</a> |

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).  
[Senate Bill 767 \(2023\)](#).

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<sup>1</sup> This does not apply to the Oregon law related to OSAA-sanctioned activity participation.

<sup>2</sup> Unless allowed by Oregon law related to OSAA-sanctioned activity participation.

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## OSBA Model Sample Policy

Code: LBEA  
Adopted:

### Resident Student Denial for Virtual Public Charter School Attendance\*\*

{Conditionally Required. This policy is required if the district plans to deny enrollment of a student to attend a virtual public charter school. OAR 581-026-0007}

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will ~~semiannually, by October 1 and April 1,~~ calculate the percentage of students residing in the district, who are attending a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school.

A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment.

If the district is not approving the enrollment, the district must respond with a decision to not give approval within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;
2. The right to appeal the decision to the State Board of Education;
3. A list of two or more other online options available to the student; and
4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
2. The number of students residing in the district enrolled in public charter schools located in the district;
3. The number of students residing in the district enrolled in virtual public charter schools;
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

CR8/30/23 | LF Resident Student Denial for Virtual Public Charter School Attendance\*\* – LBEA

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Deleted: The district may send a notice of approval or disapproval to a parent<sup>2</sup> of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district<sup>4</sup> (See OAR 581-026-0305(3)).

Deleted: The district may respond with an approval or disapproval to a parent within [five] [eight] business days<sup>3</sup> of receipt of the notice from the parent.

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If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[OAR 581-026-0305](#)

[ORS 338.125](#)

[OAR 581-026-0310](#)

[House Bill 3024 \(2023\)](#).

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## Student Body Report

January 2024

- We were very successful in our door decorations Ms. Gilbert won for elementary, Ms. Walden won for middle school, Seniors and Juniors tied.
- Our Hollygram fundraiser went well we made \$650
- Freshman finished their cookie dough fundraiser they made \$550
- Sophomores are still selling candles

### Upcoming events

- We are going to start Val-o-grams on the 22nd of January and have them due on the 8th of february.
- The Juniors are doing a Valentines dance on February 15th.

# BOARD MAINTENANCE REPORT

JANUARY 2024

## THERMOSTATS UPGRADE AND MONITORING EQUIPMENT

The new Pelican Thermostats and monitoring equipment have been installed in all the classrooms and hallways and the testing and monitoring of the system has begun.

Community Energy Labs started training the model (also called perturbations) from **Sat Dec 23rd - Monday Jan 1st**. They ran the HVAC zones throughout the day, while sending randomized set points between 65 - 85 degrees to collect data on how each room responds. This was specifically done during unoccupied times, in this case winter break.

The next tests were in the background to test the accuracy of their model before starting the **M&V period on Jan 9th**. This is where they let the virtual engineer start operating our HVAC during regular occupied times, alternating with our default HVAC controls, for a total of 15 weeks. This is to generate a fair comparison between the default controls and their virtual engineer. The occupants should not notice any difference during these times.

## GYMNASIUM DOORS

The gym doors that had a broken frame have been replaced with storefront doors.

## WINTER BREAK

Winter break work consisted of a lot of cleaning in classrooms and around campus. It also is a time of year when all the filters are cleaned or replaced including the gymnasium and the HRVs in the ceilings.

You will also notice fresh paint in several classrooms, doors and bathrooms along with a fresh coat of wax in the lower hall thanks to our custodial staff.

## **Transportation and Technology Board Report**

**January 2024**

1. Sixth grade class is now 1:1 device issued. Departed from cart in that classroom.
2. Bus 6 is in for a 12 day repair for a computer module.
3. Officially on a 4 bus route schedule as of 1/2/24

# January 2024 Special Services Board Report

## Least Restrictive Environment

One of the cornerstones of the Individuals with Disabilities Act (IDEA) is the concept of the Least Restrictive Environment.

The IDEA specifies that all students who have been identified with a disability should be served in an educational environment that is as close to the mainstream setting as possible given their needs and required services. When determining the appropriate placement for a student, the IEP teams need to consider a continuum of service options that range from the least restrictive to those that are more restrictive. By and large, the restrictiveness of a placement option is related to the percentage of time that a student is to spend outside of a general education classroom and for how much of their school day they are removed from non-disabled peers. The terms 'inclusion' and 'mainstream' are commonly used in the education field to describe the practice of serving students with disabilities in a general education setting.

Each student's IEP designates the selected educational placement for that child. Also documented on the IEP are the factors considered in arriving at this decision and why other placement options (whether more or less restrictive) were not selected.

In general, the continuum of placement options from least restrictive to most restrictive is reflected below:

Fully to mostly (80%+) general education classroom with no pullout services

Substantially (40-79%) general education classrooms with some pullout for specialized services

Separate specialized classroom (located within a general education school)

Separate specialized school

Residential facility

Homebound instruction

While the term educational placement may give the impression that the IEP team has selected a particular school or classroom, this is not technically the case. A common reminder in the field of special education is that "placement is not a place". The fact is that educational placement, as referred to in the IDEA, is a decision regarding the nature of the educational program being selected for a student, not a specific school, classroom, or teacher. The placement listed on the IEP stipulates the level of removal from general education that is required in order to meet the student's needs or, stated another way, where the selected placement falls on the continuum of restrictiveness. The precise school, classroom, and teacher to which the student is assigned is more open-ended. District and school administration has the flexibility to make those decisions independent of the IEP team as long as the restrictiveness associated with the selected school, classroom, and teacher is in keeping with the nature of the educational placement determined by the IEP team.

For example, a student's IEP placement may call for the student to be served primarily in a general education classroom with some pullout to a resource room setting for specially designed academics. The district and school still have the flexibility to assign that student to any number of classrooms or teachers and may even select the specific school if there is more than one school available. These logistical decisions can be made administratively as long as the selected options reflect the level of restrictiveness outlined in the IEP. The district could not, in this example, send the student to a specialized school with less inclusion in a general education setting because that would differ from the placement that was determined by the IEP team.

Currently, in Blachly School District, the percentage of students on IEPs who are served across the continuum of placement options breaks down as follows:

<b>Placement Type</b>	<b>Percentage of Students on IEPs</b>
80% + General Education Classroom	97.5%
40%-79% General Education Classroom	0%
Separate Specialized Classroom	0%
Separate Specialized School	<1%
Homebound	0%

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

### **January 2024 Meeting**

- **Wow, we are almost already halfway through school year! The last day of Semester 1 is Thursday, January 25<sup>th</sup>.**
- **Vision Screening: On Thursday, January 11<sup>th</sup> we are hosting our annual vision screening for all K-12 students. Representatives of local Lions Clubs will provide this free service for our students.**
- **AVID: On January 11<sup>th</sup> a couple secondary teachers, the AVID coordinator and school principal have the opportunity to attend an AVID Showcase at Parkrose MS & Parkrose HS. Our team will be able to see AVID strategies in use in the many classrooms we visit as well as getting to collaborate with other AVID teachers across the state. The feedback from staff who've attended AVID showcases in the past has been very positive.**
- **Athletic Update:**
  - **High School Basketball: Both teams are now in league games as of the first week of January.**
  - **Middle School Basketball: These teams are about halfway through their season. As of January 17<sup>th</sup> game times switch for two teams; Boys will play at 4pm & Girls will play at 5:30pm for the remainder of the season.**
- **Science Fair: We are excited to be hosting a K-12 science fair in February! Mark your calendar for February 15<sup>th</sup> at 6pm. Students will be given time to work on their projects during the school day. Projects will be displayed in the gym and in the cafeteria.**
- **Open Job Positions: We have currently two positions open, if you know anyone interested in either of these please point them to our school website to apply.**
  - **Playground Monitor (4 hours)**
  - **Instructional Assistant (7.75 hours)**
- **Upcoming Dates:**
  - **Thursday, January 11<sup>th</sup> – Charter Board Meeting at 6pm**
  - **Friday, January 12<sup>th</sup> – MS/HS Friday School**
    - **(Ms. Kara will reach to the students who is invited.)**
  - **Monday, January 15<sup>th</sup> – No School (Martin Luther King Jr. Day)**
  - **Friday, January 19<sup>th</sup> – School Day**
  - **Wednesday, January 31<sup>st</sup> – January Student of the Month Assembly @ 3pm**



# 22-23 SIA Annual Report Presentation

Superintendent Adam Watkins

# SIA Annual Reporting Requirements

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- SIA recipients are required by statute to review their own progress on an annual basis through an annual progress report and financial audit.
- ODE's annual report consists of four narrative questions and Progress Marker Ratings.
  - Progress Marker Ratings remain optional for the 21-23 biennium.
- SIA recipients are required to:
  - present their annual report to their governing board at an open meeting with opportunity for public comment,
  - and post the report to the district or charter school website.

# Annual Report Narrative #1

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***What changes in behavior, actions, policies or practices have you observed related to SIA implementation during the 2022-23 school year? How do you see these changes contributing to the goals and outcomes in your SIA plan?***

Due to the increase of our online program, we were able to hire an additional staff member to support our families and students that have chosen as their preferred. This has allowed us to increase our elective opportunities as well for our in-person students related to world languages, and provide a virtual opportunity for instruction. Additionally, we were able to provide Physical Education everyday for our K-8 students, where this would have not been possible without the staffing support through SIA and the FTE for this position. Teachers are now able to plan more effectively during this time that students are receiving PE minutes and we were able to meet the Division 22 Standards related to MS PE minutes as well, where we would not have been able to accomplish this without this additional FTE. Finally, one of the most impactful outcomes was the ability to add a Mental Health Specialist. This Full-time clinical provider meets with many of our students and families to provide skills, counseling and treatment to curb behavior and choices. This has lead to additional resources and support for students to succeed.

# Annual Report Narrative #2

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***What barriers or challenges to SIA implementation have you experienced that are helpful for your community and/or state leaders to be aware of? What adjustments, if any, did you make to your SIA plan as a result of these challenges?***

The biggest barrier continues to be finding qualified staffing to meet the program needs of our district and school. Recruitment and retention of teachers for our Rural district is a on-going struggle. We will continue to use our funds to support finding qualified staffing, but may need to shift some of the funding to higher education remote opportunities for our students to participate in dual credit or pathway program opportunities at our local Community College and University.

# Annual Report Narrative #3

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***SIA implementation includes ongoing engagement with all students, focal students, families, staff, and community partners. How have relationships with or between those groups changed and/or been maintained throughout this academic year? Consider the Community Engagement Toolkit and where your efforts might land on the spectrum as you complete your response.***

We have set up a great and ongoing system of engagement with all focal groups. The Superintendent meets monthly with our ASB and student leaders to discuss the priorities and direction of the district (using a student lens and voice). Additionally, he has formed two different advisory task forces to provide feedback. 1 is the Superintendent Task Force focused on the recently developed Strategic Plan and activities associated with it. 2nd he formed an Equity Task Force to dive deeper into our focal groups and their collective voice and review of current district policies, systems and funding. Finally, we provide multiple feedback opportunities through community functions and events. This is done with a follow-up survey and QR code to provide feedback to the district and school. These QR codes can be found through our newsletter, social media platforms.

# Annual Report Narrative #4

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***As you think about what guided your choices and prioritization efforts in this year of SIA implementation, what stands out? How will what you've learned this year impact future SIA implementation efforts?***

What stands out is our ability to support the AVID district-wide we have been engaged in. This has brought a great change in our culture of college and career focus for our students. Where we had at least half of our graduates not believing that they could go onto a career or even college, almost all now are having the conversations about the doors that are open to them and possibilities. Additionally, we realized that we needed to shift moving forward some of our funding to more community college dual-credit opportunities for our students since the culture of college bound has increased. This is a great as we as a difficult result of the change.