



District Policies

Policy Name

Nondiscrimination

Discrimination Complaint Procedure

Americans With Disabilities Act

Americans With Disabilities Act

District Goals

School Board Legal Status

School Board Powers and Duties

Individual Board Member's Authority and Duties

School Board Elections

Board Member Qualifications

Board Member Oath of Office

Board Member Resignation

Vacancies on the Board

School Board Member Ethics

Board Member Ethics and Conflict of Interest

Board Member Ethics and Nepotism

School Board Organization/Organizational Meeting

School Board Officers

Student Representative to the Board

Board/Superintendent Relationship

Board Committees

Advisory Committees

School Attorney

Policy Code

AC

AC-AR

ACA

ACA-AR

AE

BB

BBA

BBAA

BBB

BBBA

BBBB

BBC

BBE

BBF

BBFA

BBFB

BC/BCA

BCB

BCBA

BCD

BCE

BCF

BCG

<u>Consultants to the Board</u>	BCH
<u>School Board Meetings/Regular Meetings</u>	BD/BDA
<u>Special Board Meetings</u>	BDB
<u>Executive Session</u>	BDC
<u>Board Meeting Procedures (formerly BBD)</u>	BDD
<u>Notifications of Meetings</u>	BDDA
<u>Board Meeting Agenda</u>	BDDB
<u>Minutes of Board Meetings</u>	BDDG/BDDK
<u>Public Participation in Board Meetings</u>	BDDH
<u>Public Hearings</u>	BDE
<u>School Board Work Sessions</u>	BE
<u>Board Policy Development</u>	BF/BFC/BFG
<u>Administrative Regulations</u>	BFCA
<u>Board Policy Implementation and Dissemination</u>	BFD
<u>Administration in Policy Absence</u>	BFE
<u>Suspension of Policies</u>	BFF
<u>Board/Staff Communications</u>	BG
<u>Orientation of New Board Members</u>	BH/BHA
<u>Board Member Development</u>	BHB
<u>Board Member Compensation and Expenses Reimbursement</u>	BHD
<u>Board Member Liability Insurance</u>	BHE
<u>Board Legislative Program</u>	BI
<u>Board Legislative Program</u>	BI-AR
<u>School Board Membership</u>	BJ
<u>Evaluation of School Board Operations</u>	BK
<u>Administration Goal and Objectives</u>	CA/CAA
<u>School Superintendent</u>	CB
<u>Qualifications and Duties of Superintendent</u>	CBA
<u>Recruitment and Appointment of Superintendent</u>	CBB
<u>Superintendent's Contract</u>	CBC
<u>Superintendent's Development Opportunities</u>	CBE
<u>Evaluation of the Superintendent</u>	CBG
<u>Superintendent's Retirement</u>	CBHA

Lowell School District No. 71 - Organization Chart

Line and Staff Relations

School Building Administration

Special Programs Administration

Temporary Administrative Arrangements

Consultants to the Administrative Staff

School District Reports

Fiscal Management Goals and Objectives

Budget Calendar

Budget Preparation/Priorities

Budget Committee

Budget Hearing

Budget Adoption Procedures

Budget Implementation

Budget Transfer Authority

Borrowing Funds

Funding Proposals and Applications

Revenues From State and Federal Tax Sources

Revenues From Nontax Sources

Investment of Funds

Investment of Funds

Income From Program-Related Sales and Services

Gate Receipts and Admissions

Depository of Funds

Authorized Signatures

Bonded Employees and Officers

Financial Reports and Statements

Property Inventories

Audits

District Purchasing

Petty Cash Accounts

Bidding Requirements

Special Procurements and Exemptions from Competitive Bidding

CCA

CCB

CCC

CG

CI

CK

CL

DA/DAA

DBC

DBD/DBE

DBEA

DBG

DBH

DBJ

DBK

DC

DD

DE/DEB/DEC

DF

DFA

DFA-AR

DFC

DFE

DG

DGA/DGB

DH

DI/DIC

DID

DIE

DJ

DJB

DJC

DJC-AR

<u>Personal Service Contracts</u>	DJCA
<u>Personal Service Contracts</u>	DJCA-AR
<u>Purchasing Procedures</u>	DJF
<u>Vendor Relations</u>	DJG
<u>Payroll</u>	DL
<u>Payday Schedules</u>	DLA
<u>Payroll deductions</u>	DLB
<u>Expense Reimbursement</u>	DLC
<u>Staff Expense Reimbursement</u>	DLC-AR
<u>Cash in the School Buildings</u>	DM
<u>Disposal of District Property</u>	DN
<u>Support Services Goals</u>	EA/EEA
<u>Safety Program and Emergency Planning</u>	EB
<u>Safety Committee</u>	EBAC
<u>Safety Committee</u>	EBAC-AR
<u>Intergrated Pest Management</u>	EBB
<u>Regulations Regarding the Application of Pesticides</u>	EBB-AR
<u>First Aid</u>	EBBA
<u>Fluid Spill Procedures</u>	EBBA-AR
<u>Accident Reports</u>	EBBB
<u>Emergency Medical Assistance</u>	EBBC
<u>Resuscitation Decisions</u>	EBBD
<u>Emergency Procedures and Disaster Plans</u>	EBC/EBCA
<u>Emergency Procedure - Fire Drills</u>	EBCB
<u>Emergency School Closures</u>	EBCD
<u>Management of Buildings and Grounds</u>	EC
<u>Vandalism/Malicious Mischief/Theft</u>	ECAB
<u>Video Surveillance</u>	ECAC
<u>Traffic and Parking Controls</u>	ECD
<u>Building and Grounds Records and Reports</u>	ECE
<u>Material Resources Management</u>	ED
<u>Authorized Use of School-Owned Equipment and Material</u>	EDC
<u>Student Transportation Services</u>	EEA

<u>School Bus Scheduling and Routing</u>	EEAB
<u>School Bus Safety Program</u>	EEAC
<u>Bus Driver Exam and Training</u>	EEACA
<u>School Bus Maintenance</u>	EEACB
<u>Conduct on Buses</u>	EEACC
<u>Discipline Procedures for District-Approved Student Transportation</u>	EEACC-AR
<u>Use of District Activity Vehicles for Student Transportation</u>	EEACD
<u>Special Use of School Buses</u>	EEAD
<u>Student Transportation in Private Vehicles</u>	EEAE
<u>District Vehicles</u>	EEBA
<u>Use of Private Vehicles for District Business</u>	EEBB
<u>Management of Food Services</u>	EF
<u>Local Wellness Program</u>	EFA
<u>Local Wellness Program</u>	EFA-AR
<u>Child Nutrition Program</u>	EFAA
<u>Reimbursable School Meals and Milk Program</u>	EFAA-AR
<u>Vending Machines and School Stores</u>	EFC
<u>Reproduction of All Copyrighted Materials</u>	EGAAA
<u>Guidelines for the Use of Copyrighted Materials</u>	EGAAA-AR
<u>Data Management</u>	EH
<u>Insurance Programs</u>	EIA
<u>Facilities Development Goals</u>	FA
<u>Facilities Planning</u>	FB
<u>Enrollment Projections</u>	FBB
<u>Capital Construction Program</u>	FC
<u>Capital Improvement - Education Program</u>	FEA
<u>Construction Contracts, Bidding and Awards</u>	FEF/FEFB
<u>Naming of New Facilities</u>	FF
<u>Memorials</u>	FFA
<u>Names on Building Plaques</u>	FFB
<u>Board Inspection and Acceptance of New Facilities</u>	FG
<u>Temporary School Facilities</u>	FJ
<u>Retirement of Facilities</u>	FL

<u>Personnel Policies Goals</u>	GA
<u>Personnel: Definitions</u>	GAA
<u>Job Descriptions</u>	GAB
<u>Personnel Lists</u>	GAC
<u>General Personnel Policies</u>	GB
<u>Equal Employment Opportunity</u>	GBA
<u>Affirmative Action</u>	GBAB
<u>Americans With Disabilities</u>	GBAC
<u>Recruitment, Selection, Hiring</u>	GB-AR
<u>Staff Ethics</u>	GBC
<u>Staff Ethics</u>	GBC-AR
<u>Mother Friendly Workplace</u>	GBDA
<u>Staff Health and Safety</u>	GBE
<u>Payments for Time Loss</u>	GBEA
<u>Staff Protection</u>	GBEAA
<u>Communicable Diseases</u>	GBEB
<u>AIDS, HIV and Hepatitis B</u>	GBEBA
<u>Communicable Diseases</u>	GBEB-AR
<u>Drug and alcohol Testing - Transportation Personnel</u>	GBEDA
<u>Drug and alcohol Testing - Transportation Personnel</u>	GBEDA-AR
<u>Political Activities</u>	GBG
<u>Staff/Student/Parent Relations</u>	GBH/JECAC
<u>Staff Funds Management</u>	GBJ
<u>Tobacco Free Environment</u>	GBK
<u>Personnel Records</u>	GBL
<u>Disclosure of Information</u>	GBLA
<u>Staff Complaints and Grievances</u>	GBM
<u>Sexual Harassment</u>	GBN
<u>Harassment</u>	GBN/JBA
<u>Harassment Complaint Procedure</u>	GBN/JBA-AR
<u>Hazing/Harassment/Intimidation/Bullying/Menacing - Staff</u>	GBNA
<u>Hazing/Harassment/Intimidation/Bullying/Menacing - Staff</u>	GBNA-AR
<u>Drug-Free Workplace</u>	GBO

<u>Notice to Employees</u>	GBOA
<u>Death of Employee</u>	GBP
<u>Certified Staff</u>	GC
<u>Personal Communication Devices and Social Media - Staff</u>	GCAB
<u>Certified Staff Contracts and Compensation Plans</u>	GCB
<u>Continuation Coverage Health Benefits</u>	GCBC
<u>Leaves and Absences</u>	GCBD/GDBD
<u>Family Medical Leave</u>	GCBDA/GDBD
	GCBDA/GDBD
<u>Family Medical Leave/State Family Medical Leave</u>	AR
<u>Domestic Violence/Sexual Assault/Stalking Leave</u>	GCBDC/GDBD
<u>Military Leave of Absence</u>	GCBDE/GDBD
<u>Vacations and Holidays</u>	GCBE/GDBE
<u>Break in Service</u>	GCBF
<u>Hiring of Certified Staff</u>	GCD
<u>Criminal Records Checks/Fingerprinting</u>	GCDA/GDDA
<u>Criminal Records Checks/Fingerprinting</u>	GCDA/GDDA-
<u>Arrangements for Substitutes</u>	GCEA
<u>Orientation of Certified Staff/New Staff</u>	GCF
<u>Probation and Tenure</u>	GCG
<u>Assignment and Transfers</u>	GCI/GCIA
<u>Time Schedules for Certified Staff</u>	GCJ
<u>Staff Development - Licensed</u>	GCL
<u>Staff Development - Licensed</u>	GCL-AR
<u>Evaluation of Staff</u>	GCN/GDN
<u>Termination of Certified Staff</u>	GCP
<u>Reduction in Force</u>	GCPA
<u>Resignation of Certified Employees</u>	GCPB
<u>Retirement</u>	GCPC/GDPC
<u>Suspension and Dismissal</u>	GCPD
<u>Hearing Before the Board</u>	GCPE
<u>Tutoring for Pay</u>	GCQAB
<u>Hiring of Classified Staff</u>	GD

Educational Assistants	GDA
Domestic Violence/Sexual Assault/Stalking Leave	GDBDC/GCBL
Classified Assignments, Transfers and Overtime	GDI/GDIA/GDI
Resignation of Classified Employees	GDPB
Fingerprinting	GE
Occupational Injuries - Return To Work	GF
Return to Work Procedures	GF-AR
Respiratory Protective Program	GG-AR
Legal Status	HA
Classified Negotiations	HB
Certified Negotiations	HG
District Goals for Lowell School District #71	I
Instructional Goals and Objectives	IA
Instructional Goals and Objectives	IAA
Student Competencies	IAB
Academic Freedom	IB
Relations with Home-Schooled Students	IBDJA
School Year/School Calendar	IC/ICA
Make Up of Instructional Time	IC/ICB
School Day	ID
Student Activities Fund Management	IDGD
Organization of Instruction	IE
Curriculum Development	IF
Curriculum Research/Pilot Projects	IFA/IFB
Oregon 21st Century Schools Program	IFC
21st Century Schools Councils	IFCA
21st Century Schools Councils	IFCA-AR
Curriculum Adoption	IFD
Curriculum Guides and Course Outlines	IFE
Early Graduation	IFKB
Delayed Graduation	IFKC
AIDS Curriculum	IGAEA
Special Instructional Programs	IGB

<u>Students With Disabilities</u>	IGBA
<u>Child Identification Procedures</u>	IGBA-AR
<u>Records of Students With Disabilities</u>	IGBAB/JO
<u>Confidentiality - Education Records of Students with Disabilities</u>	IGBAB/JO-AR
<u>Special Education - Personnel Development</u>	IGBAC
<u>Special Education - Participation In Regular Education Programs</u>	IGBAE
<u>Special Education - Participation In Regular Education Programs</u>	IGBAE-AR
<u>Special Education - Individualized Education Program (IEP)</u>	IGBAF
<u>Special Education - Individualized Education Program (IEP)</u>	IGBAF-AR
<u>Special Education - Procedural Safeguards</u>	IGBAG
<u>Special Education - Procedural Safeguards</u>	IGBAG-AR
<u>Special Education - Evaluation Procedures</u>	IGBAH
<u>Special Education - Evaluation Procedures</u>	IGBAH-AR
<u>Special Education - Private Schools</u>	IGBAI
<u>Special Education - Private Schools</u>	IGBAI-AR
<u>Special Education - Free Appropriate Public Education (FAPE)</u>	IGBAJ
<u>Special Education - Free Appropriate Public Education (FAPE)</u>	IGBAJ-AR
<u>Special Education - Public Availability of State Application</u>	IGBAK
<u>Special Education - Services For Home Schooled Students With Disabilities</u>	IGBAL
<u>Special Education - Services For Home Schooled Students With Disabilities</u>	IGBAL-AR
<u>Talented and Gifted</u>	IGBB
<u>Identification - Talented & Gifted</u>	IGBBA
<u>Appeals Procedure for Talented & Gifted Identification and Placement</u>	IGBBA-AR
<u>Title I/Parental Involvement</u>	IGBC
<u>Parental Involvement</u>	IGBCA
<u>Remedial Instruction</u>	IGBE
<u>Homebound Instruction</u>	IGBG
<u>Alternative School Programs</u>	IGBH
<u>Alternative Education Programs</u>	IGBHA
<u>Content of Alternative Education Letter</u>	IGBHB
<u>Evaluation of Alternative Education</u>	IGBHC
<u>Expanded Options Program</u>	IGBHE
<u>English as a Second Language</u>	IGBI

<u>Service Learning</u>	IGCG
<u>Co-Curricular and Extra-Curricular Programs</u>	IGD
<u>Student Organizations</u>	IGDA
<u>Student Publications</u>	IGDB
<u>Student Fund-Raising Activities</u>	IGDF
<u>Interscholastic Athletics</u>	IGDJ
<u>Home School Student Eligibility</u>	IGDK
<u>Adult Education Programs</u>	IGE
<u>Instructional Arrangements/Grouping for Instruction</u>	IH/IHA
<u>Class Size</u>	IHB
<u>Alternative Instructional Programs</u>	IHGA
<u>Instructional Resource/Instructional Materials</u>	IIA
<u>Instructional Materials Selection</u>	IIA-AR
<u>Procedures for Requesting "PG" Film Evaluation</u>	IIA-AR
<u>Instructional Material - Evaluation Request</u>	IIA-AR
<u>Instructional Material - Evaluation Report</u>	IIA-AR
<u>Exclusions and Exemptions from Instruction</u>	IIAB
<u>Use of Feature Films/Videos</u>	IIABB
<u>Library Materials Selection and Adoption</u>	IIAC
<u>Special Interest Materials</u>	IIAD
<u>Computer Instruction</u>	IIBC
<u>Instructional Technology</u>	IIBG
<u>Electronic Communication System</u>	IIBGA
<u>Electronic Communication System</u>	IIBGA-AR
<u>Web Pages</u>	IIBGB
<u>Web Site Guidelines</u>	IIBGB-AR
<u>Field Trips</u>	IICA
<u>Senior Trips</u>	IICAA
<u>Community Resource Persons/Speakers</u>	IICB
<u>School Volunteers</u>	IICC
<u>School Volunteers</u>	IICC-AR
<u>Guidance Program</u>	IJ
<u>Academic Achievement</u>	IK

Student Progress Reports to Parents

Homework

Class Rankings

Promotion and Retention of Students

Promotion and Retention of Students

Make-Up Opportunities

Late Work

Graduation Requirements

Graduation Requirements

Early Graduation

Graduation Exercises

Credit for Proficiency

Testing Programs

Instructional Program Renewal

Student Achievement Program

Student Achievement Program

Political Figures in the School

Animals in District Facilities

Animals in District Facilities

Animal Dissection

Reluctant Learner

Student Policies, Goals and Objectives

Equal Educational Opportunities

Harassment

Harassment Complaint Procedure

Attendance

Compulsory Attendance

Compulsory Attendance Notices and Citations

Early Entrance

Students Placement - Kindergarten/First Grade

School Admissions

Resident Students

Staff/Student/Parent Relations

IKAB

IKB

IKC

IKE

IKE-AR

IKEA

IKEB

IKF

IKF-AR

IKFA

IKFB

IKH

IL

IM

IMB

IMB-AR

INCA

ING

ING-AR

INI

IO

JA/JAA

JB

JBA/GBN

JBA/GBN-AR

JE

JEA

JEA-AR

JEBA

JEBA-AR

JEC

JECA

JECAC

<u>Nonresident Student</u>	JECB
<u>Mutual Agreement-Admission of Nonresident Students</u>	JECB-AR
<u>Exchange Students</u>	JECBA
<u>Homeless Students</u>	JECBD
<u>Homeless Students</u>	JECBD-AR
<u>Interdistrict Transfers</u>	JECC
<u>Transcript Evaluation</u>	JECDA
<u>Transcript Evaluation Procedures</u>	JECDA-AR
<u>Student Absences and Excuses</u>	JED
<u>Truancy</u>	JEDA
<u>Student Dismissal Precautions</u>	JEDB
<u>Student Attendance Accounting</u>	JEE
<u>Released Time for Students</u>	JEF
<u>Open/Closed Campus</u>	JEFA
<u>Student Rights and Responsibilities</u>	JF/JFA
<u>Student Government</u>	JFBA
<u>Student Conduct</u>	JFC
<u>Student Dress Code</u>	JFCA
<u>Care of School Property by Students</u>	JFCB
<u>Student Conduct on Buses</u>	JFCC
<u>Underground Student Publications</u>	JFCD
<u>Secret Societies</u>	JFCE
<u>Personal Communication Devices</u>	JFCEB
<u>Personal Communication Devices</u>	JFCEB-AR
<u>Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Student</u>	JFCF
<u>Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Student</u>	JFCF-AR
<u>Tobacco Free Environment</u>	JFCG/KGC/GE
<u>Tobacco Use by Students</u>	JFCG-AR
<u>Use of Tobacco, Alcohol or Drugs</u>	JFCG/JFCH/JF
<u>Weapons in the Schools</u>	JFCJ
<u>Laser Pens</u>	JFCL
<u>Threats of Violence</u>	JFCM
<u>Pregnant and Parenting Students</u>	JFE

<u>Married Students</u>	JFF
<u>Student Searches</u>	JFG
<u>Student Searches</u>	JFG-AR
<u>Student Complaints</u>	JFH
<u>Student Discipline</u>	JG
<u>District Discipline Procedure</u>	JG-AR
<u>Student Probation</u>	JGC
<u>Suspension</u>	JGD
<u>Discipline of Disabled Students</u>	JGDA/JGEA
<u>Special Education - Discipline</u>	JGDA/JGEA-A
<u>Expulsion Procedures</u>	JGE
<u>Alternative Educational Programs Following Expulsion</u>	JGEA
<u>Released Time for Religious Instruction</u>	JGFB
<u>Student Welfare</u>	JH
<u>Student Insurance Program</u>	JHA
<u>Student Health Services</u>	JHC
<u>Physical Examination of Students</u>	JHCA
<u>Immunization of Students</u>	JHCB
<u>Communicable Diseases</u>	JHCC
<u>Communicable Diseases</u>	JHCC-AR
<u>Administering Medicines to Students</u>	JHCD
<u>Administering Injectable Medicines to Students</u>	JHCDA
<u>Administering Noninjectable Medicines to Students</u>	JHCD-AR
<u>Student Psychological Services</u>	JHD
<u>Psychological Testing</u>	JHDA
<u>Supervision of Students</u>	JHFA
<u>Student Skateboards/Rollerblades</u>	JHFCA
<u>Student Vehicle Use</u>	JHFD
<u>Suspension of Driving Privileges</u>	JHFDA
<u>Request for a Suspended Driving Privilege/Notice of Withdrawal</u>	JHFDA-AR
<u>Reporting of Suspected Child Abuse</u>	JHFE
<u>Reporting of Suspected Child Abuse</u>	JHFE-AR(1)
<u>Reporting of Suspected Child Abuse</u>	JHFE-AR(2)

<u>Reporting of Sexual Conduct</u>	JHFF
<u>Sexual Conduct Complaint Form</u>	JHFF-AR
<u>Student Welfare - Suicide</u>	JHH
<u>Crisis Prevention and Response</u>	JHHA
<u>Crisis Prevention and Response</u>	JHHA-AR
<u>Student Gifts and Solicitations</u>	JL
<u>Student Fees, Fines and Charges</u>	JN
<u>Education Records Management</u>	JO
<u>Education Records Management</u>	JO-AR
<u>Education Records/Records of Students with Disabilities</u>	JO/IGBAB
<u>Directory Information</u>	JOA
<u>Personally Identifiable Information</u>	JOB
<u>Lateral Transfer</u>	JOC
<u>Legal Names of Students</u>	JOCA
<u>Lateral Transfer</u>	JOC-FORM
<u>Safe School Environment</u>	JP
<u>School-Community Relations Goals and Objectives</u>	KA/KAA
<u>Parental Rights</u>	KAB
<u>Parental Rights</u>	KAB-AR
<u>Public Information Program</u>	KB
<u>Public Records</u>	KBA
<u>Community Use of School Facilities</u>	KG
<u>Public Conduct on School Property</u>	KGB
<u>Tobacco Free Environment (see GBK)</u>	KGC
<u>Public Gifts to the Schools</u>	KH
<u>Commercial Advertising/Merchandise Sales</u>	KI /KJ
<u>Commercial Advertising/Merchandise Sales</u>	KJ-AR
<u>Materials Distribution</u>	KJA
<u>Visitors to District Facilities</u>	KK
<u>Visitors to District Facilities</u>	KK-AR
<u>Public Complaints</u>	KL
<u>Public Complaint Procedure</u>	KL-AR
<u>Public Complaints About the Curriculum/Instructional Materials</u>	KLB

Request for Reconsideration of Instructional Materials

Public Complaints About School Personnel

Relationships with Parent/Community/Organizations

Community Education

Relations with Law Enforcement Agencies

Relations with Law Enforcement Agencies

Public Charter Schools

Public Charter Schools

KLB-AR

KLD

KM

KMA

KN

KN-AR

LBE

LBE-AR

Nondiscrimination

The district shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation¹, national origin, marital status, age or disability, because of the race, color, religion, sex, sexual orientation, national origin, marital status, age or disability of any other persons with whom the individual associates.

In keeping with requirements of federal and state law, the district strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues². The Board will adopt and the district will publish grievance procedures providing

for prom Show Desktop.scf pt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

END OF POLICY

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individuals’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individuals’s sex at birth.

²Districts are reminded that the district is required to notify students and employees of the name, office address and telephone number of the employee or employees appointed.

Legal Reference(s):

ORS 174.100	ORS 659A.009	ORS 659A.321
ORS 192.630	ORS 659A.029	ORS 659A.409
ORS 326.051(1)(e)	ORS 659A.030	
ORS 342.934(3)	ORS 659A.043	OAR 581-015-0054
ORS 659.150	ORS 659A.103	OAR 581-021-0044
ORS 659.805	ORS 659A.109	OAR 581-021-0045
ORS 659.815	ORS 659A.112 - 659A.139	OAR 581-021-0046
ORS 659.850	ORS 659A.142	OAR 581-021-0049
ORS 659.865	ORS 659A.145	OAR 581-022-1140
ORS 659.870	ORS 659A.233	OAR 839-003-0000
ORS 659A.003	ORS 659A.236	
ORS 659A.006	ORS 659A.309	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Discrimination Complaint Procedure

Complaints regarding the interpretation or application of the district's nondiscrimination policy shall be processed in accordance with the following procedures:

Informal Procedure

Any person who feels he/she has been discriminated against should discuss the matter with the building compliance officer (principal), who shall investigate the complaint and respond to the complainant within five school days. If this is not acceptable to the complainant, he/she may initiate formal procedures.

If the building principal is the subject of the complaint, the individual may file a complaint directly with the district compliance officer (superintendent). If the superintendent is the subject of the complaint, the complaint may be filed with the Board chairman.

Formal Procedure (Student)

- Step I: A written complaint must be filed with the building compliance officer within five school days of receipt of the response to the informal complaint. The building principal shall further investigate, decide the merits of the complaint and determine action to be taken, if any, and reply, in writing, to the complainant within 10 school days.
- Step II: If the complainant wishes to appeal the decision of the building principal, he/she may submit a written appeal to the district compliance officer (superintendent) within five school days after receipt of the building principal's response to the complaint. The superintendent shall meet with all parties involved, as necessary, make a decision and respond, in writing, to the complaint within 10 school days.
- Step III: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step II. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the Board's decision shall be sent to the complainant within 10 days of this meeting.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he/she may appeal in writing to the Superintendent of Public Instruction.

Formal Procedure (Employee)

- Step I: A written complaint must be filed with the building compliance officer within five school days of receipt of the response to the informal complaint. The building principal shall further investigate, decide the merits of the complaint and determine action to be taken, if any, and reply, in writing, to the complainant within 10 school days.
- Step II: If the complainant wishes to appeal the decision of the building principal, he/she may submit a written appeal to the district compliance officer (superintendent) within five school days after receipt of the building principal's response to the complaint. The superintendent shall meet with all parties involved, as necessary, make a decision and respond, in writing, to the complaint within 10 school days.
- Step III: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step II. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the Board's decision shall be sent to the complainant within 10 days of this meeting.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he/she may appeal in writing to the Oregon Bureau of Labor and Industries.

Discrimination Complaint Procedure

Name of person Filing Complaint	Date	School or Activity
---------------------------------	------	--------------------

Student/Parent ☐ Employee ☐ Nonemployee ☐ (Job Applicant)

Type of discrimination ☐ Race ☐ Color ☐ Religion
 ☐ Sex ☐ National origin ☐ Disability
 ☐ Marital Status ☐ Age

Specific complaint: (Please provide details information including names, dates, places, activities and results of informal discussion.)

Remedy requested:

The complaint form should be mailed or taken to the building compliance officer (principal) or district compliance officer (superintendent).

Adopted 3/19/01

Code: **ACA**
Adopted: 9/24/01
Revised: 11/22/10

Americans with Disabilities Act

The district is committed to maintaining equitable employment practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

The Board directs the superintendent to develop and implement an appropriate plan that provides for district compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA).

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).
Americans with Disabilities Act Amendments Act of 2008.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, the following procedures shall be followed:

Compliance Officer

- I. The superintendent shall be designated as the district's ADA compliance officer. The compliance officer will:
 - A. Coordinate the district's ADA responsibilities and compliance efforts;
 - B. Make available to all interested individuals the name, office address and telephone number of the district ADA compliance officer;
 - C. Investigate any complaint alleging noncompliance or actions prohibited under the ADA-.
 - D. Administer the district's ADA grievance procedure to provide for the prompt investigation and equitable resolution of complaints.

Self Evaluation

- II. A self-evaluation study' shall be completed by the district to include:
 - A. An evaluation of all current Board policies and practices to ensure district compliance with the requirements of the ADA;
 - B. A description of areas examined and identification of any barriers to accessibility and usability by qualified individuals with disabilities;
 - C. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the self-evaluation study by submitting comments;
 - D. A plan(s) for the removal of any identified barrier and/or modification of Board policies and practices necessary to ensure ADA compliance;
 - E. A description of any modification made.

Self-evaluation records will be maintained and available for public inspection at the district office. The records will include a list of interested persons consulted, a description of the areas examined and the problems identified and a description of any modifications made.

Transition Plan

- III. A transition plan' shall be developed by the district to address any structural changes required to achieve employment practices, services, programs and activities accessibility to include:
 - A. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the development of the transition plan by submitting comments;

- B. An identification of physical obstacles in facilities that limit accessibility to individuals with disabilities;
- C. A description in detail of the methods that will be used in removing barriers and making facilities accessible and/or steps and schedule necessary to complete the identified changes;
- D. An identification of the official responsible for implementation of the plan;
- E. An identification of steps that will be taken during each year of the transition period if longer than one year.

Services, Programs, Activities Accessibility

- IV. All district services, programs and activities shall be readily accessible to and usable by individuals with disabilities. In order to achieve accessibility, structural and nonstructural methods such as the acquisition or redesign of equipment, assignment of aides to beneficiaries and the provision of services at alternate accessible sites will be considered. Final decision of an appropriate method of providing program accessibility will be determined by the district in accordance with the provisions of the ADA:
 - A. Physical changes to an existing building, acquisition or construction of additional facilities will be required only when there is no other feasible way to make the services, programs or activities accessible;
 - B. Priority will be given to the method that results in the most integrated setting to encourage interaction among all users of the services, programs or activities, including individuals with disabilities;
 - C. No action will be taken that would fundamentally alter the services, programs or activities or result in undue financial or administrative burden to the district. Any such determination will take place as follows:
 - 1. The decision will be made by the superintendent or his/her designee;
 - 2. All resources available for use in the funding and operation of the services, programs or activities will be considered;
 - 3. A written statement of the reasons for reaching such decision will be maintained on file;
 - 4. The district will take other action appropriate to ensure that individuals with disabilities receive the benefits of such services, programs and activities that would not result in such alteration or burden as determined by the district.

Job Descriptions

- V. Job descriptions shall be maintained and provided in oral, written and/or videotaped form, reviewed and revised annually as needed to include:
 - A. All essential job functions. Essential job functions are those job duties that include, but are not limited to, the following:
 - 1. The function is essential because the reason the position exists is to perform that function.
 - 2. The function is essential because of the limited number of employees available among whom the performance of that job function can be distributed;

3. The function is so specialized that the incumbent is hired for his/her expertise or ability to perform the particular function.
- B. Physical, mental and emotional skills for each position as appropriate, and only to the extent such skills are in fact required and in practice;
- C. Vocational and/or educational preparation requirements;
- D. Attendance standards;
- E. A statement that new job descriptions supersede prior descriptions for the position. All past and present job descriptions that do not reflect current requirements of the position are rescinded;
- F. A statement on job descriptions, "I have read this job description and agree with its contents.";
- G. A provision for current employee signature and the date the job description was signed.

Job Posting

VI. Job postings shall be reviewed to ensure:

- A. All postings contain appropriate notice of the district's responsibilities under the ADA. For example:

"The Lowell School District, in support of employment practices free of barriers to individuals with disabilities and in compliance with the Americans with Disabilities Act of 1990, provides reasonable accommodations necessary upon request and appropriate notice. For further information or assistance, contact [name] at [phone]. Speech/Hearing impaired persons may reach the district through the Oregon Telecommunications Relay Service by dialing 1-800-735-2900."

OR

"Reasonable accommodations for the application and interview process will be provided upon request and as required in accordance with the Americans with Disabilities Act of 1990. Individuals with disabilities may contact [name] at [phone] for additional information or assistance. Speech/Hearing impaired persons may contact the district for assistance through the Oregon Telecommunication Relay Service at 1-800-735-2900."

- B. All postings eliminate any discriminatory references;
- C. All job advertisements provide, in addition to a telephone number to which applicants may apply for additional information, an address and/or TDD (telecommunications device for the deaf) or Oregon Telecommunication Relay Service phone number for the hearing impaired.

Job Application Forms

VII. Job application forms shall be reviewed and revised as appropriate to include:

- A. Notice of the district's responsibilities under the ADA (see job posting notice);
- B. A statement asking applicant whether he/she requires any reasonable accommodation for the hiring process. The hiring process may include, for example, an interview, a timed written test or job demonstration;
- C. A request for applicant to provide documentation verifying the need for a reasonable accommodation, if deemed necessary by the district;
- D. The elimination of any health questions such as:

1. Have you ever had or been treated for any of the following conditions or diseases (followed by a checklist)?
2. Please list any conditions or diseases for which you have been treated in the past three years.
3. Have you ever been hospitalized? If so, for what condition?
4. Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition.
5. Have you ever been treated for any mental or emotional condition?
6. Is there any health-related reason that may prevent you from performing the job for which you are applying?
7. Have you had a major illness in the past five years?
8. Do you have any physical defects which prevent you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
9. Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?
10. Are you taking any prescribed drugs?
11. Have you ever been treated for drug addiction or alcoholism?
12. Have you ever filed for workers' compensation benefits or had a work-related injury?

Reasonable Accommodations – General

VIII. The district will provide reasonable accommodations to qualified individuals with disabilities who are part-time, full-time or probationary employees or applicants for employment, unless to do so would cause undue hardship. Reasonable accommodations include:

- A. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
- B. Modifications or adjustments to the work environment or to the manner or circumstances under which the position held is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
- C. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated district employees without disabilities.

Reasonable Accommodations – Requests

IX. A qualified individual with a disability should request a reasonable accommodation when he/she knows there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job or gaining equal access to a benefit of employment. Reasonable accommodation requests will be guided by the following provisions:

- A. To request a reasonable accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation";
- B. A request for a reasonable accommodation may be made on behalf of an individual with a disability by a family member, friend, health care professional or other representative;
- C. Requests will not be required to be in writing;

- D. When the disability and/or the need for an accommodation is not obvious, the district may request reasonable documentation from a health care or rehabilitation professional. The documentation requested shall be related to the particular disability for which an accommodation is requested. In requesting documentation, the district will specify what types of information they are seeking regarding the disability, its functional limitations and the need for reasonable accommodation. The district recognizes it may not request an individual's complete medical record;
- E. Documentation shall not be requested when both the disability and the need for the accommodation are obvious or the individual has already provided the district with sufficient information to substantiate that he/she has an ADA disability and needs the reasonable accommodation requested;
- F. The district may send an individual to a health care professional of the district's choosing, at district expense, for the purpose of documenting a disability and/or the need for accommodation, only if the individual has provided insufficient information from his/her treating provider to substantiate that the disability exists or an accommodation is needed.

Job Interview Procedures

- X. Job interview procedures shall be reviewed to ensure:
 - A. Physical and/or other barriers in the interview setting have been eliminated. The availability of accessible locations and accessible formats, such as a reader, Braille, audio recordings, written materials, sign language and interpreters for individuals with vision and hearing impairments and personal assistance for individuals with manual impairments have been considered as appropriate;
 - B. Questions relating to the health of the applicant, the applicant's disabilities and work-related injuries and benefits have been eliminated;
 - C. Applicant's previous work history will be ascertained without reference to the applicant's disability. The specifics of prior job functions and the applicant's ability to perform those specific functions may be discussed;
 - D. Requirements that an applicant describe or demonstrate how he/she would perform any or all job functions are required for all applicants in that job category. A particular applicant may be asked to describe or demonstrate how he/she would perform the job only when the district reasonably believes the applicant will not be able to perform a job function because of a known disability. The applicant's disability would be "known" either because it is obvious or because the applicant has voluntarily disclosed that he/she has a hidden disability;
 - E. Questions related to the applicant's need to leave work to receive treatment or how often leave may be necessary as a result of a disability have been eliminated. However, regular work hour leave policies and attendance requirements may be explained and applicant asked if he/she will be able to meet those requirements. The district may ask about an applicant's prior attendance record (for example, how many days the applicant was absent from his/her last job). The district may also ask questions designed to detect whether an applicant abused his/her leave (1 example, "How many Mondays or Fridays were you absent last year on leave other than approved vacation leave?") At the pre-offer stage, the district may not ask how many days an applicant was sick;

- F. Questions relating to applicant's current illegal use of drugs are not likely to elicit information about an applicant's lawful drug use, unless the district administers a test for illegal use of drug; and the applicant tests positive for illegal drug use. In such cases, the district may validate the test results by asking about lawful drug use or possible explanations for the positive result other than the illegal use of drugs;
- G. Questions relating to an applicant's prior illegal drug use are not likely to elicit information about a disability. The district may ask, for example, whether the applicant has ever used illegal drugs, when was the last time he/she used illegal drugs or if he/she has used illegal drugs in the last six months. The district will not ask questions about whether the applicant was a past drug addict. These questions are impermissible at the pre-offer stage;
- H. Questions relating to an applicant's drinking habits are not likely to elicit information related to how much alcohol an applicant drinks or whether he/she has participated in an alcohol rehabilitation program. The district may ask, for example, whether the applicant drinks alcohol or whether he/she has been arrested for driving under the influence;
- I. Questions relating to an applicant's arrest or conviction record have been included;
- J. Selection and administration of employment tests will take place in a manner that leads to test results that accurately reflect the skills, aptitudes and whatever factors the tests purport to measure, rather than the impaired sensory, manual or speaking skills of the test subjects. Performance of any nonessential skills during any testing will not be allowed;
- K. Physical agility/Physical fitness tests if required, will be specifically job related and administered to all applicants in a job category selected for interviews;
- L. Applicant provides medical certification that he/she can safely perform a physical agility or physical fitness test when required by the district;
- M. Applicant assumes responsibility and releases the district of liability for injuries incurred in performing physical agility/physical fitness test required by the district;
- N. Applicant requests for reasonable accommodations in testing will be allowed for qualified individuals with a disability:
 - 1. Tests or exercises will be postponed as needed so that a reasonable accommodation can be provided;
 - 2. Modified tests or exercises will be provided unless such accommodation would change the measurement of the essential job function being tested (i.e., provide reader to assist with written test unless ability to read is essential job skill).
- O. Drug screening tests, if required, will be administered to all applicants in a job category select for interviews;
- P. Pre-employment offer medical examinations shall not be conducted.

Reference Check Procedures

- XI. Reference check procedures shall be reviewed to ensure:
 - A. Reference checks will be conducted on all applicants in a job category who meet the job requirements and are selected for interviews. Careful and complete notes will be taken and maintained. District officials conducting reference checks:
 - 1. Before making a conditional offer of employment, may not ask previous employers or other sources about an applicant's:

- a. Disability;
 - b. Illness;
 - c. Workers' compensation history;
 - d. Other questions that the district itself may not ask of the applicant.
2. May ask a previous employer or other sources about the applicant's:
 - a. Job functions and tasks performed;
 - b. The quality and quantity of work performed;
 - c. How the job functions were performed;
 - d. Other job related issues that do not relate to disability.

Job Offers

XII. The process for all job offers shall be reviewed to ensure:

- A. Job offers will be made to the most qualified applicant who with or without a reasonable accommodation can perform the essential functions of the job. The district will adhere to the following job offer procedures:
 1. After a conditional offer of employment is extended, the district may inquire as to whether the successful applicant will need a reasonable accommodation related to anything connected with the job (i.e., job performance or access to benefits/privileges of the job, etc.). If the district makes such an inquiry, it will consistently seek similar information from all other successful applicants in the same job category.
 2. The successful applicant will be informed of medical examination and/or medical history requirements after an offer of employment has been made and before the applicant begins his/her employment duties. All entering employees in the same job category will be subjected to such medical examination and/or medical history requirements. An individual's workers' compensation history will be included in all such medical history inquiries;
 3. The successful applicant will be informed that the job offer may be contingent upon disability-related questions, medical examination and/or medical history inquiries;
 4. A completed medical history form and release for medical records with the successful applicant's signature and date may be required;
 5. Information obtained from medical examinations and/or medical history inquiries may be used for such purposes as:
 - a. The verification of employment history;
 - b. To screen out applicants with a history of fraudulent workers' compensation claims;
 - c. To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds;
 - d. To screen out individuals who would pose a direct threat to the health and safety to self or others in the workplace which could not be reduced to an acceptable level eliminated by a reasonable accommodation.
 6. Reasonable accommodations will be provided if the medical examination or medical
 7. history inquiry discloses the successful applicant is a qualified individual with a disability as defined by the ADA. Reasonable accommodations will be provided by the district if

such accommodation would enable the individual with a disability to perform the essential functions of the job or otherwise meet eligibility requirements. The reasonable accommodation will be established by the district. In determining the appropriate reasonable accommodation the district will:

- a. Determine the essential functions of the job;
- b. Consult with the individual who has the disability to determine his/her precise limitations and how they may be overcome;
- c. Identify, with assistance of the individual with the disability, potential reasonable accommodations and assess their effectiveness;
- d. Consider the preference of the individual with the disability, and then implement the reasonable accommodation that is most appropriate for the employee and the employer. (In order to be reasonable, an accommodation must be effective. It is not required that the best accommodation be selected as long as the selected accommodation provides an equal opportunity to perform the job.).

7. Reasonable accommodations considered may include:

- a. Job restructuring;
- b. Modified work schedules;
- c. Job reassignment;
- d. Making existing facilities used by employees accessible to and usable by individuals with disabilities;
- e. Acquisitions and/or modification of work policies including:
 - (1) Modification of leave or attendance procedures or other such policies related to working conditions (i.e., modification of a policy prohibiting employees from eating or drinking for an employee with insulin-dependent diabetes, etc.);
 - (2) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - (3) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - (4) Acquisition or modification of equipment or devices;
 - (5) Other similar services and actions for individuals with hearing, visual and/or manual impairments.

8. A determination will be made whether an accommodation is reasonable or an undue burden by considering:

- a. Nature and cost of accommodation;
- b. Overall financial resources of facility;
- c. Number of persons employed;
- d. Impact on operation of facility;
- e. Effect on expenses and resources;

- f. Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.
- 9. The successful applicant who has been offered employment contingent on medical examination results and/or medical history inquiries will be rejected if the medical condition poses a direct threat to the health or safety of self or others in the workplace. The district shall consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:
 - a. The nature and severity of the potential harm to applicant or others in the workplace;
 - b. The likelihood that the potential harm will occur;
 - c. Specific risk is identified and documented;
 - d. Risk is current and not speculative or remote;
 - e. Assessment of risk is based on objective medical or factual evidence;
 - f. Medical condition is a direct threat.
- 10. Should an offer of employment be withdrawn because of medical examination or medical history inquiry results, the exclusionary criteria must be job related and consistent with business necessity;
- 11. Documentation will also include any determination that no reasonable accommodation was available that would enable the individual to perform the essential job functions or that accommodation would impose an undue hardship on the district;
- 12. Medical information will be kept confidential:
 - a. Medical information must not be maintained in personnel file;
 - b. Medical information will be released only to those with "need to know" and/or "need to reach in emergency situations" (i.e., immediate supervisors. etc.),
 - c. Medical information records will be maintained a minimum of one year.

Public Notice, Communications

- XIII. Notice of the district's compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 shall be displayed at each district facility and provided, as necessary, in appropriate accessible formats to applicants, participants, beneficiaries, professional organizations and other interested persons to include:
 - A. Pertinent provisions, duties and requirements of the ADA and its applicability to the district's employment practices, services, programs and activities, including the duty to reasonably accommodate upon request and with advance notice. In its effort to provide communications with individuals with disabilities that are as effective as communications with others, the district will also provide the following:
 - 1. Individual to contact for services or questions, including office location and phone number;
 - 2. Notice of Equal Employment Opportunity Commission (EEOC) requirements displayed in conspicuous places for all job applicants and employees;
 - 3. Signage displayed at all inaccessible entrances to each of the district's facilities directing users to accessible entrances or to location at which information can be obtained about accessible facilities;

4. Signage displayed at all accessible entrances to the district's facilities. The international symbol for accessibility shall be used;
5. Appropriate auxiliary aids and services that may include:
 - a. Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDD's), videotext displays and/or exchange of written notes for individuals with hearing impairments;
 - b. TDD's, computer terminals and/or communications boards for individuals with speech impairments;
 - c. Qualified readers, taped texts, audio recordings, Brailled materials, large print materials and assistance in locating items for individuals with vision impairments;
 - d. Telephone accessibility to enable individuals to seek immediate assistance from police, fire, ambulance and other emergency services;
 - e. Other equally effective communications devices, services and actions.
6. Consultation with the individual with a disability to determine the most appropriate auxiliary aid or service. Priority will be given to the auxiliary aid or service that results in the most integrated setting to encourage interaction among all users, including those with disabilities. Primary consideration will be given to the expressed request of the individual with a disability. The district may select an alternative auxiliary aid or service should it determine that another equally effective means of communication is available or that the means chosen by the individual with a disability would result in a fundamental alteration in the services, programs or activities or in undue financial and administrative burden to the district;
7. Training to employees as needed on the acceptance and handling of telephone relay services for individuals with disabilities;
8. Information to employees through different means, including computers, bulletin boards, mailboxes, posters and public address systems. The district will ensure that employees with disabilities have access to information that is provided to other similarly situated employees without disabilities, regardless of whether they need such information to perform their jobs.

New Construction/Alterations

- XIV. All facilities designed, constructed or altered after January 26, 1992 shall be readily accessible and usable by individuals with disabilities. The district will ensure:
- A. Alterations to existing facilities will take place in a manner that results in the altered portion of the facility being readily accessible to persons with disabilities. Alterations must not decrease accessibility;
 - B. Alterations deemed necessary to the path of travel in existing facilities requiring extensive restructuring or burdensome expense will be made in a timely fashion. Priority will be given to the following (in order):
 1. Entrances and routes to the altered area;
 2. One accessible restroom;

3. Accessible drinking fountains;
 4. Additional, accessible parking.
- C. Appropriate requirements of either the Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be met, including accessibility requirements related to work areas, parking, signs, entrances, water fountains, storage and shelves, telephones, assembly areas, bathrooms, detectable warnings, carpet and carpet tile, curb ramps and visual alarms.

Post Hires/Current Employees

- XV. All post hire and current employee Board policies and practices shall be reviewed to ensure:
- A. Medical examinations and/or medical history inquiries required by the district will be job related and consistent with business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave. Medical examinations and/or medical history inquiries may be administered by the district when:
 1. An employee is having difficulty performing his/her job effectively. The medical examination may be necessary to determine if the employee can perform essential job functions with or without a reasonable accommodation;
 2. An employee becomes disabled. An employee injured on or off the job, who becomes ill or otherwise suffers any other condition that meets the requirements of a disability as defined by the ADA is protected by the Act if he/she can perform the essential functions of the job with or without a reasonable accommodation. Such an examination or inquiry may also be required when the employee wishes to return to work after an illness or injury. The district will:
 - a. Determine if the employee meets the ADA definition of an individual with a disability if a reasonable accommodation has been requested;
 - b. Determine if the employee can perform the essential functions of the job currently held (or held before the injury or illness), with or without reasonable accommodation, and without posing a direct threat to the health or safety of self or others which could not be reduced or eliminated by a reasonable accommodation;
 - c. Identify an effective accommodation that would enable the employee to perform the essential job functions in the current (previous) job or in a vacant job for which the person is qualified with or without a reasonable accommodation;
 3. An employee requests a reasonable accommodation on the basis of disability;
 4. Administered as part of a voluntary employee "wellness" and health screening program.
 - B. Procedures for reporting and investigating employee on the job injury or illness will be implemented. The district will:
 1. Require employees complete workers' compensation form;
 2. Investigate, as necessary, documenting circumstances that led to injury and review all employee work related injury or illness on a case by case basis.
 - C. Procedures for communicating with health care providers regarding employees off-work due to any injury or illness will be implemented. The district, as necessary, and at its discretion will:
 1. Provide health care provider with detailed description of regular job activities, physical movement, duration of physical exertions and job description;

2. Write detailed questions for the health care provider to answer that may assist the district in determining any reasonable accommodation that may be necessary;
 3. Ask for employee written release authorizing district representative to consult with the employee's own health care provider.
- D. Procedures for employees not able to perform essential job functions completely after illness or injury will be implemented. The district will:
1. Determine whether temporary light duty assignment is possible. In accordance with the ADA, the district is not required to create a "light duty" position unless the "heavy duty" tasks an injured employee can no longer perform are marginal job functions which may be reallocated to co-workers as part of a reasonable accommodation.
 2. Determine whether job can be restructured, shifting or trading duties with other workers. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of the job, altering when and/or how an essential or marginal function is performed. Marginal functions of a job that cannot be performed by an individual with a disability may be exchanged for marginal job functions performed by one of more other employees. The district is not required to reallocate essential functions of a job as a reasonable accommodation. The district may switch the marginal functions of two or more employees in order to restructure a job as a reasonable accommodation.
 3. Determine whether a modified or part-time work schedule may be selected as a reasonable accommodation unless modifications would cause an undue hardship. A modified schedule may involve adjusting arrival or departure times, providing periodic breaks, altering the time when certain functions are performed, allowing the employee to use accrued paid leave or providing additional unpaid leave. If modifying an employee's work schedule poses as undue hardship, the district shall consider reassignment to a vacant position that would enable the employee to work the hours requested. Requests for modified or part-time work schedules for an employee covered under both the ADA and Oregon Family Leave Act (OFLA) or Family Medical Leave Act (FMLA) will be considered separately. The district will determine the employee's rights under each statute to determine the appropriate actions to take.
 4. Determine whether reassignment to a vacant position is possible. "Vacant" means that the position is available after the employee asks for a reasonable accommodation or that the district knows that it will become available within a reasonable amount of time. Reassignment is the reasonable accommodation of last resort and required only after it has been determined that there are no effective accommodations that will enable the employee to perform the essential functions of his/her current position or all other reasonable accommodations would impose undue hardship.
 - a. The employee must be qualified for the position – satisfy the requisite skill, experience, education and other job-related requirements of the position – but need not be the best qualified person to fill the position.
 - b. The employee must be able to perform the essential functions of the position with or without a reasonable accommodation.
 - c. The district is not required to bump an employee from a job in order to create a vacancy, nor does it have to create a new position.

5. Gather information from employee, health care provider(s), consultants, etc. as to needed modifications in policies, facilities, equipment, special aids and services that may be provided as a reasonable accommodation;
 6. Document all district efforts to provide reasonable accommodations.
- E. Qualified individuals with a disability not fully recovered from injury will not be returned to work when:
1. The employee cannot perform the essential functions of the job he/she holds or desires with or without a reasonable accommodation;
 2. The return of the employee to work would pose a significant risk of substantial harm to self or others in the workplace and that could not be reduced to an acceptable level with a reasonable accommodation;
 3. The return of the employee to a light duty position involves a totally different job from the job that the employee performed before the injury. A vacant light duty position already available for which an injured employee is qualified may be a reasonable accommodation;
 4. It is demonstrated that the accommodation will cause an undue hardship or result in excessive financial and administrative burden as defined by the ADA, and as evidenced by the district.
- F. Unpaid leaves will be provided to qualified individuals with a disability when a reasonable accommodation cannot be made in the employee's current job. The district will comply with all workers' compensation reinstatement rights to available and suitable employment;
- G. Leave of absence or attendance policies will not discriminate against qualified individuals with disabilities. (Uniformly applied leave policies are not subject to challenge because they have a more severe effect on individuals due to their disability. "No leave" policies, such as those forbidding leave during the first six months of employment are also not subject to challenge because they may have a more severe impact upon individuals with disabilities. An employer with a "no-leave" policy, however, may have to consider providing leave as a reasonable accommodation unless doing so would impose an undue hardship on its operation.) The district will not provide additional paid leave, but accommodations may include leave flexibility and unpaid leave;
- H. Drug and alcohol policies will meet the requirements of the ADA. Policies will state:
1. Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employee;
 2. Employees will be required to behave in conformance with the requirements of the Drug Free Workplace Act of 1988;
 3. Employees who engage in the illegal use of drugs or alcohol will be held to the same qualification standards for employment or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee's drug use or alcoholism;
 4. Employees taking drugs under the supervision of licensed health care professionals will be protected by the provisions of the ADA;
 5. Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance programs, professionally recognized self-help programs, such as Narcotics

Americans with Disabilities Act - ACA-AR
(continued)

Anonymous, or other programs that provide professional assistance and counseling for individuals).

- I. Health, life insurance, pension plans and other benefit plans offered by the district will not discriminate against qualified individuals with a disability (The ADA does not affect pre-existing condition clauses in health insurance plans as long as the clauses are not used as a means to avoid complying with the ADA, and such clauses do not require that additional coverage be purchased to cover expenses related to a disability.). Employees will not be denied coverage for illness or injuries unrelated to the pre-existing condition;
- J. Contractual or other business arrangements and relationships entered into by the district will not discriminate against qualified individuals with a disability. The district will:
 - 1. Not do indirectly what it is prohibited by the ADA from doing directly;
 - 2. Provide reasonable accommodations to enable access by employees with disabilities to training programs provided by the district and/or third parties, on district premises or

'If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed. these requirements apply only to the employment practices, services, programs and activities not included in the previous self-evaluation and/or transition plan. The self-evaluation study required by the .ADA was to have been completed by January 26.1993 and was to have been maintained and available for public inspection for at least three years. 'The transition plan was to have been developed by July 26. 1992. Structural changes required were to be made as expeditiously as possible. but no later than January 26. 1995. It is recommended that districts review their self-evaluation study and transition plan periodically for progress and continue to maintain and make available each document to interested individuals, organizations or agencies for verification purposes as needed.

District Goals

The district shall maintain a coordinated , valid and reliable data-driven K-12 program designed to improve student achievement, support students’ academic growth beyond proficiency in the knowledge and skills of the student’s current grade level, encourage their attainment of individual goals and successfully prepare students to function effectively in a rapidly changing world and for the futures they choose to pursue.

The district will work with staff, parents and community members to develop district goals that support the physical and cognitive growth and development of students. Goals will be adopted by the Board consistent with the goals adopted by the State Board of Education. Goals will be reviewed at least annually and revised as needed.

END OF POLICY

Legal Reference(s):

ORS 174.100	OAR 581-022-1020
ORS 192.630	OAR 581-022-1030
ORS 329.025	OAR 839-003-0000
ORS 329.485	
ORS 332.107	
ORS 659.850	
ORS 659A.003	
ORS 659A.006	
ORS 659A.030	

School Board Legal Status

The Board of Directors shall exercise all the powers and duties and assume the responsibilities and obligations given to it by law. It shall determine the general policies for the operation of the school district. It shall hold the Superintendent, its chief executive office, responsible for the efficient administration of the business and affairs of the school district.

END OF POLICY

Legal Reference(s):

ORS 332-332.790

School Board Powers and Duties

The Legislation of the State of Oregon delegates to the Board responsibility for the conduct and governance of schools. The general powers granted to the Board are: Legislative or Rule Making Authority, Judicial Authority and Executive/Administrative Authority.

The Board of Directors shall act as the general agent of the state in carrying out the will of the people of the School District in the matter of public education. It shall be responsible for carrying out certain mandatory laws, and shall consider and accept or reject the provisions of the permissive laws. In all cases where the state laws do not provide or prohibit, the board shall consider itself the agent responsible for policymaking, with the advice of the Superintendent, and for the evaluation of these policies.

The duties of the Board shall include, but not be limited to, the following:

1. Interpretation of the needs and desires of the local community in educational matters to its professional staff.
2. Appointment of the Superintendent of Schools.
3. Approval of preliminary and final plans and specifications for all new building and additions and of school sites.
4. The Board will authorize and approve payment on all contracts and business transactions of the District. The Board will provide for an annual audit of the District's assets.
5. The Board will direct the collective bargaining process to establish labor contracts with the District's personnel. The Board will establish, through the collective bargaining process where appropriate, salaries and salary schedules, other terms and conditions of employment, and personnel policies for district-wide application.
6. The Board will fix the days of the year and the hours of the day when school will be in session.
7. Provide for keeping the public informed of the purposes, needs, and conditions of education in the School District.
8. The Board will oversee the financial affairs of the District by authorizing, appropriating and approving budgets and by proposing tax levy or bond elections to provide for operation of programs and maintenance and acquisition of District property.
9. Evaluation of the programs of the school and appraisal of the efficiency of executive personnel.
10. Formulation and approval of policies for the organization and improvement of public education in the School District.
11. Implementation of all actions required by law.

12. Consideration of specific actions recommended by the Superintendent of Schools.

END OF POLICY

Legal Reference(s):

ORS Chapter 192 Public and Private Records; Public Reports and Meetings

192.410 – 440

192.496 – 500

192.610 – 990

ORS Chapter 332 Local Administration of Education

332.002 – 111

332.155 – 535

332.745 – 760

ORS Chapter 333 County Unit System

333.005 – 130

333.155 – 215

333.240 – 610

ORS Chapter 335 High Schools

ORS Chapter 336 conduct of Schools Generally; Community Schools

ORS Chapter 337 Textbooks; Curriculum Improvement

336.100 – 260

ORS Chapter 339 School Attendance; Admission; Discipline

339.155 – 155

339.165 – 990

ORS Chapter 342 Teachers and Other School Personnel

342.174 – 203

342-505 – 554

342.596 – 366

342.805 – 980

ORS 243.650 – 782 Collective Bargaining

ORS 294.305 – 565 Local Budget Law

ORS 174.130

School Board Elections

1. Number of Directors

The Board of Directors shall consist of five members elected for four years by the majority of voters who exercised their voting prerogative. Terms shall be in accordance with the State Law.

2. Designation of Board Positions

Positions of the Board members and their respective successors in office will be designated by numbers as Position No. 1, No. 2, No. 3, No. 4, and No. 5. In all proceedings for the nomination or election of candidates for or to the office of a Board member, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or elections will state the position number to which the candidate aspires.

END OF POLICY

Legal Reference(s):

ORS Chapter 255
ORS 332.011
ORS 332.016
ORS 332.018
ORS 332.019
ORS 332.030 (4), (5), (6)
ORS 332.118 - 142

Board Member Qualifications

Persons will be eligible to serve as members of the Board if they are qualified voters of the District and have been residents within the District for one year immediately preceding the election.

No person who is an employee of the District will be eligible to serve as a member of the Board while so employed.

END OF POLICY

Legal Reference(s):

ORS 332.016
ORS 332.018
ORS 332.020

Code: **BBBB**
Adopted: 10/10/88
Revised: 5/14/90

Board Member Oath of Office

I, _____, being duly sworn, will support the constitutions and the laws of the United States and the State of Oregon, and will discharge the duties of the School District to the best of my ability, (so help me God).

Signature

END OF POLICY

Legal Reference(s):

ORS 332.005 (2)

Code: **BBC**
Adopted: 10/10/88
Revised: 5/14/90

Board Member Resignation

The Lowell School District Board of Directors may accept a resignation of a member by voting to do so.

A resignation becomes effective when officially accepted by the Board at a regular meeting. The Board will announce the resignation and declare the vacancy at that meeting.

The Board will determine the procedures to be used in filing the vacancy.

END OF POLICY

Legal Reference(s):

ORS 332.030

Vacancies on the Board

The Board will declare the office of a director vacant upon any of the following:

1. The death or resignation of an incumbent.
2. When an incumbent ceases to be a resident of the district.
3. When an incumbent causes to discharge the duties of the office for two consecutive months unless prevented by sickness or other unavoidable cause.
4. When an incumbent is removed from office by judgment or decree of any competent court.
5. When an incumbent has been recalled from office by the voters of the district.

Vacancies will be filled by appointment by the Board. The Board appointee must be a legally registered voter and must have been a resident within the District for one year immediately preceding the appointment. The appointee will serve until the next regular annual election, at which time a replacement will be duly elected. If, however, a vacancy occurs on the Board after the filing date for candidates for the school Board, the appointee will serve until June 30th of the following year.

A Board member so elected as a replacement will serve the remaining years of the term of office of the Board member being replaced.

In the event of multiple vacancies the position of the Board member who resigned first will be filled first.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and will be seated immediately.

If the offices of a majority of the directors of the District are vacant at the same time, the Directors of the Lane County Education Service District will elect persons to fill the vacancies from the qualified voters of the District.

END OF POLICY

Legal Reference(s):

ORS 249.865 – 880
ORS 331.410
ORS 332.020
ORS 332.030

Board Member Standards of Conduct

Individual Board members and the Board as a public entity must comply with the Code of Ethics for public officials provided in state law.

Board members will treat other Board members, the superintendent, staff and the public with dignity and courtesy and will provide an opportunity for all parties to be heard with due respect for their opinions.

Board members will recognize the superintendent as the chief executive officer to whom the Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member should clearly identify the opinions as personal.

A Board member will respect the privacy rights of individuals when dealing with confidential information gained through association with the district.

A Board member will keep information discussed in executive session confidential.

END OF POLICY

Legal Reference(s):

ORS 162.015 – 162.035
ORS 162.405 – 162.425
ORS 192.630
ORS 244.040
ORS 244.120
ORS 332.055

Board Member Ethics and Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives, household members or for any business with which the Board member, household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual \$50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

“Relative” in the *conflict of interest context* is defined as a Board member’s spouse¹ any children of the Board member or of the Board member’s spouse; brothers, sisters, half-brothers, half-sisters, spouses of siblings, parents of a Board member or of spouse, aunts, uncles, nieces, nephews and step-parents.

“Member of the household” means any person who resides with the public official.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member’s vote, official action or judgment would be thereby influenced.

¹The term spouse includes domestic partners.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the district. A Board member will respect individuals' privacy rights when dealing with confidential information gained through association with the district.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the Code of Ethics for public officials as stated in Oregon law.

Potential Conflict of Interest

"Potential conflict of interest" means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

"Actual conflict of interest" means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board

member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives or members of household, meaning that the Board member and each member of their household and relative can accept up to \$50 each from the same source/gift giver. "Gift" means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

1. "Relative" *in the gift context* means the spouse of the Board member; any children of the Board member or of the Board member's spouse; siblings, spouses of siblings or parents of the Board member or of the Board member's spouse; any individual for whom the Board member has a legal support obligation; or any individual for whom the Board member provides benefits arising from the Board member's public employment or from whom the Board member receives benefits arising from that individual's employment.
2. "Member of the household" means any person who resides with the Board member.

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative/administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the Board member’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the Board member is \$25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the Board member.
3. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or

2. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts.

3. Campaign contributions are not considered gifts under the ethics rules.
4. Gifts from “relatives” and “members of the household” are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
5. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.
6. Contributions made to a legal expense trust fund if certain requirements are met.
7. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation.
 - (b) The Board member is representing the district:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*

- (2) The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
8. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion.
- “Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
9. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i).
10. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement.
11. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

Honoraria

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or any member of the household of the Board member if the honoraria are solicited or received in connection with the official duties of the Board member.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the Board member or candidate.

END OF POLICY

Legal Reference(s):

ORS 162.015 to-162.035
ORS 162.405 to-162.425
ORS 244.010 to-244.400
ORS 332.055
ORS 659A.006

OAR 199-005-0003 to-199-020-0020

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

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;
2. This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);
3. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy, a "member of the household" means any person who resides with the Board member and "relative" means:

1. The Board member's spouse¹;
2. Any children of the Board member or his/her spouse; and
3. Brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the Board member, or the parents of his/her spouse.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

¹The term spouse includes domestic partners.

END OF POLICY

Legal Reference(s):

ORS 244.010 to-244.400

ORS 332.016

ORS 659A.309

OAR 199-005-0003 to-199-020-0020

OAR 584-020-0040

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Code: **BC/BCA**
Adopted: 10/10/88
Revised: 5/14/90
Revised: 9/26/05

Board Organization/Board Organizational Meeting

No later than the next regular meeting following July 1, the Board will organize itself for the year.

The organizational meeting will consist of, but not be limited to, the following actions:

1. Election of a Board chair;
2. Election of a vice chair;
3. Provision for a time and place for regular meetings;
4. Other organizational actions prescribed by law or by Board practice.

The incumbent Board chair will preside until a successor is elected, whereupon the successor will assume the chair. In the event no incumbent chair or vice chair remains on the Board, or neither is able to continue to serve as an officer, the Board will select a temporary chair to conduct the election. No member shall serve as chair for more than four years in succession.

END OF POLICY

Legal Reference(s):
ORS 255.335
ORS 332.040 - 332.045
ORS 332.057

School Board Officers

Chairman

The Chairman shall preside at all board meetings and assume responsibility for the orderly conduct of the Board's business. The Chairman is authorized to appoint committees as is deemed to be necessary, to execute all documents for and on behalf of the Board and the District, and to perform any and all acts necessary of the Chairman of the Board in the ordinary and necessary conduct of the District's business.

Vice-Chairman

The Vice-chairman shall perform all the duties and functions of the Chairman during the absence or inability of the Chairman and shall perform such other duties as may be delegated by the Chairman of the Board.

District Clerk

The Superintendent shall be the District Clerk and shall be responsible to the Board for the Clerk's duties. The Clerk, before assuming the duties of the Clerk, shall execute an annual bond for such a sum as directed by the Board, conditioned upon the faithful discharge of duties, and deliver to successors in office all district property pertaining to the office, and records and documents in the Clerk's custody.

END OF POLICY

Legal Reference(s):
ORS 332.505

Code: **BCBA**
Adopted: 12/10/01
Revised: 9/26/05

Student Representative to the Board

The Board has provided for a formalized ongoing method of communication with district students by establishing a position of student representative to the Board.

The student representative shall receive notice of meetings, the agenda and the appropriate agenda materials; be provided a place at the Board table; and shall have the same privileges of discussion as apply to Board members. The student representative shall not be a voting member of the Board.

END OF POLICY

Legal Reference(s):
ORS 332.107

Board/Superintendent Relationship

The efficient operation of a school system depends on the relationship which exists between the Board and the Superintendent. The Board should provide the Superintendent the necessary support to fulfill the requirements of the position. Since the major role of the Board is the formulation of policy and operating procedures for the District, it is necessary for the Board to exclude themselves from the administration of the District. The general guide to enhance the relationship shall be the School Board Member Code of Ethics adopted as BBF.

The Superintendent shall enforce the policies and operating procedures of the District as adopted by the Board. The Superintendent shall keep the Board informed of the general operations of the District and respond to directives of the Board in a timely manner. The Superintendent shall inform the Board of problems which arise and make recommendations to the Board as necessary.

The key to a satisfactory relationship is open communication and both parties must strive to develop a communications system which will assist in a working relationship. Differences of opinion will occur and both parties should accept this as a reality and be willing to work towards amiable solutions.

END OF POLICY

Legal Reference(s):
ORS 332.505

Board Committees

The Board shall have one standing committee which shall be the Budget Committee responsible for deliberations on each proposed budget for the fiscal year and any supplemental budgets being considered.

Special committees of the Board shall investigate and act for the Board in such matters as may be assigned. The duration of the services of a committee shall be stated at the time of appointment.

The function of a special committee will be fact-finding, deliberations and advisory, rather than legislative or administrative.

END OF POLICY

Legal Reference(s):
ORS 192.630
ORS 332.045

Advisory Committees

The Board may utilize advisory committees to address research projects and make recommendations for the consideration of the members.

Any advisory committee established shall attempt to have as diverse a membership as possible in order to guarantee divergent points of view and represent a cross-section of community members.

END OF POLICY

Legal Reference(s):
ORS 192.610
ORS 192.630

School Attorney

The District shall annually select an attorney to represent the District. The services of the attorney shall only be requested by a majority vote of the Board members or by the Superintendent.

The Board retains the options to accept or reject any and/or all recommendations made by the attorney for their consideration.

END OF POLICY

Consultants to the Board

The District shall annually select an attorney to represent the District. The services of the attorney shall only be requested by a majority vote of the Board members or by the Superintendent.

The Board retains the options to accept or reject any and/or all recommendations made by the attorney for their consideration.

END OF POLICY

School Board Meetings

Regular meetings of the Board shall be at 7:30 p.m. on the second and fourth Mondays of the month. They will be held in the High School Library unless the Board elects otherwise. Any regular meeting may be held at a different time and place should the Board decide in which case reasonable notice shall be given to the public.

Regular Meetings

All regular and special meetings of the Board will be open to the public except as provided by law.

The first meeting after July of each year will be an organizational meeting to elect Board officers and establish the schedule of Board meetings for the year, unless a special meeting is necessary.

The Board Chairman will conduct the meeting, or in his/her absence, the Vice-chairman will conduct the meetings. If both are absent the person with the longest period of service on the Board will conduct the meeting.

Private or Social Meetings

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

END OF POLICY

Legal Reference(s):
ORS 192.610 - 990
ORS Chapter 13
ORS 332.045
ORS 332.055
ORS 332.057
ORS 332.056
AG Option No. 4986

Special Board Meetings

Special meetings may be called at any time in accordance with adopted policy. All Directors must be given reasonable notice, which shall include the time, place and purpose of the meeting. Also, there should be reasonable public notice given to special meetings, stating the time, place and items of business to be considered. No business but that listed in such public notice and notice to the Directors may be acted upon at any special meeting.

END OF POLICY

Legal Reference(s):
ORS 192.640

Executive Session

The Board may exercise the option to hold executive sessions as per Oregon Revised Statutes. An executive session may be held during a regular, special or emergency meeting of the Board when a quorum is present and the appropriate ORS is identified which authorizes the holding of such executive sessions.

END OF POLICY

Legal Reference(s):
ORS 192.601 – 710
ORS 332.061
AG Opinion No. 8116
AG Opinion No. 6996

Board Meeting Procedures

1. Quorum

A quorum will consist of the majority of the Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

3. Board Member Voting

Each member's vote on all motions will be recorded in the minutes.

4. Abstaining from Votes

If a Board member chooses to abstain from voting, such abstention will be recorded.

5. Parliamentary Procedures

Official business of the Board will be transacted by motion or resolutions at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards" as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The chair will decide all questions relative to points of order, subject to an appeal of the Board.

END OF POLICY

Legal Reference(s):

ORS 192.650

ORS 332.055

ORS 332.107

ORS 332.045

ORS 332.057

38 Or. Atty. Gen. Op. 1995 (1978)

41 Or. Atty. Gen Op. 28 (1980)

Notification of Meetings

Notification of regular meetings shall be given in the official paper of record. If only an executive session will be held, a notice shall be given to the members of the Board, and to the general public stating the specific provision of the law authorizing the executive session. No special meeting shall be held without at least 24 hours prior notice. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

END OF POLICY

Legal Reference(s):
ORS 192.660 – 990
ORS 332.045

Board Meeting Agenda

The Superintendent will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or citizen of the District by so notifying the Superintendent.

The agenda will be established following a general order established by the Board. Opportunities for the audience to be heard will be included. The Board will follow the order of business set up by the agenda unless the order is altered by the consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting data, will be distributed to Board members at least two days prior to the meeting. The agenda will be available to the press and the interested parties through the Superintendent's office at the same time as it is made available to the Board members. Copies of confidential information will not be made available to the press or general public.

END OF POLICY

Minutes of Board Meetings

The deputy clerk will take written minutes of all meetings of the Board. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include at least the following information:

1. All members of the Board who were present.
2. All motions, proposals, resolutions, orders, ordinances and measure proposed and their disposition.
3. The results of all votes and the vote of each member.
4. The substance of any discussion or any matter.
5. Any other information required by law.

Minutes of executive sessions will be kept in accordance with the requirements of ORS 192.650.

The public and patrons of the District may receive copies of current approved minutes upon request at the Superintendent's office during regular business hours.

The minutes of an executive session which deals with the expulsion of a minor student will exclude the following:

1. The name of the minor student.
2. The issue.
3. The discussion and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):
ORS 192.650
ORS 332.065

Public Participation in Board Meetings

The members of the Board are elected to represent the citizens of the school district. Citizens are encouraged to attend Board meetings to discuss their concerns.

Each member of the Board should attempt to maintain communications with the community and keep the Board, as a whole, informed of the community's wishes.

Any person or group of persons may request that they be heard at any regular Board meeting. The request should state the subject for consideration and should be submitted to the Superintendent.

One of the first items of business at each regular meeting will be to hear persons in attendance. In the interest of efficient operation, the Chairman may, at his/her discretion:

1. Change the order of items on the agenda;
2. Limit the number of persons speaking on one topic and/or limit the time each speaks;
3. Require a sign-up sheet prior to discussion that will briefly state the subject and indicate whether persons are pro or con;
4. May close public discussion, with consensus of majority of Board members present, or upon affirmative action of majority of directors present, must close public discussion, and then provide directors with an uninterrupted period of time for deliberation, discussion and action.

Petitions

Petitions may be accepted at any meeting of the Board. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the Superintendent for consideration and recommendation of appropriate action.

Criticisms of Staff Members

Speakers may offer objective criticism of school operations and programs, but the Board will not hear personal complaints concerning school personnel nor against any person connected with the school system. The Chairman will direct the visitor to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 690

ORS 332.065

Public Hearings

The Board will hold such public hearings as are required by law and will follow the appropriate procedures.

The Board will establish procedures, as appropriate, for such other hearings as may be required by the Board to ascertain the ideas and opinions of the community on an item of interest, or to facilitate the orderly resolution of questions or concerns of the Board or community

END OF POLICY

Legal Reference(s):
ORS 192.610 - 690
ORS 332.045
AG Opinion No. 6996

School Board Work Sessions

The Board may schedule work sessions in order to provide its members with opportunity for planning and thoughtful discussion with action. Topics of discussion and study will be announced publicly and work sessions will be conducted in accordance with state law governing public meetings.

END OF POLICY

Legal Reference(s):
ORS 192.610 - 710
ORS 332.045
AG Opinion No. 6996

Board Policy Development

Board policy is a general statement of principles to be followed by the Board, administrators, staff members, students and the public insofar as the schools are concerned. They are guidelines for administrative practice, but do not spell out the actual details of the daily administration of the schools.

Adoption of new policies and change or repeal of existing policies is solely the responsibility of the Board. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the members of the Board. Such action will be scheduled on the agenda of a regular or special meeting.

A proposed change in policy will not be made at the meeting in which it is proposed unless an emergency situation arises. For the situation to be declared an emergency, a unanimous vote of the Board is required.

The formal adoption of policies will be recorded in the minutes of the Board. Only those written statements so adopted and so recorded will be regarded as official Board policy.

Any formal motion or action of the Board which tends to create, amend, or supplement policy will be called to the attention of the Board in the review of the minutes for formal adoption as a revision to the existing policy.

Board policy documents will be printed and assembled in loose-leaf booklets. When additions, deletions, or amendments are made to Board policy, the addition, deletion, or amendment will carry the adoption date and the corrected copy will be published and inserted in each Board policy booklet at the earliest opportunity.

The operation of any section of sections of policies not established by law or specifically listed in the current labor document may be temporarily suspended by a majority vote of the Board of Education at a regular or special meeting.

The policy manual will be reviewed as appropriate in order to keep it current.

END OF POLICY

Administrative Regulations

Administrative regulations are detailed directions governing the operation of the schools.

The Superintendent is directed to formulate such administrative regulations appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the District.

When approved by the Superintendent, administrative regulations will be distributed and included in existing policy books.

The Board may review any administrative regulation and may revise it by majority vote if, in the Board's judgment, such regulation is not consistent with adopted policies.

END OF POLICY

Legal Reference(s):

ORS 332.107

Board Policy Implementation and Dissemination

Effective Date of Policies

All new or amended policies will become effective upon the day after adoption by the Board, unless a specific effective date is included in the motion for adoption.

Policy Implementation

The Superintendent and administrative staff will implement the policies of the Board. The Superintendent may formulate administrative regulations and procedures to assist policy implementation.

It will be the duty of the Board to evaluate the effectiveness of the policy and the effectiveness of the administration's implementation of the policy.

Policy Dissemination

The written policies that govern the District will be maintained in a policy manual which will be updated by the District staff as new policies are developed or existing policies are revised or repealed.

Each member of the Board will be provided with a current policy manual.

Complete copies of policies as adopted shall be in each school library, administrative office, the Lowell Education Association and the Classified Employees Association. Staff and public will have further access to the manual during regular office hours. The Board's policy manual will be considered a public record and will be open for inspection at the Superintendent's office.

The Superintendent will provide channels for the dissemination of appropriate policies to the community.

END OF POLICY

Legal Reference(s):

ORS 332.107

Administration in Policy Absence

In the absence of policy or direction by the Board, the Superintendent shall assume the authority and responsibility necessary to deal effectively with unforeseen situations. Such actions shall be subject to the Board's review.

END OF POLICY

Legal Reference(s):

ORS 332.107

Suspension of Policies

In the event of emergency or special circumstances, the operation of any section of Board policy, including those governing its own operational procedures, may be temporarily suspended by a majority of the Board members at any regular or special meeting. This suspension, however, does not apply to any section of Board policy that may be established by law or contract.

END OF POLICY

Legal Reference(s):

ORS 332.107

Code: **BG**
Adopted: 9/14/90
Revised:

Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board or any Board committee from staff members will be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to Board meetings, which provide an opportunity to observe the Board's deliberations on matters of staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will provide appropriate communication to keep staff fully informed of the Board's priorities, concerns and actions.

Visits to Schools

School visits by Board members will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors.

END OF POLICY

Legal Reference(s):

OAR 581-022-1720

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Orientation of New Board Members

A new member is to be afforded the Board's and staff's fullest measure of courtesy and cooperation. Board and staff will make every effort to assist the new member to become fully informed about the Board's functions, policies, procedures, and problems. In the interim between appointment and actually assuming office, the new Board member(s) will be assisted in the following ways:

1. The electee will be given materials on the role of a member of the School Board.
2. The electee will be invited to attend Board meetings to observe the operation of the Board, but will not be a voting member.
3. The electee will be given a copy of Board policies.
4. The Superintendent will supply materials pertinent to meetings and will explain its content.
5. The incoming member will be invited to meet with the Superintendent and other administrative personnel, by arrangement with the Superintendent, to discuss services they perform for the District.
6. The electee will be encouraged to attend the Workshop for New Board Members sponsored by the Oregon School Boards Association.
7. New Board members will receive all reports and communications normally sent to Board members.

END OF POLICY

Legal Reference(s):
ORS 332.107

Board Member Development

The complexity of School Board membership demands opportunities for development, study and training of its members. The Board of Education places a high priority on the importance of a planned and continuing program of inservice education for its members.

In order for Board members to develop leadership capabilities, become informed about current issues in education and improve their skills as members of a policymaking body, Board members will participate in opportunities for development that may include, but not be limited to, the following:

- Inservice activities planned by the Board and inservice planned by the administration for staff members, as appropriate.
- Participation in conferences, workshops and conventions held by state and national School Board associations and other educational organizations.
- Subscriptions to publications addressed to the concerns of Board members.

END OF POLICY

Legal Reference(s):
ORS 332.107

Board Member Compensation and Expenses Reimbursement

In order to enhance the expertise, knowledge, training, background and effectiveness of Board members, the District encourages attendance at workshops, seminars, conferences, conventions and meetings, directly associated with public education. Members will be reimbursed from District budgeted funds for expenses incurred.

Reimbursements

Board members – Attendance at workshops, seminars, conferences, conventions and meetings will be limited by the total financial funds placed in the school budget. Board member attendance will be regulated as follows:

1. Reservations
Reservations will be made by the Superintendent and, whenever possible, the District will be billed for registration fees, motel/hotel charges, materials costs and other related expenses directly associated with the activity.
2. Attendance
 - a. In-state – no Board approval required.
 - b. Out-of-state approval by majority of other Board members.
3. Financial Limitations
 - a. \$30.00 per diem for meals.
 - b. Mileage for use of private vehicles will be reimbursed based on the Federal scale in effect at the time of use.
 - c. Registration fee.
 - d. Motel/hotel room charges.
 - e. Material costs.
 - f. Other related expenses.
4. Reimbursement Procedures
 - a. Individual expenses incurred will be reimbursed to the Board member, by the Superintendent, upon verification of expenses.
 - b. Receipts must be submitted to the Superintendent within one month of the conclusion of the activity and prior to the conclusion of the fiscal year, June 30.
5. Advanced Funding
There will be no advanced funding paid to any Board member.

6. Reports

Each member will present an oral or written report of the activity to the other Board members at the next Board meeting.

7. Entertainment Expenses

Expenses incurred by any Board member for entertainment will not be paid from District funds.

END OF POLICY

Legal Reference(s):
ORS 332.018 (3)

Board Member Liability Insurance

The Board will purchase liability insurance and errors-and-omissions insurance to protect its members individually and collectively from claims made against them as a result of their official Board actions in the course of their official duties.

END OF POLICY

Legal Reference(s):
ORS 332.018 (3)
ORS 332.105 (2)
ORS Chapter 774

Board Legislative Program

The Board will represent the District's interests in legislative action to promote the welfare of public education in the state of Oregon or will direct those interest to be represented through its executive officer, the Superintendent or designee.

The Board will periodically study, discuss and weigh the merits of pending legislation for the purpose of determining its official position through Board action. If established, these official positions will be the stand of the District in the legislative process.

Board members, individually or as members of professional organizations, will not seek to represent any other positions on legislative matters unless it is made clear that such representation is not the official stand of the District.

END OF POLICY

Legal Reference(s):
ORS 332.107

Board Legislative Program

The Board will, as part of its legislative program effort:

1. Ensure that local media representatives and legislators are invited to Board meetings and school activities;
2. Set aside Board meeting time to discuss legislative issues as outlined in OSBA's "Legislative Highlights" or from other sources;
3. Establish regularized contacts with their legislators both in-district and in Salem;
4. Commit to sending a team to the OSBA/COSA Legislative Conference held each February of legislative years;
5. Follow through with OSBA solicitations for input regarding legislative policy and priority development;
6. Respond to legislative calls-to-action by faxing, emailing or calling legislators on issues of importance;
7. Encourage participation in OSBA Convention and other association activities related to legislative liaisons.

Code: **BJ**
Adopted: 5/14/90
Revised: 10/24/05

Board Memberships

The Board will maintain membership in the state school boards association and may take an active part in the activities of this group.

It may also maintain institutional memberships in other educational organizations that the superintendent and Board find to be of benefit to members and district personnel.

The materials and benefits of institutional memberships will be distributed and used to the best advantage of the Board and the staff.

END OF POLICY

Legal Reference(s):
ORS 332.105 (2)
ORS 332.107

Evaluation of School Board Operations

At such times as a majority of the Board deems advantageous, an outside education agency may be requested to survey the education system of the District.

The Board may also choose to develop an appraisal of Board relationships and functioning. An outside consultant may be utilized either to develop an appraisal plan, and/or to lead the appraisal session(s).

END OF POLICY

Administration Goals and Objectives

The purpose of administration is to help create and foster an environment in which pupils can learn most effectively. All administrative duties and functions will be appraised in terms of contributions that they make to better instruction and to higher student motivation and achievement.

Major goals of administration in the District will be:

1. To manage the District's various facilities, funds and programs effectively.
2. To provide professional advice and counsel to the Board and to any committee established by Board action.
3. To implement the management function so as to ensure the best and most effective learning programs through achieving such subgoals as:
 - a. Providing leadership in keeping abreast of current educational developments.
 - b. Arranging for staff development necessary to the establishment and operation of learning programs that better meet more learner needs.
 - c. Coordinating cooperative efforts at improvement of learning programs, facilities, equipment and materials.
 - d. Providing access to the decision-making process for the ideas of staff, students, parents and others.

END OF POLICY

School Superintendent

The superintendent is the chief executive officer of the District and has, under the direction of the Board, general supervision of all schools, personnel and department of the District. The superintendent is responsible for managing the schools under the Board's policies and is accountable to the Board for that management.

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

END OF POLICY

Legal Reference(s):

ORS 342-505
ORS 342.515

QUALIFICATIONS AND DUTIES OF THE SUPERINTENDENT

POSITION: Superintendent of Schools

QUALIFICATIONS:

1. A current Oregon administrative license with a superintendent's endorsement or a transitional superintendent license;
2. Successful experience as an educational leader and administrator;
3. In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets transitional administrator or exceptional administrator license requirements. The Board may, jointly with the individual, submit an application for such license for Teacher Standards and Practices Commission approval pursuant to OAR 584-080-0151 and 584-080-0161;
4. Other qualifications as determined by the Board.

REPORTS TO: Board of Directors

SUPERVISES: Central office administrators and school principals; and through them, all district personnel.

The superintendent shall provide for effective administration of all schools and departments, and educational leadership throughout the school system and community. The superintendent's duties will include, but not be limited to, the following:

1. Serves as chief executive officer of the Board except as otherwise provided by law, makes rules not in conflict with law or with Board policies and decides all matters of administrative and supervisory detail in connection with the operation and maintenance of the schools;
2. Initiates and directs the development of policies for approval by the Board, delegating such responsibility to associates and subordinates as deemed desirable;
3. Attends all meetings of the Board except those concerned with his/her own contract status, evaluation or as otherwise directed by the Board and takes part in the deliberations, but does not vote;
4. Assists the Board in reaching sound judgments, establishing policies and approving those matters which the law requires the Board to approve, places before the Board

necessary and helpful facts, comparisons, investigations, information and reports and makes available the personal advice on special or technical matters by those persons who are qualified to furnish it;

5. Implements and interprets Board policies;
6. Recommends the appointment, assignment, transfer, promotion, demotion, discharge and/or suspension of any employees of the Board as provided by law and Board policies, with such recommendations reported to the Board for approval;
7. Directs the professional supervisory staff in visits to the schools under his/her charge; through this staff, directs, assigns and assists teachers and all other educational employees in the performance of their duties; classifies, assigns and controls the promotion of students; and performs such other duties as the Board determines;
8. Directs the work of the professional staff in evaluating curriculum and instructional materials and, upon the basis of such study, makes recommendations to the Board;
9. Supervises the establishment or modification of attendance and transportation area boundaries subject to Board approval;
10. Directs the preparation of an annual budget showing the estimated receipts and disbursements necessary to cover the needs of the district for the ensuing fiscal year and submits this estimate to the Board in accordance with law;
11. Approves and directs, in accordance with law and Board regulations, purchases and expenditures, within the limits of the budget;
12. Exercises leadership in directing studies of sites and buildings, considering the population trend and the educational and cultural needs of the district, to ensure timely decisions by the Board and electorate regarding construction and renovation projects;
13. Represents the district in dealings with other school systems, social institutions, business firms, government agencies and the general public;
14. Keeps the Board and public informed about current educational practices, educational trends and the practices and problems in the district.

The specific enumeration of the superintendent's duties as detailed above will not act to limit the broad authority and responsibility of the office.

STANDARDS FOR SUPERINTENDENT PERFORMANCE:

1. Leadership and District Culture

The superintendent will demonstrate exemplary leadership through empowering others, providing vision, by helping shape school culture, and by promoting a climate of understanding of multicultural and ethnic differences.

2. Policy and Governance

The superintendent will work with the Board to formulate internal and external district policy, define mutual expectations of performance with the Board and demonstrate exemplary school governance to staff, students and the community at large.

3. Communications, Community Relations and Partnerships

The superintendent will demonstrate the skills necessary to establish effective two-way communications with the students, staff, parents, and the community as a whole, including beneficial relationships with the media. The superintendent will elicit and respond to community feedback and build community support for the district.

4. Organizational Management

The superintendent will gather and analyze data for decision-making and for making recommendations to the Board. The superintendent will demonstrate the skills necessary to meet internal and external customer expectations and to effectively allocate resources.

5. Curriculum Planning and Development

The superintendent will design curriculum and strategic planning to enhance teaching and learning, using theories of cognitive development, using valid assessments and use of technology.

6. Instructional Leadership

The superintendent will understand and use research findings on learning and instructional strategies and resources to maximize student achievement. Leadership will focus on applying research and best practices.

7. Human Resources Leadership

The superintendent will provide leadership in developing staff evaluation and assessment and supervisory systems to maintain a quality workforce. The superintendent will demonstrate skills in applying ethical, contractual and legal requirements for personnel recruitment, selection, development, retention, promotion and dismissal.

8. Values and Ethics of Leadership

The superintendent will understand and model appropriate value systems, ethics and moral leadership. The superintendent will exhibit multi-cultural and ethnic understanding and will coordinate with social agencies and human services to help students grow and develop as caring, informed citizens.

9. Labor Relations

The superintendent will understand collective bargaining law and processes, contract management and effective relationships with bargaining groups.

10. District Goals

The superintendent will direct attention to the attainment of district goals as adopted by the Board of Directors and will report progress toward goal attainment on a semi-annual basis.

END OF POLICY

Legal Reference(s):

[ORS 327.133](#)

[ORS 332.405 - 332.427](#)

[ORS 332.515](#)

[ORS 342.125](#)

[ORS 342.140](#)

[ORS 342.143](#)

[ORS 342.173](#)

[ORS 342.175](#)

[ORS 342.200](#)

[OAR 581-022-0102 to -1940](#)

[OAR 581-023-0006 to -0050](#)

[OAR 584-020-0000 to -0045](#)

[OAR 584-036-0035 \(1\)](#)

[OAR 584-046-0005 to -0024](#)

[OAR 584-048-0085 to -0095](#)

[OAR 584-080-0151](#)

[OAR 584-080-0152](#)

[OAR 584-080-0161](#)

Recruitment and Appointment of the Superintendent

The Board considers foremost among its responsibilities the selection and appointment of a superintendent who can effectively translate into action the policies of the Board and the aspirations of the Lowell community for its schools.

In order to provide the most capable leadership available for the district, the Board may engage in a nationwide search for applicants for the position of superintendent when a vacancy in that position occurs.

In order to interview superintendent candidates in executive session, the Board shall develop and adopt the standards (candidate qualities and work experiences), criteria (application, screening and hiring process) and policy directives (promote from within, state and/or national search) to be used in hiring the superintendent or interim superintendent at a meeting open to the public and at which the public has had an opportunity to comment.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may hire consultants to assist in screening candidates to be interviewed by the Board and to encourage the filing of applications by professional educators who meet the qualifications. Final selection, however, will rest with the Board after a thorough consideration of qualified applicants.

The Board will appoint the superintendent by a majority vote of the Board members at a meeting for which notice has been given of that intended action.

END OF POLICY

Legal Reference(s):
ORS 192.660 (1)(a)(D)
ORS 332.505
ORS 342.513
ORS 342.835

Superintendent's Contract

The superintendent, upon appointment by the Board of Directors, will receive a contract which will state the terms of appointment, compensation, benefits and other conditions of appointment and may include requirements for renewal or termination of the contract.

The contract will meet any requirements of Oregon law and be mutually acceptable to the Board and superintendent.

The superintendent's contract may be for more than one year.

END OF POLICY

Legal Reference(s):

ORS 332.505

ORS 342.592

ORS 342.598

Superintendent's Development Opportunities

The Board expects the superintendent to keep informed of new and promising developments in the field of education by visiting other schools and attending educational conferences, seminars, workshops and other professional meetings.

END OF POLICY

EVALUATION OF THE SUPERINTENDENT

The superintendent's job performance will be evaluated formally at least once each year. The evaluation will be based on the administrative job description, any applicable standards of performance, Board goals, Board policy and progress in attaining any job targets for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public Board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and his/her performance will be in executive session, unless the superintendent requests an open session. Results of the evaluation will be written and placed in the superintendent's personnel file.

Following the evaluation, the Board may act pursuant to the employment contract with the superintendent and state law and rules.

END OF POLICY

Legal Reference(s):

[ORS 192.660 \(1\)\(i\)](#)

[ORS 332.505](#)

[ORS 342.513](#)

[ORS 342.815](#)

[OAR 581-022-1720](#)

Hanson v. Culver School District No. 5 (FDAB 1975).

Cross Reference(s):

CBA - Qualifications and Duties of the Superintendent

Superintendent's Retirement

The superintendent will notify the Board as soon as possible of his/her decision to retire in order to allow the Board adequate time to select and employ a new superintendent.

END OF POLICY

Legal Reference(s):

ORS 237.129
ORS 239

Lowell School District #71
Organization Chart
Policy CCA

Superintendent

- District Secretary
- Deputy Clerk/Business Manager/Human Resources/Food Services
- Transportation/Maintenance Coordinator
 - Transportation Assistant
 - Bus Drivers
- Groundskeeper
- Technology Coordinator
- High School Principal (see direct reports below)
- Elementary Principal (see direct reports below)
- Special Education Coordinator
 - Special Education Educational Assistants
- Head Librarian

High School Principal

- High School Teachers
- Educational Assistant
- Youth Transition Program Coordinator
- Counselor (Contract)
- Athletic Director
- Activities Coordinator
- Custodian
- Library Technician

Elementary Principal/Federal Programs Director

- Elementary Teachers
- Educational Assistants
- School Secretary/Health Assistant
- Cafeteria Coordinator
 - Cafeteria Assistants
- Library Technician
- Custodian

Other

- Lane ESD contracted employees
 - Speech Pathologist
 - Behavior Specialist
 - Autism Consultant
 - School Psychologist
- School Nurse (Contract)

Line and Staff Relations

The Board expects the superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Lines of direct authority will be those approved by the Board and shown on the District Organization Chart.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. That administrator will refer such matters to the next higher administrative authority when necessary. Additionally, all personnel are expected to keep the person to whom they are immediately responsible informed of their activities by whatever means the person in charge deems appropriate.

Lines of authority should not restrict in any way the cooperative, sensible working together of staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility; when the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the school system.

END OF POLICY

School Building Administration

The Board of Education reaffirms the rights and responsibilities of building principals for the administration of their various programs and buildings within the broad scope of adopted Board policies.

Specifically, the principal of each individual school is responsible for development of the educational program, improvement of instruction, and interpretation of that school's program to the community. All personnel will work through and under the direction of the principal in the performance of their duties within the school.

END OF POLICY

Special Programs Administration

Special programs, including Special Education Services, the Talented & Gifted Program, Alternative School Programs, Home Instruction Programs, English as a Second Language Programs, and other special instruction programs will be administered by the Special Education Director, who is responsible to the Superintendent of Schools and the Lowell School District Board of Directors.

The Special Education Director shall be responsible for submitting a budget for those programs and for making recommendations for staffing those programs. In addition, the Special Education Director shall submit an annual evaluation of those programs to the Lowell School District Board of Directors.

END OF POLICY

Legal Reference(s):

ORS 332.505

Temporary Administrative Arrangements

In the event that the superintendent is to be absent from the District, an administrator will be designated to serve as acting superintendent in his/her absence.

In the event that the superintendent is disabled or otherwise unavailable to serve, the Board will assign the superintendent's duties as it deems appropriate.

END OF POLICY

Legal Reference(s):

ORS 332.515

Consultants to the Administrative Staff

The superintendent has discretionary authority to retain such professional assistance as is deemed necessary in the performance of official duties, i.e., legal help, auditing and accounting, architectural services, medical services, or any other professional service which is necessary. The Board need not approve the superintendent's selection of professional help.

END OF POLICY

Legal Reference(s):

ORS 332.505

School District Reports

The superintendent will report to the Board on an annual basis concerning the status of the District and its program. Such report will describe the current conditions and indicate current needs of the schools and will be delivered to the Board and made available to the public prior to January 15.

Other administrators may be requested by the Board or superintendent to provide reports as are necessary to inform the Board about the District's programs or to allow the Board to plan for future actions.

END OF POLICY

Legal Reference(s):

ORS 326.760
OAR 581-022-0712

Fiscal Management Goals and Objectives

All agreements which the Board enters into which are intended to bind the District for the fiscal year succeeding the year in which the agreements are made shall not be effective until the budget for that succeeding year shall have been passed. This Board policy shall be a part of all such contracts which are made.

END OF POLICY

Budget Calendar

The Superintendent shall prepare an annual budget showing appropriations necessary to meet the estimated needs of the ensuing school year and submit the same to the Board for approval as a part of the adopted budget calendar.

END OF POLICY

Legal reference(s):

ORS 294.305 - 565

Budget Preparation/Priorities

The superintendent has the overall responsibility for budget preparation and will develop such procedures necessary to ensure that the proposed budget reflects all areas of district operation.

The superintendent and administrative staff will establish budget priorities for the district and will make appropriate recommendations related to those priorities to the Board and budget committee.

The superintendent will deliver the budget message and actual budget document to the budget committee when the message and budget have been completed and are ready for presentation.

The following steps will be followed in preparing the annual budget:

1. In developing the budget, the superintendent will solicit participation by teachers and other building staff in determining the budget requirements necessary to meet identified student needs;
2. The superintendent will evaluate budget requests coming from their staffs to assure compatibility with district goals, curriculum goals and fiscal guidelines;
3. The superintendent will work with the management team and other supervisory staff to develop budgets for the various units of the district;
4. The superintendent will compile the budget and will present it to the budget committee. He/she will see that members of the committee have detailed as well as summary information early enough for them to give adequate study before decisions are made.

END OF POLICY

Legal Reference(s):

ORS 294.305 – 294.565
ORS 328.542 – 328.565

Program Budgeting and Accounting Manual, Oregon Department of Education (2000).
Local Budgeting Manual, Oregon Department of Revenue (1999).

Budget Committee

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. Educational policy decisions are the responsibility of the Board, not the budget committee. The budget committee will determine levels of spending, but will not determine programs. While the committee in effect may delete programs because of the deletion of funds in arriving at a district budget, the committee is primarily charged with a fiscal evaluation of programs. The committee may, alternatively, set an amount to be cut from the budget and request that the administration make such reductions in accordance with priorities set by the Board.

Organization, Membership and Terms of Office

The district budget committee will consist of the five members of the Board and five electors appointed by the Board as required by law. To be eligible for appointment, the appointive member must live in the district and not be an officer, agent or employee of the district. Terms of appointed members of a budget committee that prepares an annual budget will be three years each with appointments made so that, as nearly as practicable, terms of one third of the members expire each year.

At the beginning of the school year, the Board will identify which vacant positions on the budget committee must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons. Such applications will include a signed statement stating that the applicant is willing to serve as a member of the budget committee. The Board may contact the person who previously served in the now vacant position to ascertain his or her willingness to serve another term if appointed.

Meetings of the Budget Committee

The budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget committee shall announce the time and place for all such meetings, as provided by law. All meetings of the budget committee are open to the public.

The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. It may also establish such other ground rules as it deems necessary for the successful operation of the committee.

The budget committee may request of the superintendent or business manager any information used in the preparation of or for use in revising the budget document. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 – 192.710
ORS 294.305 – 294.565

Budget Hearing

After the budget document has been approved by the Budget Committee, a public hearing will be held regarding the budget document. The date, time and place will be determined by the Board. At the hearing, any person may speak for or against items in the budget document.

END OF POLICY

Legal reference(s):

ORS 294.406

Budget Adoption Procedures

After a public hearing on the budget and any modifications of the budget deemed necessary, the Board will approve the proper resolutions to adopt and appropriate the budget; to determine, make and declare the tax levy for each fund, to establish a date for a levy election, if necessary; and to authorize the publication of the notices of election. The Board may authorize the publication of materials which contain facts about the election, and may speak for, or delegate persons to speak for, the District about the election.

The County Clerk (Elections Officer) will have total responsibility for the conduct and administration of District elections. Each of these elections will be conducted in accordance with Oregon election laws and procedures.

Upon approval of the amount of the levy based upon the District's tax base or the tax levy approved by the voters of the District, the Board will pass a resolution authorizing the Superintendent to submit the levy to the Tax Assessor for the ensuing school year.

END OF POLICY

Legal reference(s):

ORS 255.005 – 095
ORS 280.060 – 140
ORS 294.406 – 565
ORS 328.542

Budget Implementation

The budget, as adopted by the Board, becomes the financial plan of the District for the coming year.

The Superintendent and staff are authorized to make expenditures and commitments in accordance with the policies of the Board and the approved budget.

The Superintendent will make the board aware of any substantial changes in expected revenues or unusual expenditures of revenue so that the Board may adjust the budget, if necessary.

END OF POLICY

Legal reference(s):

ORS 294.305 - 565

Code: **DBK**
Adopted: 8/13/90
Revised: 7/12/10

Budget Transfer Authority

The adopted budget is a financial plan which may be subject to change as a result of circumstances or events occurring during the ensuing budget period. All appropriation transfers shall be authorized when completed by official resolution of the Board. The authorizing resolution must state the need for the transfer, its purpose and the amount of the transfer.

Transfers of general operating contingency appropriations which in aggregate during a fiscal year or budget period exceed 15 percent of the total appropriations of the fund may be made only after the adoption of a supplemental budget prepared for that purpose.

END OF POLICY

Legal Reference(s):

ORS 294.450

Borrowing Funds

The Board may authorize the borrowing of funds for the purpose of meeting current expenses and other legal expenditures when provision has been made for such expenditures in the authorized budget.

END OF POLICY

Legal reference(s):

ORS 328.565

Funding Proposals and Applications

The Board has as its primary mission the education of District students according to adopted goals and objectives. To this end all legal and worthwhile financial resources, especially those that will alleviate the local tax burden, will be pursued.

We will pursue those grants available from either the Federal or State Government that will help the District meet adopted goals and objectives of the curriculum or create facilities or purchase equipment that will help meet District goals and objectives.

Every presentation to the Board regarding pursuit of outside funding must include what obligations, or encumbrances will exist when the grant ceases.

The Board will consider such requests for grants that meet the criteria above and have the support of the Superintendent. The Board reaffirms its veto power over all grants prior to acceptance of funds.

END OF POLICY

Revenues From State and Federal Tax Sources

The Board may authorize, accept and use state or federal funds which may be available to the District to carry out the educational programs of the District. The District will comply with all regulations and procedures required for receiving and using such funds.

END OF POLICY

Legal Reference(s):

ORS 327.405

ORS 327.415

General Education Provisions Act, Sec. 439

Revenues From Non-Tax Sources

Revenues from non-tax sources such as rentals, service charges, or royalties will be received and accounted for by the business office and expended in the manner prescribed by the Board.

END OF POLICY

Investment of Funds

At certain times, during the course of the fiscal year, there will be available funds that are in excess of immediate operational needs of the district.

The Board directs that the district invest such excess funds in accordance with applicable Oregon Revised Statutes.

Authority

The Board delegates to the business manager, or designee, the responsibility of investment portfolio manager. The portfolio manager is responsible for investment decisions and activities under the direction of the business manager. The portfolio manager will maintain written procedures for the operation of the investment program consistent with related policies.

Objectives

There are three principles that will guide the portfolio manager in implementation of this policy:

1. The primary objective of investment activities is the preservation of capital and the protection of investment principal. In investing public funds, the district will not assume unreasonable investment risks to obtain investment income. In all investment activities, the portfolio manager will follow the **Prudent Investor Rule** which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, and not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived."
2. Adequate liquidity to meet daily fund needs for payment of district operating requirements which might be reasonably anticipated will be the second objective of the portfolio manager.
3. The third objective of the portfolio manager will be optimization of investment **return** consistent with adherence to objectives 1 and 2.

The pronouncements of authoritative bodies including, but not limited to, the American Institute of Certified Public Accountants, the Financial Accounting Standards Board and the Governmental Accounting Standards Board.

Reporting

Upon request, the investment officer will generate reports for management purposes.

The investment officer will submit monthly reports to the Board that include data on investment

instruments being held and any narrative necessary for clarification.

The performance of the district portfolio will be measured against the performance of the Oregon Local Government Investment Pool, and/or other appropriate investment pools, using monthly net yield of each portfolio for comparison purposes.

This policy shall be reviewed annually for appropriate modification and submitted to the Board for amendment or reaffirmation.

END OF POLICY

Legal Reference(s):

ORS 294.033

ORS 294.035

ORS 294.135 (1)(a)

ORS 294.155

Investment of Funds

These regulations are issued for the guidance of the business manager in the day-to-day operation of the investment program.

These regulations apply to activities of the portfolio manager with regard to investing the financial assets of all excess funds of the district including the General Fund, Special Revenue Funds, Capital Project Funds, Internal Services Funds and any and all Trust and Agency Funds under the control and direction of the district.

The business manager will routinely and actively monitor the contents of the investment portfolio, the available markets and the relative values of competing investments and will adjust the portfolio accordingly. The business manager, acting in accordance with these procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported as soon as practical and that appropriate action is taken to control adverse developments.

All investments will be carried at cost. Gains or losses from investments will be credited or charged to investment income at the time of sale. Premiums or discounts on securities may be amortized over the life of the security.

Diversification of Maturity

1. The district shall attempt, to the maximum extent possible, to match investment maturity schedules with anticipated cash flow requirements. In no event, unless specifically matched to specific requirements such as bond sinking funds or reserves, will the district invest in securities having a maturity more than 24 months from the date of purchase.
2. Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs.
3. In determining the amount of excess funds available for investment purposes, the business manager will maintain cash flow projections and schedules as well as a historical record of expenditures and receipts. These forecasts and schedules will be reviewed and updated as required to reflect actual conditions as they exist.

Qualified Institutions for Investment Purchases

1. The district shall evaluate each financial institution (as used herein, the term is meant to include brokers/dealers) from whom it purchases investments as to financial soundness at least once annually. Investigation may include review of the most recent Consolidated Report of Condition ("call" report), rating reports, financial statements as well as analysis of the particular institution's management, profitability, capitalization and asset quality.
2. Any financial institution with whom the district wishes to do business shall provide financial data at

the request of the business manager. The information will be reviewed by the business manager who will decide on the soundness of the institution before adding that institution to those that are on the approved qualified institution list for the district. The district reserves the right to be selective and to add or delete institutions from the approved list at will.

3. The business manager will maintain a qualified institution list. A financial institution must be on this approved list prior to transacting any business with the district. A basic requirement for inclusion on the approved listing is a capital adequacy ratio in excess of 120 percent (1.2 to 1).
4. All approved financial institutions must be chartered in Oregon and insured by either the FDIC or FSLIC.
5. Brokers or dealers not affiliated with a bank shall have offices located in Oregon, be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers, or be required to meet capital adequacy requirements.

Diversification of Instrument of Investment

1. The business manager will diversify the investment portfolio to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual institutions or maturities.
2. Time certificates of deposit: In purchasing a time certificate of deposit (TCD), the business manager will not invest an amount which is more than 10 percent of the total deposits of any single institution. As required by Oregon Revised Statutes, the portfolio manager will be responsible to ensure that a Certificate of Participation has been presented by the issuing institution to cover any outstanding TCD above the statutory level of insurance provided by FDIC/FSLIC. The district will always require full collateralization on all TCD investments.
3. Banker's acceptances: All banker's acceptances (BA's) will be purchased from an Oregon chartered financial institution.
4. Repurchase Agreements: All repurchase agreements will be collateralized 110 percent by U.S. Government or Agency obligations. All collateral will be held by third party safekeeping. A signed repurchase agreement will be obtained from the issuing institution.
5. U.S. Treasury Obligations: No limits on purchase.
6. U.S. Government Agency Securities: No limits on purchases other than limit on concentration of 25 percent in any one type issue.
7. Local Government Investment Pool: The LGIP limits investment to accounts not to exceed the inflation-adjusted maximum under ORS 294.810. Other than this limitation, there is no limit to the amount that can be invested in the pool, although the pool does not collateralize or deliver investment instruments.
8. Diversification Guidelines: Investments will be consistent with statutory requirements under ORS 294.035 and Oregon Short Term Fund rules and recommendations.

Income From Program-Related Sales and Services

Through certain vocational activities, students may provide goods and services at a charge to the public. These activities are for educational purposes, not to be competitive with business in the community.

Money collect will be deposited in the general fund of the District.

END OF POLICY

Legal Reference(s):

ORS 294.326

Code: **DFE**
Adopted: 8/13/90
Revised: 9/26/05

Admission Prices and Receipts

The administration will determine admission prices for activities based on league agreements for athletic events, with input from others as applicable.

Admissions receipts from school events will be adequately controlled. The principal is responsible for the proper collection, supervision, disbursement and/or remittance of these receipts.

Adequate records will be maintained for accounting purposes.

END OF POLICY

Legal Reference(s):
ORS 294.305 - 294.565

Depository of Fund

The Board will, at its annual organizational meeting in July or at such other times as deemed necessary by the Board, designate one or more banks which meet District, state, and federal guidelines as official depositories of District funds.

END OF POLICY

Legal Reference(s):

ORS 328.441
ORS 328.445

Authorized Signatures

The Board will, at its annual organizational meeting in July or at such other times as deemed necessary by the Board, authorize the Clerk and Deputy Clerk of the District to sign District checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign District checks.

END OF POLICY

Legal Reference(s):

ORS 294.120
ORS 328.441
ORS 328.445

Code: **DH**
Adopted: 8/13/90
Revised: 9/24/01
Revised: 9/26/05

Bonded Employees and Officers

All district employees responsible for funds, fees, cash collections or inventory control will be bonded to protect the district against loss in an amount determined by the Board and upon recommendation of the district's agent-of-record. In compliance with Oregon statutes and administrative rules, the superintendent and other individuals as deemed necessary by the Board will have individual fidelity bond coverage in the amount of \$100,000. The district will pay the cost of such bonds.

END OF POLICY

Legal Reference(s):
ORS 328.441
ORS 332.525
OAR 581-022-1720

Financial Reports and Statements

The Deputy Clerk will provide the Board with a fiscal report once each quarter of the fiscal year. The annual audit will be considered as one of these quarterly reports.

The Superintendent will notify the Board at any time that substantial deviations from anticipated income or expenditures are anticipated.

Supplemental reports will be furnished on request of the Board.

END OF POLICY

Legal Reference(s):

ORS 297.010 - 990
ORS 328.465

Code: **DID**
Adopted: 8/13/90
Revised: 9/24/01
Revised: 9/26/05

Property Inventories

The district will maintain an inventory of all fixed assets in accordance with governmental accounting standards. The district's inventory will be updated annually to include property newly purchased and disposed.

Fixed assets includes all district-owned property such as land, buildings, improvements to property other than buildings (i.e., parking lots, athletic fields, playgrounds, etc.) and equipment with a value greater than \$5,000 as defined by the *Program Budget and Accounting Manual*, published by the Oregon Department of Education.

Other district supplies with a value greater than \$500 will be included as part of the district's annual inventory. Current records shall be maintained for the receipt, distribution/disposal and inventory of commodity foods as required by federal law.

The Board may authorize the employment of an appraisal company to assist with the inventory procedure.

END OF POLICY

Legal Reference(s):
ORS 332.155

Audits

An audit of all accounts of the District will be made annually by an independent certified public accountant selected by the Board in accordance with Oregon law. The audit examination will be conducted in accordance with minimum auditing standards established by the Secretary of State.

The annual audit of the books and accounts will include all funds under the control of the District, including but not limited to: General Fund, Federal Funds, School Lunch Fund, Student Body Funds, Trust Accounts, Bond and Interest Sinking Funds and Capital Project Funds.

The cost of the audit will be a charge against the funds of the District.

A copy of the audit report will be presented to the Board and the Superintendent will submit a copy of the audit report to the State Department of Education.

END OF POLICY

Legal Reference(s):

ORS 297.010 - 990
ORS 327.137
ORS 328.465

OAR 581-023-0037

Code: DJ
Adopted:
04/25/05

District Purchasing

The function of district purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used in the various schools and their subdivisions will be standardized whenever consistent with educational goals and in the interest of efficiency or economy.

The superintendent or designee is appointed by the Board to serve as purchasing agent. He/She will be responsible for developing and administering the district's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget or by Board action and/or Board policy. In all cases calling for the expenditure of district money, except payrolls, a requisition and purchase order system must be used.

No purchase [with the exception of a petty cash purchase] will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made on approved orders.

The superintendent or designee is authorized to enter into and approve payment on contracts obligating district funds not to exceed \$25,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by district employees, such as custodial, food service and transportation services.

The business manager will review bills due and payable for the purchase of supplies and services to determine if they are within budget amounts. After appropriate administrative review, the business manager will direct payment of the just claims against the district. The superintendent and business manager are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this district shall use or attempt to use his/her official position to obtain financial gain or for avoidance of financial detriment for himself/herself, a relative or for any business with which the Board member or a relative is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the district by any Board member, officer or employee of the district is prohibited.

END OF POLICY

Legal Reference(s):

ORS 244.040
ORS Chapters 279, 279A
279B and 279C

ORS 294.311
ORS 328.441 – 328.470

ORS 332.075
OAR 125-025-0040

Petty Cash Accounts

School principals shall maintain a petty cash fund not to exceed fifty dollars at any time. This fund shall be used for making purchases of a minor nature, not to exceed ten dollars in value, as authorized by the principal. All such purchases must be covered by a voucher.

END OF POLICY

Legal Reference(s):

ORS 294.305 - 520

Bidding Requirements

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

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

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules¹.

The Board acting as its own LCRB adopts² its own rules of procedure that will govern district purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the district. The district's rules may include portions of the *Oregon Attorney General's Model Public Contract Rules*

¹The Board may contract with another public agency to serve as its LCRB.

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

OAR Chapter 137, Division 046 through 049,] in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law.

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

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

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

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

Procurements estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

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

END OF POLICY

Legal Reference(s):

HB 2867 (2009)

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

OR. DEPT OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2008).

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantages to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

- (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of source must be based upon written findings that shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids, or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065, or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. Advertising Contracts, Purchase of

- a. The district may purchase advertising in any media, regardless of dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$5,000 and a competitive method is used, the district must post notice on the Oregon Procurement Information Network (ORPIN).

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;

- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would

place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul

- a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, he/she shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by an special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the

region. This ensures a cost savings to the district a savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to

generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.
- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contract entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.

¹The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc. is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- d. The district limits the term of requirements contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- f. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase¹

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district’s needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.

¹When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:

- (1) State the contractual requirements in the solicitation document;
- (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
- (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition; and
- (4) Be advertised in accordance with applicable provisions of the public contracting code.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$5,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures

whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Lane County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.
- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.

- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, “Or Equal,” Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under a.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal

competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situation, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:

- (1) Price;
- (2) Term;
- (3) Delivery and shipping;
- (4) Order size;
- (5) Substitution;
- (6) Warranties;
- (7) On-line ordering systems;
- (8) Price adjustments;
- (9) Produce availability;
- (10) Product quality; or
- (11) Reporting requirements;
- (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it need to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and

2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 125, Divisions 246 through 249.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition and will likely result in a substantial cost savings to the district. The findings required to justify each exemption include information regarding: (1) operational, budget and financial data; (2) public benefits; (3) value engineering; (4) specialized expertise required; (5) public safety; (6) market conditions; (7) technical complexity; and (8) funding sources. Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.355.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

- (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:
- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
- (1) If the total purchase is over \$5,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that

competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially

enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)¹

¹The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc. is available.

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contract entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among school, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of requirements contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

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

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

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

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279.380 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279.380 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

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

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its

- discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

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

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. This criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria. This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for CM/GC projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

Code: **DJCA**
Adopted:

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$25,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A,
279B

ORS 332.107
ORS 670.600

OAR 459-010-0030

Internal Revenue Service *Independent Contractor or Employee* (IRS Publication 1779).

Personal Services Contracts

I. Personal Services Contracts Defined

- A. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to ORS 279A.055. Personal services include but are not limited to the following:
 - 1. Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 - 2. Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 - 3. Contracts for services that are specialized, creative and research oriented;
 - 4. Contracts for services as a consultant;
 - 5. Contracts for educational consulting services.
- B. Personal services contracts do not include: (1) public contracts for architectural, engineering and land surveying and related services, or (2) public contracts for construction services.

II. Eligibility

The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules OAR 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

State requirements:

- A. The contractor must be free from the direction and the control of the employer;
- B. The contractor must obtain required business licenses;
- C. The contractor must furnish necessary tools and equipment;
- D. The contractor has authority to hire and fire employees;
- E. The contractor is paid on completion of portions of projects or on a retainer basis;
- F. The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);

- G. The contractor must file appropriate business tax returns;
- H. The contractor must represent to the public that the labor or services are provided by an independent business.

PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- A. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- B. Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- C. Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- D. Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- E. Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- F. Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- G. Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set his/her own work hours;
- H. Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom he/she chooses;
- I. Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;

- J. Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- K. Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- L. Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- M. Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- N. Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- O. Significant investment. An independent contractor has a significant investment in the facilities he/she uses in performing services for someone else;
- P. Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- Q. Working for more than one employer at a time. An independent contractor is generally free to provide his/her services to two or more unrelated persons or firms at the same time;
- R. Making service available to general public. An independent contractor makes his/her services available to the general public;
- S. Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as he/she produces a result that meets the specifications of the contract;
- T. Right to terminate. An employee can quit his/her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- A. Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- B. Financial control. A worker is an independent contractor if he/she can realize a profit or incur a loss. The individual may also be an independent contractor if he/she is not reimbursed for

some or all business expenses, especially if those expenses are high or if he/she has a significant investment in his/her work;

- C. Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

III. Personal Services Contracts - Procurement Requirements

- A. Contracts for personal services less than \$25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- B. Contracts for personal services greater than \$25,000 that do not exceed \$75,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- C. Contracts for personal services greater than \$75,000 shall be based on written solicitations, request for qualifications, or the request for proposal (RFP) process.
- D. The district may enter into a personal services contract when the amount of the services does not exceed \$150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - 1. The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - a. That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - b. That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or an experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.
- E. If the cost of the services is more than \$150,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
 - 1. Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;

2. The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
3. The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the Board, whose decision shall be final.

IV. ITB/RFP Requirements

- A. An invitation to bid (ITB) or request for proposal (RFP) will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- B. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- C. The solicitation document must, at a minimum, address the following:
 1. Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - a. A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - b. The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - c. A procurement description;
 - d. A time, date and place that prequalified applications, if any, must be filled and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - e. A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - f. A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;
 - g. A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - h. All contractual terms and conditions applicable to the procurement.

2. Requirements for solicitation documents under OAR 137-047-0255 (2) and 137-047-0260 (2):

a. General Information.

i. Notice of any pre-offer conferences as follows:

- (A) The time, date and location of any pre-offer conferences; and
- (B) Whether attendance at the conference will be mandatory or voluntary; and
- (C) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;

- ii. The form and instructions for submission of proposals and any other special information, e.g., whether proposals may be submitted by electronic means;
- iii. The time, date and place of opening;
- iv. The office where the solicitation document may be reviewed;
- v. For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120 (1);
- vi. Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
- vii. How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.

b. Contracting Agency Need.

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.

c. Bid/Proposal and Evaluation Process.

- i. The anticipated solicitation schedule, deadlines, protest process, and evaluation process;
- ii. The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements or ORS 279B.060 (2)(h)(E).
- iii. If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.

- d. Applicable preferences described in ORS 279A.125 (2) and 282.210.
 - e. For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
 - f. All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.
- D. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
- E. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- F. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - 1. Where, when, how, and for how long the solicitation document may be obtained;
 - 2. A general description of the goods or services to be acquired;
 - 3. The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - 4. The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified.
 - 5. The office where contract terms, conditions and specifications may be reviewed;
 - 6. The name, title and address of the individual authorized by the contracting agency to receive offers;
 - 7. The scheduled opening; and
 - 8. Any other information the contracting agency deems appropriate.

V. Screening and Selection Procedures

- A. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.

To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:

- 1. Available the appropriate financial, material, equipment, facility and personnel

- resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;
2. A satisfactory record of performance. The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 3. A satisfactory record of integrity. The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 4. Qualified legally to contract with the contracting agency;
 5. Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
 6. Not been debarred by the contracting agency under ORS 279B.130.

- C. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
- D. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

VI. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

VII. Fingerprinting

If the scope of the work performed by a contractor(s) or his/her employee(s) may result in direct, unsupervised contact with students, he/she will be required to submit to fingerprinting and criminal records checks as required by law.

VIII. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

PURCHASING PROCEDURES

The Superintendent shall be responsible for purchasing and shall have authority to purchase supplies and equipment, subject to the control of the Board.

All purchases not made on the basis of sealed bids will be made with the best interests of the educational program of the Lowell School District as the first consideration. Purchases shall be made from reputable suppliers of quality items. Quality and price shall be of major importance in awarding business to suppliers.

Purchase order forms shall be provided. No purchase of any article or service may be made without first obtaining an approved purchase order form. Purchases made in violation of this policy may be paid for out of the purchaser's own funds.

The Lane ESD Board will serve as the Local Public Contract Review Board for the District. The Board will use applicable Oregon administrative regulations and state law as guidelines when performing public contract review functions. The Superintendent will develop additional guidelines as necessary.

Items commonly used in the various schools will be standardized whenever consistent with educational goals and in the interest of efficiency or economy. Cooperative purchasing will be utilized as appropriate.

No Board member, officer, employee or agent of this school district or their families will accept any gratuities, financial or otherwise, from any supplier of materials or services to the District.

END OF POLICY

Legal References:

ORS 279.011 - 575

ORS 328.441 - 470

Adopted 8/75
Revised 8/13/90

Vendor Relations

Agents and salesmen are not permitted to interview teachers on duty in the schools. Arrangements may be made with the principal or Superintendent for professional conferences.

The District welcomes business and bids from all eligible vendors. No favoritism will be extended to any vendor. Orders will be placed on the basis of quality, price and delivery, with past services being a factor if other considerations are equal.

Salesmen or agents may not solicit staff members during hours when students are present. School principals may allow salesmen or agents of educational products to contact staff members at times that will not interfere with the educational program.

Advertising is not allowed in school buildings without approval of an administrator. No employee of the District will receive compensation of any kind from any vendor for the sale of supplies or services.

END OF POLICY

Payroll

The Payroll Clerk shall prepare the payroll, including time sheets and payroll periods, in conformity with the requirements of each employee group's labor agreement or contract with the District, appropriate statutes and the Oregon Total Information System.

Employee health, accident, dental and other types of insurance will be provided as outlined in the agreements or contracts. Mandatory payroll deductions will be withheld as required by state and federal law.

No other automatic deductions except those required by law will be made from an employee's pay without authorization of the Board.

END OF POLICY

Code: **DLA**
Adopted: 8/75
Revised: 3/13/78
Revised: 1/25/94
Revised: 9/26/05

Payday Schedule

Regular monthly salary checks will be issued on the fourth Friday of each month.
Deviations from this schedule must be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 652.120 \(2\)](#)

Payroll Deductions

Required Deductions:

The District Clerk shall withhold from the pay of each employee those sums required by state and federal statute, and collective bargaining agreements.

Other Deductions:

The District, upon receipt of written authorization from any employee, will provide any or all of the following payroll deductions:

- Group Insurance
 - Health
 - Accident
 - Dental
 - Disability
 - Life
 - Vision
- Tax Sheltered Annuities
- Regular monthly Association/Union Dues
- Selco Credit Union Deductions

Retirement Deductions:

Payroll deductions for State sponsored retirement programs (PERS and any successor plan) will be made in accordance with the current rates as published by the State Retirement Board.

Except as expressly provided in Collective Bargaining Agreements and or Employment Contracts, the District will not “pick-up” the employee’s retirement contribution for less than full-time employees of the District.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#) (10), (16)
[ORS 243.666](#)
[ORS 332.505](#)
[ORS 652.110](#)
[ORS 652.120](#)
[ORS 652.610](#)

Code: **DLC**
Adopted: 8/75
Revised: 8/13/90
Revised: 10/29/01
Revised: 9/26/05

Expense Reimbursements

District employees who incur expenses in carrying out their authorized duties will be reimbursed upon submission of a properly completed and approved expense reimbursement form as required by the superintendent, or as delineated by collective bargaining agreements.

Such expenses may be incurred and approved in line with budgetary allocations for specific types of expenses.

Expenses for travel will be reimbursed when the travel has the advance authorization of the Board and/or the superintendent. The superintendent may grant this authorization without prior Board action when the travel expense has been anticipated and incorporated into the operational budget of the particular program involved.

Persons who travel at district expense will exercise the same economy as a prudent person traveling on personal business and will differentiate between business expenditures and those for personal convenience.

The Board authorizes the superintendent to establish regulations controlling payment of vehicle allowances to employees for use of private vehicles in transaction of district business and reimbursement for educational meeting transportation and lodging costs.

The mileage rate, unless in a collective bargaining agreement, for travel by car, will be set at the current IRS rate.

END OF POLICY

Legal Reference(s):

ORS 294.155

ORS 332.107

OAR 581-022-1660

Internal Revenue Code, 26 U.S.C. Section 162; 26 CFR 1.162-1 (2001).

Internal Revenue Service *Travel, Entertainment, Gift and Car Expenses* (IRS Publication 463) (2000).

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for district business purposes and directly attributable to it will be reimbursed. As used in this regulation an “ordinary” expense means one that is common and accepted in the profession; a “necessary” expense means one that is essential and appropriate in order to conduct district business. Reimbursement procedures established by the district will also apply to Board members traveling on Board-approved district business, as applicable.

In-District Travel – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting district business that requires travel within district boundaries.
2. Private vehicles may be used in conducting district business only with prior approval. In-district travel approval may be granted by the building principal for individual trips or by blanket approval, as deemed appropriate.
3. Travel in a private vehicle for the purpose of conducting district business may be approved when:
 - a. A district vehicle is not available;
 - b. The destination is not conveniently accessible by commercial carrier;
 - c. Various points must be visited and commercial carrier schedules are such that the use of commercial carrier transportation is not practical;
 - d. Carrying articles by commercial carrier would not be feasible;
 - e. Commercial travel is deemed to be less economical.

Out-of-District Travel (In-State) – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting approved district business that requires in-state travel outside district boundaries.
2. Private vehicles may be used only with prior superintendent/building principal/business manager approval. Out-of-district travel approval may be granted by the superintendent/building principal/business manager for individual trips or by blanket approval, as deemed appropriate.

Out-of-State Travel

Out-of-state travel requires prior superintendent approval.

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct district business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.
2. The responsibility of the district for damages resulting from vehicle accidents is not the same as set forth in the district's general liability insurance policy. The employee's insurance coverage provides primary coverage when the employee is driving his/her own vehicle on approved district business.
3. All district employees operating private vehicles on approved district business are required to complete and maintain on file with the district verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required annually or prior to any district approval to conduct district business in a private vehicle. Employees are required to update their verification of vehicle liability information maintained on file with the district upon any change in the employee's vehicle insurance coverage.

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for district business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the district. See Expense Reimbursement Request and Accounting Procedures below.
2. Expenses in excess of the district's established limit are ordinarily the responsibility of the employee and may be reimbursed only with superintendent approval. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$50. The travel advance may be requested by completing the form provided by the district.
2. The cost of commercial travel tickets will not be included in a cash advance request.
3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a district-provided credit card.
4. At least 15 working days are required for processing an advance check after the approved request is received by the business office.

5. Only one cash advance may be outstanding to any employee at any time.

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the district.
2. Each employee is responsible for making his/her own reservations by obtaining a purchase order number from the business office and furnishing that number to the local travel agency or commercial carrier.

Vehicle Rentals

1. Rental vehicles may be used only when use will effect a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.
2. Rental of a compact vehicle is recommended when suitable for approved district business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee
3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. Employees will be informed if the district carries the rental car endorsement as part of its insurance coverage. In the event the district does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is his/her responsibility to call the travel agency or carrier to have the tickets cancelled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.
4. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the business office immediately.

Personal Travel Combined with District Business Travel

1. If an individual traveling on approved district business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are

ordinary and necessary in the conduct of district business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.

2. When personal travel is combined with approved district business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.
3. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.
4. Vacation or other personal leave may be taken in conjunction with approved district travel subject to the following:
 - a. Time delays related to approved district business are charged as working time even if no work is performed;
 - b. If the employee travels by less than the most cost-effective manner, as determined by the district, for approved district business or for personal travel combined with travel for district business purposes, he/she must pay the additional cost (e.g., increase fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
 - c. All subsistence and local transportation (taxi, vehicle fare, etc.) while on vacation status or other appropriate leave must be paid by the employee;
 - d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved district business, even though he/she spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved district business;
 - e. A traveler who decides on his/her own to conduct district business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the district pay his/her basic transportation cost from the district to the location visited, or submit request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the district's travel expense form and approved by the superintendent in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the district office within ten working days of the conclusion of the trip.
 - a. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the business office with the report.
 - b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within 30 working days after the approved travel expense report is received by the business office.

2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes.
 - a. Names of guests;
 - b. Organizations involved;
 - c. Full explanation of the district business purpose of the meeting.
3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchases of gas and oil which have been deducted from the rental charge by the rental agency must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than 90 calendar days of incurring the expense. Reimbursement claims later than 90 calendar days of the expense will be denied.
5. Mileage for approved district business travel in a private vehicle will be reimbursed at the current rate per mile established by the district, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. Meal expenses for approved district business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved district business purposes in which district business is conducted with at least one or more other persons or that is incurred on approved district business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform his/her duties, as defined by the IRS, will not be reportable as income to the employee.
7. In the event the total of the amount charged to, and/or received from, the district by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

1. Meal expenses may be reimbursed subject to the following limitations:

Allowance:	Breakfast \$5.00
	Lunch \$7.00
	Dinner \$13.00

END OF POLICY

Cash in School Buildings

Money collected within school buildings will be deposited as soon as feasible. No substantial amount of money will be kept in school buildings and at no time will money be held or left over long periods of time or holidays.

END OF POLICY

Disposal of District Property

The Board may at its discretion direct the Superintendent to dispose of all outmoded, obsolete, surplus, unwanted, and/or excessively damaged equipment and supplies owned by the District through public sale or appropriate means in accordance with the following procedures.

1. Items estimated by the Superintendent to have a value less than \$100 may be disposed of by the Superintendent through sale at prices estimated by the Superintendent and Deputy Clerk to be the market value of the item. All sales shall be recorded by item, price and buyer.
2. Property or materials estimated by the Superintendent and Deputy Clerk to have a value of greater than \$100 may be declared surplus and may be disposed of by the Superintendent through sale by a bidding procedure, notification of sale to appear at least once in newspaper of record. If public sales fail to produce any interested buyers or bidders, such remaining unsold materials may then, at the discretion of the Superintendent and Deputy Clerk, be disposed of as scrap or junk, or be donated to appropriate charitable or educational agencies.
3. Books which are deemed by the Superintendent to no longer be of value to the educational process may be disposed of using steps which include sale to student and general public, free dispersal to student and general public, and following completion of the previous steps may be marked "Discard" and deposited in the refuse area.

END OF POLICY

Legal reference(s):

OAR 125-350-0025

Support Services Goals

Through support services operations, the Board intends to:

1. Ensure proper operation and maintenance of district buildings, vehicles, equipment and services; set high standards of safety; promote and protect the health of students and staff; and support the efforts of staff to provide good instruction;
2. Encourage, through the superintendent and staff, the establishment of procedures for managing buildings and grounds, office equipment, vehicles, supplies and the food program;
3. Encourage the establishment of a maintenance program, including preventive maintenance, that will ensure a maximum useful life of district property, vehicles, buildings and equipment;
4. Encourage adherence to generally accepted management principles and to applicable laws and regulations.

END OF POLICY

Legal Reference(s):

OAR 437-001-0760
OAR 437-002-0020 to -0081
OAR 437-002-0260 to -0268
OAR 437-002-0360
OAR 437-002-0377
OAR 581-022-0705
OAR 581-022-1420
OAR 581-022-1530
OAR 581-022-1610

Safety Program and Emergency Planning

It is the policy of the Board to provide for the safety of all students, staff and members of the public while they are engaged in district activities. The superintendent shall be responsible for developing and implementing a safety program.

Safe buildings, grounds and equipment will be maintained in order to prevent accidents or injury to students, employees and other citizens from fire, natural disasters, mechanical and electrical malfunction and other hazards.

Buildings and grounds will be planned, equipped and maintained in accordance with appropriate local, state and federal safety regulations. Buildings will be provided with alarm systems, fire extinguishers and other safety devices required by state and federal laws and regulations. Safety procedures will be taught and other precautions taken in order to attempt to eliminate accidents and potentially harmful situations.

END OF POLICY

Legal Reference(s):

ORS 329-095
ORS 654.003 – 654.022

OAR 437-001-0760
OAR 437-002-0020 to -0081
OAR 437-002-0100
OAR 437-002-0140
OAR 437-002-0144
OAR 437-002-0145
OAR 437-002-0180 to -0182
OAR 437-002-0260 to -0268
OAR 437-002-0360
OAR 437-002-0368
OAR 437-002-0377
OAR 437-002-0390
OAR 437-002-0391
OAR 581-022-0606
OAR 581-022-1420

Fazzolari v. Portland School District No. 1J, 78 Or App 608 (1986); aff'd 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Code: **EBAC**
Adopted: 10/24/05
Revised: 06/22/09

Safety Committee

A centralized safety committee shall be established to implement the district's safety program as part of an ongoing effort to help ensure the safety of students, staff and others while on district property.

The superintendent, or designee, will coordinate the district's safety committee efforts and maintain all necessary records.

The superintendent will ensure that administrative regulations are in place as may be necessary to implement this policy and meet the applicable Oregon Occupational Safety and Health Division requirements.

END OF POLICY

Legal Reference(s):

ORS 654.176
ORS 654.182

OAR 437-001-0765

Safety Committee

District Safety Officer

The superintendent shall designate a district safety officer. The safety officer shall:

1. Establish a centralized safety committee, advisory to the safety officer, to implement and monitor the district safety program;
2. Be responsible for writing and implementing a district safety program (The written program shall include reporting procedures and in-service safety training program.);
3. Coordinate all matters relating to safety and shall make, or cause to be made, periodic inspections of sites and review with the site safety manager the status of record keeping, reports and meeting agendas;
4. Maintain liaison with applicable agencies outside the district;
5. Assist all administrators and department supervisors as necessary in the preparation and implementation of their site safety programs;
6. Maintain the accident record system; make necessary reports, personally investigate fatal, serious and potentially serious accidents; and check corrective action taken by teachers or other personnel to eliminate causes of accidents;
7. Establish specific goals for the district's safety program and evaluate goals and accomplishments on a regular basis.

Centralized Safety Committee

A centralized safety committee shall be established at the district office as deemed appropriate by the superintendent] to represent the safety and health concerns of district employees and students.

The centralized safety committee shall be composed of an equal number of employer and employee representatives. A centralized safety committee must represent health and safety concerns of all district sites. When agreed upon by employees and the district, the number of employees on the committee may be greater than the number of district representatives. The committee will consist of no fewer than 4 members for districts with more than 20 employees.

A reasonable attempt will be made to ensure that committee members represent major work activities (i.e., teacher, custodian, food service worker, administrator).

Employee representatives shall be volunteers or elected by their peers unless there is a provision in the collective bargaining agreement that addresses the selection of employee representatives. Members of the committee shall serve at least a continuous one-year term. Terms shall be staggered to provide continuity. There shall be a chair elected by the safety committee.

Employee representatives attending safety committee meetings outside regularly scheduled workday shall be compensated by the employer at the regular hourly wage.

The centralized safety committee will:

1. Hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from site safety committee meetings if more frequent safety inspections are conducted. Quarterly safety committee meetings may be substituted for monthly meetings when the committee's sole area of responsibility involves low hazard work environments such as the district office;
2. Provide written agendas for each meeting which shall set the order of business;
3. Make written records of each meeting which the district shall review and maintain for three years for inspection;
4. Post and send copies of meeting records to committee members;
5. Assist in creating a hazard-free work environment by:
 - a. Recommending to the district how to eliminate hazards in the workplace and promoting employee adherence to safe work practices; and
 - b. Using lines of communications to promote cooperative attitudes between all persons involved in the operations of the workplace.

Duties of the centralized safety committee will include:

1. Establishing procedures for minimum quarterly workplace safety inspections of a safety committee inspection team to locate and identify safety and health hazards. The safety inspection team shall include employer and employee representatives. The team shall document the location and identity of the hazards and make recommendations as to how and when the hazards will be corrected;
2. Establishing procedures for investigating all significant safety-related incidents including injury accidents, illnesses and deaths for the purpose of recommending corrective action necessary to prevent similar events from recurring;
3. Evaluating district policies which may affect safety and health in the workplace and making recommendations for changes to existing policies or adoption of new policies;

4. Evaluating all the accident and illness prevention programs brought to the committee's attention and making recommendations necessary to make the programs more applicable to the workplace;
5. Establishing a system whereby the safety committee can obtain information that would help in creating a hazard-free work environment, directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting;
6. Establishing procedures for the review of all safety and health inspection reports made by the committee and making necessary recommendations;
7. Establishing procedures for the review of corrective action taken on the committee's recommendations or determining the reasons why no corrective action was taken;
8. Making all reports, evaluations and recommendations of the safety committee a part of the minutes of the safety committee;
9. Evaluating employee/supervisor training needs.

Degree of Authority

The centralized safety committee is authorized to make written suggestions to the district safety officer, based on its experiences, inspections and input from other employees, students and district patrons, as appropriate.

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the district shall adopt an integrated pest management plan (IPM)¹ which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
 - a. Protect the health and safety of students and staff;
 - b. Protect the integrity of district buildings and grounds;
 - c. Maintain a productive learning environment; and
 - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;

¹See Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html

11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The district shall designate the Facilities Manager as the Integrated Pest Management Plan Coordinator to grant authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

13. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
14. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
15. Oversee pest prevention efforts;
16. Ensuring identification and evaluation of pest situation;
17. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
18. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
19. Evaluate pest management results; and
20. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Material Data Safety Sheet;
 - c. The brand name and USEPA registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.

21. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints;
22. Conduct outreach to district staff about the district's IPM plan.

END OF POLICY

Legal Reference(s):

ORS 634.116

SB 637 (2009)

Regulations Regarding the Application of Pesticides

In an attempt to ensure proper control of any pesticides or other potentially hazardous chemicals¹ which might be used or stored on district premises, the following procedures are established. The term “pesticide,” as used in Board policy and this regulation includes insecticides, herbicides, fungicides and rodenticides. The intent is to prevent unnecessary exposure of staff, students or the public to potentially harmful substances.

1. If pesticides or other potentially hazardous chemicals are to be used, the least toxic product(s) will be selected whenever practicable. Products with the lowest percentage of active ingredient(s), least odor possible and with the safest method of application will be selected when there is a choice of products with comparable effectiveness. When practical, a nonchemical or alternative pest control method (e.g., mulching, edging, turf, mowing, hand weeding, etc.) shall be used. Assistance on determining the relative toxicity of products may be obtained from members of the Pesticide Analytical and Response Center (PARC), 503-731-4025, Telecommunication Device for the Deaf (TDD), 503-731-4031 or the National Pesticide Telecommunications Network (NPTN) at 800-858-7378.
2. Storage of pesticides and other potentially hazardous chemicals will be kept to a minimum. Since many chemicals lose effectiveness with storage, and storage further increases risk, only enough of the product for a given application will be purchased. If storage instructions are included, the instructions will be followed explicitly. All such products and the equipment used in the product application will be stored in separate facilities from other activities and especially separated from food products or occupied rooms. All storage facilities will be maintained as a locked area and will be clearly marked as containing pesticides and other potentially hazardous chemicals. Pesticide and other potentially hazardous chemical containers, rinsates and unusable products will be disposed of according to label directions and local regulations.

¹Hazardous chemical, as defined by OAR 437, Division 2, means any chemical which is a physical hazard or health hazard. “Health hazard” means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principals that acute or chronic health effects may occur in exposed individuals. The term “health hazard” includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes or mucous membranes. “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophonic, unstable (reactive) or water-reactive.

3. All pesticides and other potentially hazardous chemicals will have complete label instructions, will remain in the original container and the Material Safety Data Sheet (MSDS) information will be on file and readily available to any employee who must handle such materials or who may have been exposed to the product. This information will also be made available to any member of the public upon request.
4. All application of pesticides and other potentially hazardous chemicals will be made in strict compliance with the label instructions and under no circumstance will the product concentrations exceed those specified in the application instructions.
5. Prior to application of any pesticide or other potentially hazardous chemical, a written plan must be approved/denied and signed by the district safety officer. The approved plan and record of application will be maintained on file² in the district's facilities office. The plan will minimally contain:
 - a. Purpose of the application;
 - b. Product to be used;
 - c. Formulation of the product;
 - d. Location and extent of the area to be treated;
 - e. Type of equipment to be used;
 - f. Date and time of application;
 - g. The total amount of the product to be used;
 - h. Such provisions as may be necessary to comply with applicable Oregon Occupational Safety and Health Division (OR-OSHA) regulations for the application of chemical substances, including requirements for the use of pesticides on agricultural plants grown for commercial or research purposes. Any warnings that would restrict use of the area following such application also will be part of the plan.

The record will include the purpose of the application, name and amount of the product used, location and area treated, application equipment used, date and time, notification/reentry procedures and authorization, as required.

6. Appropriate protective clothing must be worn and proper equipment used during mixing, applying and cleaning of application equipment. Selection and maintenance of protective clothing and equipment will be made in accordance with product label guidelines and OR-OSHA rules.
7. Pesticides and other potentially hazardous chemicals will be applied at times when staff, students and members of the public are not present in the area to be treated. Application in the presence of those not directly involved in the application of the product is to be avoided even when the product has low toxicity. Any indoor applications will be accomplished after school hours, on a Friday, over a weekend, during a vacation period or other such times, if at all possible. All treated indoor areas must be well ventilated prior to reentry by staff, students or others. When possible, windows should also be opened for a minimum of six hours before staff, students or others return to the area.

²For licensed public pesticide applications, this record is mandatory.

8. Staff, students and others, especially those individuals that may be most vulnerable to the effects of pesticides or other potentially hazardous chemicals (e.g., infants, pregnant women, asthmatics, chemically sensitive people, etc.), will be notified of planned applications, as appropriate and practicable. Treated school grounds and buildings will be clearly posted with the date and time of application, product used and reentry instructions as to when treated areas may be used.
9. A district employee(s) responsible for handling and applying pesticides shall have specific pesticide training. An Oregon Pest Control Operator or Public Applicator license [may] be required. Education and training in integrated pest management may also be required. Employees who apply restricted-use pesticides or use power equipment to apply pesticides shall be licensed as required by the Oregon Department of Agriculture.
10. If the district chooses to contract with a private, state-licensed pest control company, such contractors will be subject to regulations as defined in state law.
11. Any pesticide spill of more than one pound will be immediately reported to the Oregon Emergency Response System at 800-452-0311. The district will maintain as part of its emergencies procedures plan, a plan to respond to, investigate and manage such spills. The plan will include immediate steps to prevent exposure to students, employees and others, protect district property and the environment, agencies to notify, evacuation procedures, spill prevention, cleanup and spill response equipment and incident report form procedures.
12. Injuries or illnesses due to pesticide or other potentially hazardous chemicals must be reported immediately to a supervisor or district official. The individual will be directed to first aid and/or medical treatment, as appropriate. The district will report such incidents to the Oregon Department of Human Services, Health Services, at 503-731-4025 (after regular business hours call 503-731-4030) and/or OR-OSHA, as required by law.

PESTICIDE APPLICATION PLAN

Date of planned application: _____ Day of week: _____
(a weekend or during vacation is best)

Which pesticide(s) will be used? (Attach MSDS if available.)
(Choose for safety and effectiveness.)

Location/Size of area(s) to be treated:

Who will do the pest control? (circle one) Staff Contractor

Name(s) _____
License #(s) _____
Firm (if applicable) _____

For interior treatment:

Does the building have active ventilation that can be left on after the application?

If not, who is responsible for opening windows at least six hours before staff/students reenter?

For all applications:

Who will post the building or treated grounds with: (1) date of application; (2) pesticide used; and
(3) when the area can be used again? _____

Will pesticides be kept on school grounds? Where? _____

(Read label carefully!) Keep pesticides locked up and away from occupied areas.

Approved by school/district administrator _____ on _____.

School nurse _____, informed _____.

Other(s) _____, informed _____.

FIRST AID

In case of sudden illness or injury to a student or a member of the staff, first aid will be given by school staff. Further medical attention to students is the responsibility of the parents or guardian, or of someone the parents or guardian designate in case of emergency.

Each principal is charged with providing for the immediate care of ill or injured persons within his/her area of control.

In each school, procedures for handling health emergencies will be established and made known to the staff. Each school and school vehicle will be equipped with appropriate first-aid equipment.

All employees are expected to know where first-aid supplies are kept in their work areas. Certain employees may be required to hold current first aid cards.

END OF POLICY

Legal Reference:

OAR 581-22-705

Cross Reference:

Policy GB - General Personnel Policies

Adopted 10/22/90

ACCIDENT REPORTS

Written reports will be submitted to the school nurse on all accidents occurring on school premises or at a school-sponsored activity or involving staff members who may be elsewhere on school business. Reports will cover property damage as well as personal injury.

END OF POLICY

Legal Reference:

OAR 581-22-706

Adopted 10/22/90

EMERGENCY MEDICAL ASSISTANCE

Lowell School District recognizes the inherent right and responsibility of parents to determine the necessary level of health care for their child. Lowell School District will provide a means whereby parents or legal guardians may request, in writing, limited emergency medical assistance for students for financial reason or religious beliefs.

If a parent or guardian desires limited emergency medical assistance for their child, a written request must be submitted to the District and include specific all inclusive statements indicating the level of acceptable emergency assistance and the level of unacceptable emergency assistance.

The District will, however, exercise every reasonable emergency option available to protect a student from potential loss of life, disfigurement or physical impairment. If, in the judgement of District staff, emergency medical assistance is necessary, the staff person will exercise every reasonable option available to protect the child.

The District shall have no financial responsibility for any medical treatment of a student.

END OF POLICY

Legal Reference:

OAR 581-22-706

Cross Reference:

Code: EBBD

Adopted 12/10/90
Revised 8/9/93

RESUSCITATION DECISIONS

The District values the contributions of students to the overall success of all educational environments and the inherent right to life; therefore, no employee of the District shall comply with any parental request, written or verbal, for non-resuscitation of a student. Resuscitation means to restore life or consciousness after apparent death.

In a life-threatening situation, District staff will dial 911 for paramedic assistance and resuscitate any student requiring it in order to sustain life until relieved by paramedics or other appropriate medical personnel.

END OF POLICY

Legal Reference:

Oar 581-22-706

Cross Reference:

Code EBBC

Adopted 8/9/93

Emergency Procedures and Disaster Plans

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and use of force on school property. The superintendent will consult with community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation.

In the case of long term disruption to district operations as a result of a pandemic flu or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students, parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;
11. Facility utilization by other agencies procedures;
12. Business operations plan for offsite operation or alternative measures.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 433](#).260

[OAR 437-002](#)-0161

[OAR 437-002](#)-0360

[OAR 437-002](#)-0377

[OAR 581-022](#)-0705

[OAR 581-022](#)-1420

EMERGENCY PROCEDURE - FIRE DRILLS

Fire drills shall be held in each school periodically. Each pupil shall be familiar with the proper emergency procedures in accordance with posted instructions.

1. Fire drills will be conducted in accordance with state law.
2. Monthly building inspections will be performed to determine if:
 - a. fire hazards exist
 - b. safety hazards exist
 - c. cleanliness is maintained

The inspection of the building will be performed by the building principal and the maintenance supervisor. The results of the inspection will be reported to the Superintendent on forms to be supplied by the District Office.

END OF POLICY

Legal Reference:

ORS 479.140

Adopted 8/75

EMERGENCY SCHOOL CLOSURES

When it is determined by the transportation officer that road conditions are too hazardous for the safe operation of buses, he will immediately notify the Superintendent. The Superintendent will notify the radio and television stations promptly on receipt of this information.

The same procedure will be followed by the head of maintenance or head custodian when power outage, heating problems, or other problems may prevent the holding of classes.

Under emergency closure conditons, teachers are expected to report for duty when notified to do so by the Superintendent and when in compliance with the current Collective Bargaining Agreement.

END OF POLICY

Legal References:

OAR 581-15-475

OAR 581-22-706

Management of Buildings and Grounds

The superintendent will develop and maintain plans and procedures necessary to assure the security of district properties and to provide for a continuing program of preventive maintenance designed to ensure that buildings are clean, safe and operated in an efficient manner. The facilities and maintenance manager, subject to the direction of the superintendent, will have overall responsibility for the maintenance and security of the district's buildings and grounds.

The facilities and maintenance manager will also be responsible for the supervision of school custodial services.

The superintendent will keep the Board informed about district properties and will make such other reports as the Board requests.

END OF POLICY

Legal Reference(s):

ORS 332-172

OAR 437-001-0760
OAR 437-002-0020 to -0081
OAR 437-002-0140
OAR 437-002-0144
OAR 437-002-0145
OAR 437-002-0180 to -0182
OAR 437-002-0360
OAR 437-002-0368
OAR 437-002-0377
OAR 437-002-0390
OAR 437-002-0391
OAR 581-022-1610

Fazzolari v. Portland School District No. 1J, 78 Or App 608 (1986); aff'd 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Vandalism/Malicious Mischief/Theft

Students and citizens are urged to cooperate in reporting any incidents of vandalism/malicious mischief/theft and the name or names of the person or persons believed to be responsible.

Each district employee will report to the principal or other person in authority incidents of vandalism/malicious mischief/theft and the name of the person or persons responsible, if known.

Principals will submit a report of any vandalism/malicious mischief/theft or damage to their buildings, to the superintendent. The superintendent will report to the Board regarding major vandalism/malicious mischief/theft or damage to district property.

The district may offer a reward to an individual(s) who provides information that results in the apprehension of a person(s) guilty of vandalism/malicious mischief/theft or other criminal acts against the district. The amount of reward shall be determined by the superintendent on a case-by-case basis within any guidelines set by the Board.

The superintendent is authorized to sign a criminal complaint and to press charges against those committing acts of vandalism/malicious mischief/theft of or against district property. Because incidents of willful or malicious abuse, destruction, defacing and theft of district property are clearly contrary to the best interests of the district and injurious to the rights and welfare of the entire community, it is the policy of the Board to seek all legal remedies against persons found to have committed such acts. Full restitution for the damage will be sought from such persons, or, in the case of minors, from their parents. Until such fees or restitutions are paid, certain restrictions and/or penalties may be imposed. Records requested by another district to determine a student's appropriate placement may not be withheld.

Students who willfully destroy district property through vandalism/malicious mischief/theft or arson, who commit larceny or who create a hazard to the safety of other people on district property will be disciplined in accordance with state law and the Board's policy on student suspensions/expulsions and referred to law enforcement authorities.

END OF POLICY

Legal Reference(s):

ORS 30.765	ORS 326.575	ORS 339.270
ORS 164.345	ORS 332.107	ORS 419C.680
ORS 164.365	ORS 339.260	

Video Surveillance

The Board authorizes the use of video cameras on district property to ensure the health, welfare and safety of all staff, students and visitors to district property, and to safeguard district facilities and equipment. Video cameras may be used in locations as deemed appropriate by the superintendent.

The district shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on district property.

Students or staff in violation of Board policies, administrative regulations, building rules or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The district shall comply with all applicable state and federal laws related to record maintenance and retention.

END OF POLICY

Legal Reference(s):

ORS 30.864
ORS 192.420 - 192.505
ORS 326.565
ORS 326.575
ORS 332.105
ORS 332.107
ORS 336.187
ORS 339.260
ORS 342.850
OAR 581-021-0210 to -0440
OAR 581-022-1660

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g (1988); 34 CFR Part 99 (2000).

In the matter of A.O., A Minor (March 28, 1988) (Superintendent of Public Instruction Ruling).

Traffic and Parking Controls

The superintendent will authorize parking areas and post notices on district property which is designated for staff, student and visitor parking and such other classifications of parking areas as may be necessary.

Any vehicle not parked in authorized areas may be towed away and stored, and all charges for such towing and storing will be the responsibility of the owner or operator of the vehicle.

Any person failing to abide by the parking regulations of the district may be further prohibited from bringing any vehicle on district property.

Building principals will establish such regulations as are necessary for the use and control of staff and student parking areas around their buildings. Such regulations will be made available to staff, students and parents.

END OF POLICY

Legal Reference(s):

ORS 332.172
ORS 332.445
ORS 339.260
ORS 447.233
OAR 581-022-1610

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Building and Grounds Records and Reports

Losses incurred through fire, theft, accident, or vandalism will be reported to the facilities and maintenance manager as soon as they are discovered. The facilities and maintenance manager will report such losses to the Board and superintendent as well as to an appropriate law enforcement or other agency.

END OF POLICY

Legal Reference(s):

ORS 332.172

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Code: **ED**
Adopted: 10/84
Revised: 10/22/90
Revised: 10/27/08

Material Resources Management

The respective manager, subject to the direction and supervision of the superintendent, will establish such procedures as are necessary for receiving, storing, maintaining and controlling the district's supplies and equipment. Such procedures will include provision for an annual inventory of supplies and equipment. A report will be made to the superintendent and Board after the inventory is completed.

Building administrators will be responsible for district materials housed within their individual buildings and/or areas.

END OF POLICY

Legal Reference(s):

ORS 332.107

Code: **EDC**
Adopted: 10/13/86
Revised:

Authorized Use of School-Owned Equipment and Materials

Equipment and materials purchased by the Lowell School District shall not be used by any unauthorized person.

EQUIPMENT

The use of equipment must be authorized by the Superintendent or designee. Equipment authorized for use must be checked out on a form provided by the District. Any damages or misuses of the equipment requiring repair is the financial responsibility of the borrower. The District may require a deposit based on 20% of the equipment value.

MATERIALS

Expendable materials used by an authorized person must be paid for at the minimum price required for it to be replaced by the District.

END OF POLICY

Student Transportation Services *

School transportation services will be provided for students to and from school. Transportation will be provided for homeless students to and from the student's school of origin¹ as required by the No Child Left Behind Act of 2001 (NCLBA). These services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the Board.

Elementary students grades K-8 who live more than one mile from school will be transported. Secondary students grades 9-12 who live more than one and one-half miles from school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the district's approved supplemental plan.

Miles from school will be determined by the transportation supervisor in accordance with OAR 581-023-0040 (1)(c).

Transportation will be provided to a student of a school receiving Title I funds to attend a district school out of the student's attendance area because his/her home school has been identified as in need of improvement, corrective action or restructuring. Such transfers will be permitted and transportation provided only to a safe school that has not been identified for improvement, corrective action or restructuring. The obligation of the district to provide for transportation will terminate at the end of the school year if the school from which the student transferred is no longer in school improvement.

In the event all other district schools a student may transfer to have also been identified as in need of improvement, corrective action or restructuring or there is no other district school to which the student may transfer², the district shall, to the extent practicable, establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided for in accordance with the agreement³.

¹"School of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

²If there are no district schools to which students can transfer because: (1) all schools at a grade level are in school improvement; (2) there is only one school in the district; or (3) the rural or isolated nature of the district prevents choice, the district must notify the parents that the student's school has been identified for school improvement but that no choices are currently available.

³Interdistrict transportation under NCLBA does not appear to be a district responsibility. Districts should consult with their attorney.

The district may also provide transportation using federal funds⁴ or through cooperative agreements with local victims assistance units for a student to attend a safe district school⁵ out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous.

Transportation provided will, to the extent possible, be to a school that is making adequate yearly progress and that has not been identified as in need of improvement, corrective action or restructuring. If there are no other schools within the district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

Students attending any private, parochial or public charter school under the compulsory school attendance laws will, where the private, parochial or public charter school is along or near the bus route, be provided equally the riding privileges given to public school students.

A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits.⁶ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus or school activity vehicle. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others will be reported by the school bus/vehicle driver to the supervisor. The transportation supervisor will, as soon as possible, inform the appropriate principal of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the principal and/or transportation supervisor.

The principal or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

⁴Federal funds means funds available through Title IV, Part A, and Title V, Part A.

⁵If there is not another school in the district to which students can transfer, districts are encouraged, but not required to, explore other appropriate options, i.e., an agreement with a neighboring district.

⁶"Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

The school bus/vehicle driver will be responsible for the school bus/vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 343.155 to-343.246	OAR 581-021-0050 to-0075
ORS 327.033	ORS 343.533	OAR 581-022-1530
ORS 327.043	ORS 343.155 to-343.243	OAR 581-023-0040
ORS 332.405	ORS 811.210	OAR 581-053-0002 to-0015
ORS 332.415	ORS 811.215	OAR 735-102-0010
ORS 339.240 to-339.250	ORS 815.055	
	ORS 815.080	
	ORS 820.100 to-820.190	

No Child Left Behind Act of 2001, 20 U.S.C. § 6315 (2006).

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. §§ 11431-11435 (2005).

SCHOOL BUS SCHEDULING AND ROUTING

Actual bus stops and routes will be determined under direction of the Superintendent and will be based upon efficiency, safety, Board policy and applicable state and federal laws and regulations.

The determination of safe roads for school bus travel will be made by the Superintendent. School bus service will be limited to paved (black-topped or concrete), oiled or existing gravel roads unless otherwise directed.

The Superintendent will:

1. Annually review and assess school bus routes, stops and loading zones for safety, changing student population and supervision of students.
2. Advise parents of any changes in transportation policy affecting their children as early as possible and be responsive to parent calls for assistance in seeking alternatives to busing.
3. Work with cities, the county and other appropriate governmental agencies on a continuing basis to inform them of transportation problems.

Children residing outside the boundaries of the Lowell School District but attending the Lowell Schools may be furnished transportation from the most practicable point on the regular bus route. School buses will not go outside the School District for the purpose of transporting non-resident pupils.

Disabled children who receive special educational services outside the attendance area of Lowell School District may be picked up at or delivered to a substitute day care provider within the district's attendance area as long as the day care provider is located on a regular bus route.

The district shall not pick up or deliver any child, disabled or not, to a day care provider outside the school's attendance area.

END OF POLICY

Legal References:

OAR 581-15-474
581-53-002

Adopted 8/75
Revised 10/22/90
Revised 2/13/95

School Bus Safety Program

The superintendent will ensure instruction for all students in school bus safety and emergency evacuation procedures is provided. Drivers shall assist in the instruction.

Students who are regularly transported by the district shall receive the following instruction within the first six weeks of each half of the school year:

1. Safe school bus riding procedures, including but not limited to loading, unloading, crossing etc;
2. Use of emergency exits; and
3. Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.

Students who are not regularly transported by the district will be given the following instruction at least once in the first half of each school year:

1. Safe school bus riding procedures; and
2. Use of emergency exits.

The district will document and maintain records of the content and dates of instruction.

Buses will not exceed vehicle design capacity for seating at any time unless an unforeseen or unusual circumstance arises. Passengers will be provided a seat that fully supports them. A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits.¹ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles used for student transportation in excess of 10,000 pounds are exempt from this requirement unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

¹“Proper fit” means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

During adverse weather conditions, the superintendent may alter bus schedules or temporarily suspend bus services. The superintendent or his/her designee will advise local radio stations and other media of any changes in bus schedules or services.

In the case of emergency or disaster, evacuation of students will be carried out according to the district's emergency plan.

An accident review board will study accidents involving district buses and will make recommendations to avoid similar accidents.

END OF POLICY

Legal Reference(s):

<u>ORS 811.210</u>	<u>OAR 437-002-0220 to-0227</u>	<u>OAR 581-053-0002 to-0015</u>
<u>ORS 811.215</u>	<u>OAR 581-022-1420</u>	<u>OAR 581-053-0512 to-0555</u>
<u>ORS 815.055</u>		<u>OAR 735-102-0010</u>
<u>ORS 815.080</u>		
<u>ORS 820.100 to-820.190</u>		

School Bus Driver Examination and Training

School bus driver selection procedures will be developed to ensure acceptance of drivers whose capabilities are commensurate with job responsibilities. Each new school bus driver will be selected for his/her potential for improving the fleet's record and performance.

1. School bus driver selection will be based on investigating application references, a motor vehicles report from the department of motor vehicles, criminal records check, drug and alcohol test, a physical examination and other physical requirements, planned oral interview, tests and a driver-training program.
2. No school bus driver shall be placed on a route or in any vehicle transporting students without a school bus permit or certificate issued by the Oregon Department of Education (ODE).
3. No school bus driver shall be placed in any vehicle subject to commercial driver's license requirements or permitted to perform any other safety-sensitive functions who does not comply with applicable provisions of the Omnibus Transportation Employee Testing Act of 1991.
4. In emergencies, only school bus drivers who are on the ODE emergency drivers' list will be used.

All school bus drivers are required to inform the district within 15 days of any change in their driving or criminal records that could affect their eligibility to maintain the necessary ODE approval for licensing.

A school bus manufacturer, school bus dealer or school bus mechanic is not required to have a school bus endorsement while operating a school bus that is not transporting students.

END OF POLICY

Legal Reference(s):

ORS 659.840	OAR 581-053-0002
ORS 659A.300	OAR 581-053-0006
ORS 659A.306	OAR 581-053-0015
ORS Chapters 801 , 802 , 807 , 809 , 811 , 813	HB 2268
ORS 820.110	

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).

SCHOOL BUS MAINTENANCE

All buses shall be inspected at regular intervals to check the condition of steering mechanism, brakes, and any other factor necessary to the safe operation of the vehicles.

The drivers will keep the bus mechanic informed concerning needed bus repairs. At the end of the school term each driver will submit to the bus mechanic a list of repair and maintenance items needed. These will be submitted to the Directors at the June meeting.

END OF POLICY

Legal Reference:

- A. Individuals with Disabilities Education Act,
PL 101-476
- B. Rehabilitation Act (1973) 29 USCA Section
504,791,793,794, (West 1985)

Student Conduct on School Buses

The following regulations will govern student conduct on school buses and will be posted in a conspicuous place in all buses:

1. Students being transported are under authority of the bus driver;
2. Fighting, wrestling or boisterous activity is prohibited on the bus;
3. Students will use the emergency door only in case of emergency;
4. Students will be on time for the bus, both morning and evening;
5. Students will not bring firearms, weapons or other potentially hazardous material on the bus;
6. Students will not bring animals, except approved assistance guide animals, on the bus;
7. Students will remain seated while bus is in motion;
8. Students may be assigned seats by the bus driver;
9. When necessary to cross the road, students will cross in front of the bus, or as instructed by the bus driver;
10. Students will not extend their hands, arms or heads through bus windows;
11. Students will have written permission to leave the bus other than at home or school;
12. Students will converse in normal tones; loud or vulgar language is prohibited;
13. Students will not open or close windows without permission of the driver;
14. Students will keep the bus clean and must refrain from damaging it;
15. Students will be courteous to the driver, fellow students and passersby;
16. Students who refuse to promptly obey the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the buses.

The superintendent will establish other regulations as necessary for the safe conduct of students riding district school buses or other forms of district transportation. Such regulations will be available to all parents and students and posted in each school bus or other district vehicle.

Students who violate bus rules of conduct may be denied the use of district transportation.

END OF POLICY

Legal Reference(s):

ORS 339.240

ORS 339.250

ORS 820.100 - 820.190

OAR 581-021-0050 to -0075

OAR 581-023-0040

OAR 581-053-0002

OAR 581-053-0010

Letter Opinion, Office of the Attorney General (Nov. 22, 1998).

Discipline Procedures for District-Approved Student Transportation

All students eligible for district-approved student transportation shall receive safety instruction and a code of conduct.

Violation of the code of conduct or conduct which jeopardizes the health/safety of self and/or others may result in the loss of district-approved transportation services.

The following procedures address:

- | | |
|-------------------------|--------------------------------|
| 1. Safety instructions; | 6. Right of appeal; |
| 2. Code of conduct; | 7. Reinstatement; |
| 3. Violations; | 8. Education; |
| 4. Suspension; | 9. Special education students. |
| 5. Expulsion; | |

I. Safety Instructions

- A. Each September and January the transportation supervisor will direct all bus drivers to conduct a safety review with all students who are regularly transported by the district.
 - 1. Safe school bus riding procedures, including but not limited to loading, unloading, crossing, etc.;
 - 2. The drivers shall review the consequences of a violation as outlined in this procedure.
- 3. Use of emergency exits; and,
 - ~~2.~~ 4. Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.
- B. Each year the transportation supervisor will direct all bus drivers to conduct a safety review with all students.
 - 1. The drivers shall review safe bus riding procedures.
 - 2. The drivers shall review use of emergency exits.
- C. The transportation supervisor will record dates and content of safety instructions by each driver. Such information shall be kept as a part of the district's records.

II. Code of Conduct

- A. Each year the district will include the following transportation rules in the student/parent handbook. The district will provide interpretation to those students/parents whose primary language is not English.

While riding a school bus, students will:

- *1. Obey the driver at all times;
- *2. Not throw objects;
- *3. Not have in their possession any weapon as defined by Board policy JFCJ - Weapons in the Schools;
- *4. Not fight, wrestle or scuffle;
- *5. Not stand up and/or move from seats while the bus is in motion without driver permission;
- *6. Not extend hands, head, feet or objects from windows or doors;
- *7. Not possess matches or other incendiaries and concussion devices;
- *8. Use emergency exits only as directed by the driver;
- *9. Not damage school property or the personal property of others;
- *10. Not threaten or physically harm the driver or other riders;
- *11. Not do any disruptive activity which might cause the driver to stop in order to reestablish order;
- *12. Not make disrespectful or obscene statements;
- *13. Not possess and/or use tobacco, alcohol or illegal drugs;
- 14. Not eat or chew gum without driver permission;
- 15. Not carry glass containers or other glass objects;
- 16. Not take onto the bus objects which might pose safety risks or barriers to safe entry and exit from the bus;
- 17. Accept assigned seats;
- 18. Stay away from the bus when it is moving;
- 19. Be at the bus stop five minutes before the scheduled pick up time;
- **20. Answer to coaches, teachers and chaperons who are responsible for maintaining order on trips.

* These regulations, if broken, are SEVERE violations with severe consequences because of the threat to the safety of others.

** Coaches, teachers and chaperones: (1) must have a copy of the bus regulations and know them before going on a trip; and (2) must position themselves on the bus as to be in control of discipline at all times.

I have read the above rules and have discussed them with my student. We understand the importance of this code of conduct.

Parent

Student

III. Violations

Each year the district will include the following procedures for violations in the student/parent handbook. The district will provide interpretation to those students/parents whose primary language is not English.

DISCIPLINARY PROCEDURES FOR VIOLATIONS

1. Minor infraction: The driver verbally restates behavior expectations to the student and makes a note on the tracking record if warranted.
2. First Citation - Warning*: The driver corrects the behavior and writes a citation which is turned in to the transportation supervisor. The supervisor, principal and student meet to discuss the behavior as soon as practical. The supervisor decides whether to issue the citation as a warning or three-day suspension, depending on the events of the citation. The citation will be mailed home to the parents/guardians before the suspension begins. A signed copy of the citation must be presented to the driver when the student returns to the bus. Only one warning citation per year will be issued*.
2. Second Citation*: The driver corrects the behavior and writes a citation, which is turned in to the transportation supervisor. The supervisor, principal, student and parents/guardians meet to discuss the behavior as soon as possible. The student may be suspended from the bus for up to five days. A signed copy of the citation must be presented to the driver when the student returns to the bus.
3. Third Citation* of the year: The driver corrects the behavior and writes a citation, which is turned in to the transportation supervisor. The supervisor, principal, student and parents/guardians meet to discuss the behavior as soon as possible. The student may be suspended from the bus for up to ten days and may be for as long as the remainder of the year, depending on the situation. At this time a behavior contract will be made with the student and a bus seat will be assigned. Further violations of bus regulations will be considered a severe violation.
4. Severe Violations: Severe violations may result in an immediate suspension of the student for up to 10 days, should the transportation supervisor feel the action warrants such a decision. The supervisor, principal, student and parents/guardians will meet to discuss the behavior and consequences as soon as is practical.
5. In all instances, the appeal process may be used if the student and/or parent desires.

* All citations must be signed by the parents/guardians, the transportation supervisor, the bus driver and the principal before the student will be allowed to ride the bus again.

APPEAL PROCEDURE

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used. If the student or parent wishes to complain about a school employee's decision, use policy KLD - Public Complaints about District Personnel.

- | | |
|----------|---|
| STEP I | The student or his/her parent/guardian will discuss the issue with the transportation supervisor and principal. |
| STEP II | If the student is not satisfied with the outcome of the discussion, he/she may file a written statement with the principal and transportation supervisor. This is to be done within 10 school days of the act or condition which is the basis of the complaint. The administration will, within three school days, arrange a student, parent, transportation supervisor, principal conference with the goal of resolving the issue. |
| STEP III | Within five school days, the principal is to communicate, in writing, the decision to the student and the student's parents. |
| STEP IV | If, after five school days from receipt of the administrator's reply, the issue still remains unresolved, the student may submit the matter in writing to the superintendent. The superintendent will meet with the student within three school days and will respond to the issue, in writing, within five school days after the appeal. |
| STEP V | If the issue is still unresolved, the student may appeal to the Board. The Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing. |

Please return this signed form to the driver on or before the second day of school.

I have read and understand the transportation contract plan. I understand that transportation is an important service and that the safety of my student is the primary concern.

Student's Name	Parent's Signature	Date
----------------	--------------------	------

Bus # _____ Phone Numbers: (Home) _____ (Work) _____

School _____

IV. Suspension Procedures

Due process procedures used by the district governing student behavior shall be applied.

SCHOOL BUS INCIDENT REPORT

Date: _____ Route: _____AM _____ PM

Dear Parents:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and well-being of all students on the bus. We urge you to support this corrective action by impressing upon your student the need for safety on our school buses.

_____ has been cited for an infraction of the rules listed below:

	Description of incident:
*Failed to obey driver.	
*Threw an object(s).	
*Possessed a weapon or other dangerous object(s).	
*Fought, wrestled, scuffled.	
*Stood/Changed seat without permission.	
*Extended from bus door/window.	
*Possessed matches, incendiaries, etc.	
*Used emergency exit.	
*Vandalism of property.	
*Threatened/Harmed driver/rider.	
*Disruption: Driver stopped bus.	
*Disrespectful and/or obscene statements.	
*Possessed alcohol, tobacco, unlawful drugs.	
Eating or chewing gum without permission.	
*Possessed glass container or object.	
*Impeded movement of bus.	

*** An asterisk may result in loss of transportation service with no warning citation.**

- | | |
|------------------------|--|
| () Warning | 0 – 3 day suspension |
| () Second Citation: | Up to 5 day suspension |
| () Third Citation: | Up to 10 day suspension or remainder of the year |
| () Severe Violation:: | Up to 10 day suspension |

Bus Number: _____ Driver Signature: _____

Student Phone Number: _____ Parent Signature: _____

Transportation Supervisor: _____

Building Principal: _____

CITATIONS MUST BE SIGNED BY PARENT and returned to driver before student is permitted on bus.

V. Expulsion Procedures

- A. Due process procedures used by the district governing student behavior shall be applied. Students will not be expelled without a hearing unless the student's parents waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service or by certified mail at least five school days prior to the scheduled hearing. Notice will include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The superintendent or designee will act as hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney and/or parent. The school district's attorney may be present;
5. The student will be afforded the right to present his/her version of the charge(s) and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the district;
7. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time;
8. The hearings officer or the student may make a record of the hearing;
9. The hearings officer's decision is final. However, this decision may be appealed to the Board. At its next regular meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents or students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;

10. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session.

VI. Right of Appeal

- A. At each step of the discipline procedures used in district-approved transportation services, parents, students and/or a representative have a right to appeal.
- B. All appeals must be in writing.
- C. Appeals are to be made to the responsible person at the level of appeal.
- D. Final appeal may be made to the Board.
- E. Board decisions are final.

VII. Reinstatement

- A. A conference to discuss reinstatement shall be conducted under the following guidelines:
 1. When deemed necessary, parent(s) and student shall be present at the conference;
 2. The principal shall fully explain matters and permit the parties involved to fully explain their positions;
 3. The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

VIII. Education

- A. Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district-approved transportation services. Therefore, students who have lost district-approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.
- B. Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the district's attendance and educational requirements.
- C. Makeup work may be provided:
 1. If makeup work is needed, the district's policy and procedures will be followed.

D. Alternative education may be provided:

1. If alternative education is needed, the district's policy and procedures will be followed.

IX. Special Education Students

Special education students will be disciplined in accordance with Board policy JGDA/JGEA - Discipline of Disabled Students and accompanying administrative regulation.

Use of District Activity Vehicles for Student Transportation

The Board may provide for the use of vehicles, commonly designated as Types 10, 20 or 21 pupil transportation vehicles, which do not meet the requirements of a “school bus” for the purpose of transporting students, licensed, classified or other supervisory personnel to and from curricular and extracurricular activities sponsored by the district.

The vehicle shall be insured for bodily injury, property damage, uninsured motorist coverage and personal injury protection. The business manager will recommend amounts to adequately protect the district against loss.

The district will meet or exceed minimum driver requirements and procedures as set forth in OARs 581-053-0545, 581-053-0550 and 581-053-0555. The district shall meet child safety system requirements and minimum standards and specifications as set forth in ORS 811.210, 815.055 and 815.080 and OAR 735-102-0010.

END OF POLICY

Legal Reference(s):

ORS 811.210
ORS 815.055
ORS 815.080
ORS 820.100 - 820.190
OAR 437-002-0220 to -0227
OAR 581-053-0006
OAR 581-053-0010
OAR 581-053-0545
OAR 581-053-0550
OAR 581-053-0555
OAR 735-102-0010

Special Use of School Buses

I. Activity Transportation

School buses or other school-owned transportation shall be made available to activity participants for activities approved and sponsored by the school. Other non-participating spectators (Lowell School students, parents/guardians of Lowell School students, and other District 71 residents) may ride activity buses to away events when participating students do not require the use of all available seating. Written permission from parents/guardians will be required for all non-participating Lowell students. Prior administrative approval is required for all spectators.

II. Procedure for Early Return of Activity Bus

- A. Chaperone will remain at the school until all students have been turned over to an appropriate adult or appropriate parental contacts have been made.
 - a. Student will come into the building and call parents, emergency number or alternate numbers in that order, until an immediate ride is obtained.
 - b. If students refuse to come in and call or leave the grounds without calling, the chaperone will call the above series of numbers until contact is made. They will inform the contact person of the situation and note who was contacted and the time.
 - c. Students unable to make contact at any of the required numbers, may be allowed to go to another student's home if verbal contact has been made with the parent taking temporary custody.

The following should be noted:

- 1. Parent with whom student will stay.
- 2. Time of authorization.
- 3. Method of transportation.

Home and emergency phone numbers should be given to the substitute parent.

- B. Before leaving, the chaperone shall check the grounds to ensure all students have been safely turned over to appropriate adults.

III. Bus and Vehicle Usage by the Public

District buses and vehicles will not be generally available for use by the public due to the restrictions governing the district in state statute and by insurance requirements.

However, exceptions may be made when in the opinion of the Superintendent, the activity proposed is of sufficient benefit to the district. Such usage by a public or youth agency will be contingent on the agency providing proper supervision and making payments of all costs incurred in the usage of the vehicle. Buses will be driven by qualified district drivers only.

END OF POLICY

Legal Reference(s):

ORS 332.405
ORS 332.427
ORS 339.240 - 339.250

OAR 581-022-1530
OAR 581-023-0040
OAR 581-053-0002
OAR 581-053-0010

Letter Opinion, Office of the Attorney General (Nov. 22, 1998).

Lowell School District #71

Code: **EEAE**

Adopted: 10/22/90

Revised/Readopted: 10/24/11

Student Transportation in Private Vehicles

Transportation of students will be by the district's transportation system. Parents, employees and other designated adults over the age of 21 years may be permitted to use private vehicles to transport students other than their own on field trips, sporting events or other school activities if the following conditions have been met prior to the activity:

1. The school administrator has approved the activity;
2. A permission slip, signed by the parent, has been received by the principal or his/her designee, granting permission for the student to participate in the fieldtrip/activity and to ride in a privately-owned vehicle;
3. The parents, employees and other designated adults driving the vehicle are properly licensed to drive and have provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Oregon and as set by the district;
4. The vehicle contains an adequate number of seat restraints and the adult driver requires their use.
5. No mileage will be paid for the use of private vehicles for participation in any extracurricular activities unless approved and authorized by the superintendent prior to the activity

END OF POLICY

Legal Reference(s):

ORS 801.455

ORS 801.210

ORS 815.055

ORS 815.080

OAR 735-102-0010

DISTRICT VEHICLES

The Board may approve the purchase of vehicles to be used by staff for District business, including transportation services. The Superintendent will develop and maintain regulations which define the appropriate use and care of District vehicles and the responsibility of District staff using those vehicles.

Following are minimal safety standards while operating District-owned vehicles:

1. The driver of any District-owned vehicle equipped with seat belts or other type of restraint for safety purposes will wear the safety belt or adjust the other type of safety device in the manner prescribed for the achievement of maximum protection in the event of a sudden stop or upon impact. The driver of the District-owned vehicle will have the seat belts or other safety device in place before the vehicle is put into motion. The safety equipment will be in place until the vehicle has been parked and the engine secured.
2. The driver of any District-owned vehicle equipped with passenger safety equipment has the responsibility to assure that all passengers in the vehicle have the safety equipment in place and secured before the vehicle is put into motion.

END OF POLICY

Legal References:

ORS 332.425
ORS 332.427

Cross Reference:

Policy EBB - Accident Prevention and Safety Procedures

Adopted 2/13/84
Revised 10/22/90

Use of Private Vehicles for District Business

The Board discourages the use of private vehicles for district business, including the transportation of students. Staff will use district-owned vehicles whenever possible and should schedule activities and transportation far enough in advance to avoid any non-emergency use of private vehicles.

The superintendent will develop regulations for staff use of private vehicles that will safeguard the district, its employees and students in matters of safety, insurance and liability. The Board will review such regulations.

No staff member will use a private vehicle for district business, including the transportation of students, without permission from the superintendent or principal. Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a personal vehicle on district business will be reimbursed in an amount established by the Board.

No student will be allowed to perform district business with his/her own vehicle, a staff member's vehicle or a district-owned vehicle.

END OF POLICY

Legal Reference(s):
ORS 30.260 - 30.265
ORS 332.107
ORS 801.455
ORS 811.210
ORS 815.055
ORS 815-080
OAR 735-102-0010

Code: **EF**
Adopted: 10/22/90
Revised: 10/22/07

Management of Food Services

The District may provide food services for students and staff. Food services will comply with state and federal laws and regulations relating to such services.

The cafeteria supervisor, under the direction of the superintendent, will be responsible for the management of the food service program.

The superintendent will report to the Board, at least annually, on the condition of the food service program and will make such other reports related to food services as the Board requests.

END OF POLICY

Legal Reference(s):

OAR 581-022-1530
OAR 581-051-0100
OAR 581-051-0305
OAR 581-051-0310
OAR 581-051-0400

Local Wellness Program

The Board recognizes that childhood obesity has become an epidemic in Oregon as well as throughout the nation. Research indicates that obesity and many diseases associated with obesity are largely preventable through diet and regular physical activity. Additional research indicated that healthy eating patterns and increased physical activity are essential for students to achieve their academic potential, full physical and mental growth and lifelong health and well-being. 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 to promote healthy eating through nutrition education, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate. The input of staff (including but not limited to, physical education and school health professionals), students, parents, the public, representatives of the school food authority and public health professionals will be encouraged. The superintendent or designee will develop guidelines as necessary to implement the goals of this policy throughout the district.

Nutrition Promotion and Nutrition Education

Nutrition promotion supports the integration of nutrition education throughout the school environment. Nutrition education topics shall be integrated within the sequential, comprehensive health education program taught at every grade level, prekindergarten through grade 12, and coordinated with the district's nutrition and food services operation.

Nutrition Guidelines

It is the intent of the Board that district schools take a proactive effort to encourage students to make nutritious food choices. All food and beverage items (except those as part of the United States Department of Agriculture's National School Lunch Program and/or School Breakfast Program or at times when the school is being used for school related events or non-school related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during, or after the event such as sporting event, interscholastic activity, a play, band or choir concert), sold in a K-12 public school as part of the regular or extended school day shall meet minimum standards as set forth in state law.

Although the Board believes that the district's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students. In compliance with federal law, the district's NSLP and SBP shall be nonprofit.

The superintendent is directed to develop administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, and fund-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation.

Physical Education/ Activity

The Board realizes that a quality physical education program is an essential component for all students to learn about and participate in physical activity.

Physical activity should be included in a school's daily education program from grades pre-K through 12. Physical activity should include regular instructional physical education as well as co-curricular activities, and recess. The district will develop and assess student performance standards in order to meet the Oregon Department of Education's physical education content standards.¹

Reimbursable School Meals

The district may enter into an agreement with the Oregon Department of Education (ODE) to operate reimbursable school meal programs. The superintendent will develop administrative regulations as necessary to implement this policy and meet the requirements of state and federal law. These guidelines shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)(0)).

Other School-Based Activities

The district will promote district and community based activities that foster healthy eating and create environments that promote physical activity. Families and the community will be encouraged to provide healthy food choices in all situations where food is served. Educational workshops, screenings and literature related to healthy food choices and physical activity may be offered to families.

Evaluation of the Local Wellness Policy

The Board will involve staff (including but not limited to, physical education and school health professionals), parents, students, representatives of the school food authority, public health professionals, school administrators and the public in the development, implementation and periodic review and yearly update of this policy. In an effort to measure the implementation of this policy the Board designates the superintendent as the person who will be responsible for ensuring each school meets the goals outlined in this policy. The district will make available to the public an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of this policy.

END OF POLICY

Legal Reference(s):

<u>ORS 332.107</u>	<u>OAR 581-051-0100</u>	<u>OAR 581-051-0310</u>
<u>ORS 336.423</u>	<u>OAR 581-051-0305</u>	<u>OAR 581-051-0400</u>

National School Lunch Program, 7 C.F.R. Part 210 (2006).

School Breakfast Program, 7 C.F.R. Part 220 (2006).

Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 Section 204.

Local Wellness Program

Nutrition and Health Education

I. Education

1. Students will receive food preparation and nutritional education skills that will be needed to adopt and maintain lifelong habits of healthy eating. A variety of nutrition education topics will be integrated within the sequential, comprehensive health education program taught in every grade level. The nutrition education will follow all federal and state guidelines.
2. Students will have the option of obtaining their food handlers license through the school or a class provided by the school district.
3. Teachers are encouraged to utilize accredited dieticians and nutrition specialists from Oregon State University and University of Oregon to educate the students K-12 about how important nutrition is to a healthy lifestyle. The superintendent or designee will make a packet of contacts for each teacher to utilize for health education.
4. Students will be provided with healthy nutritional recipes by the Food Service Director, to take home regularly.

II. School Meals

- a. Schools will maintain an enjoyable eating area for students and allow adequate time for unhurried eating.
 - b. All meals need to meet minimum nutrition requirements established by local, state, and federal statutes and regulations.
 - c. Schools will offer a variety of fresh fruit and vegetables.
 - d. Schools will make available water, low fat (1%) and fat-free milk, and juices that contain at least 50% real juices, for students during school hours.
1. Breakfast: All schools will encourage students to eat breakfast either at home or at school. School will provide the school breakfast program for which the school district qualifies and stress the importance of breakfast.
 2. Meal times and Scheduling:
 - a. The superintendent or designee will consult with the food service director to allow adequate time for students to eat in an environment conducive to good nutritional habits.

Note: The state recommendation is that students have at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch.

3. Home baked Goods and Sharing of Foods:

- a. Schools will not allow students to bring home baked goods to any school sponsored event, due to the concerns of allergies, disease prevention, and other restrictions for some children's dietary needs.
- b. Schools will not allow students to share foods from their lunches due to allergies, disease prevention, and other restrictions for some children's dietary needs.

4. Foods and Beverages Sold Separately: (i.e., vending machines, a la cartes, school stores, fundraisers, etc)

A. Elementary Schools:

The school food service program will approve and provide all food and beverage sales to students in elementary schools during school hours. Elementary school students will receive balanced meals. All food and beverages sold separately will be low-fat or non-fat, fruits, and vegetables.

B. Middle/Junior High and High Schools:

All food and beverages sold separately will be low-fat or non-fat, fruits, vegetables, whole-grain, and will meet state guidelines.

a. Beverages:

1). School Provided:

Water with no added sweeteners, fruit and vegetable juices that contain at least 50% real juice and no added sweeteners, unflavored and flavored low-fat or fat-free milk.

2). School Not Provided:

Soft drinks, sport drinks, iced teas, fruit and vegetable juices with less than 50% real juice, and any beverages containing any trace of caffeine.

Note: State Guidelines are available upon request or they can be found at:
http://www.ode.state.or.us/services/nutrition/nslp/wellness/nutrition_guidelines.pdf

5. Rewards:

Schools will not use candy, food high in fat, sweetened beverages, soda, and other foods that do not meet nutrition standards, for any rewards in and outside of the classroom. Food and beverages will also not be withheld as a punishment for bad behavior.

6. Celebrations:

Snacks that are brought in for a celebration are encouraged to meet the school food service nutrition standards and must also be a store bought food with nutritional and/or ingredient information labeled on the container.

Physical Activity and Education

I. Daily Physical Education

1. Students K-12 will meet or exceed state standards for physical education.
2. Middle/High School student age children will have the opportunity to join an interscholastic or intramural sport.

II. Recess

1. Recess time for K-7 will meet or exceed state standards.

Note: State Standards are: K-3 have 20 minute morning recess, 20 minute lunch recess, and a 20 minute afternoon recess. 4th-7th grade have a 20 minute morning recess and a 20 minute lunch recess.

2. District staff will encourage the students to use recess as a time to participate in moderate to vigorous activities.

III. Physical Activities Before and After School

1. All schools will encourage participation in extracurricular physical activity programs. A licensed teacher or a designated community member will be supervising these activities at all times.
2. Transportation to and from School
 - a. All students who live within walking or biking distance will be encouraged to either walk or ride their bike to and from school.
 - b. The school district will explore the availability of federal “safe routes to school” funds, administered by the state department of transportation.

Parent and Community Support

All schools will provide the parents and community members with educational information on the importance of nutrition and physical education in our schools. All parents and community members will be encouraged to support the students in their participation in physical activities and nutrition education.

1. Stores and restaurants within the area will be encouraged to provide nutritional information on the foods that they sell and encourage the students to make good healthy choices when choosing a meal.
2. Students will take home recipes and handouts that will provide healthy nutritious meals for their families to prepare. All meals will be appealing and reasonably priced.
3. Parents will be encouraged to provide their children with a nutritious breakfast, lunch, and dinner.
4. Parents will be encouraged to enroll their child into a sport or an after school activity.
5. The community will be encouraged to provide different opportunities for children to become involved in a physical activity.
6. Parents, community members, and students will be encouraged to help with fundraising for equipment that will be needed for nutrition classes and physical activities.
7. Parents will be provided with an annual health screening report of their child and will have the opportunity at least once a year to give consent for an oral health screening for their child(ren).

Oral Hygiene

1. The superintendent or designee will be encouraged to solicit a volunteer dental professional to give onsite instruction for oral hygiene.
2. The district staff will promote and provide education on good oral hygiene as it fits within the state standards.

Note: Children's Dental Health month is February.

Drug/Alcohol Abuse Prevention and Tobacco Cessation

1. The superintendent or designee will consult with the Wellness Policy Committee and the Curriculum Committee to implement a drug/alcohol abuse prevention and tobacco cessation plan into the schools.
2. Consistent with the curriculum committee recommendations, the superintendent or a designee will be encouraged to solicit volunteer drug/alcohol abuse educators and tobacco cessation educators to give onsite instruction on prevention.

3. The superintendent or designee and the curriculum director along with the Wellness Policy Committee will monitor the plan on an annual basis.

Monitoring and Policy Review

I. Monitoring: The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies.

1. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.
2. School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent.
3. The superintendent or designee will develop a summary report annually on district-wide compliance with the districts established nutrition and physical activity wellness policies, based on input from schools within the district.
 - a) That report will be provided to the school board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.
4. School wellness committee will assist the superintendent or designee with these compliance measures.

II. Policy Review: To help with the initial development of the district's wellness policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies.

1. The results of those school-by-school assessments will be compiled at the level to identify and prioritize needs.
2. Assessments will be repeated every three years to help review policy compliance, assess progress, and determine areas in need of improvement.
3. As part of that review, the school district will review the nutrition and physical activity policies, provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. Baseline criteria will be developed by the Wellness Policy Committee.
4. The district, and individual schools within the district, will as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Child Nutrition Programs

The District may enter into an agreement with the Oregon Department of Education (ODE) to operate the National School Lunch Program (NSLP) and the Commodity Food Distribution Program (CFDP) by signing a permanent Sponsor-ODE Agreement entitling the District to receive reimbursement for all meal that meet program requirements and to earn commodity food entitlement based on the number of lunches served.

The permanent agreement shall be signed by the superintendent or other school official with authority to obligate the District to legally binding contracts, subject to annual ODE renewal and will include, at the District's option, an agreement to operate the School Breakfast Program (SBP), Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and the Special Milk Program (SMP). The District recognizes that meals and snacks served by the District will not be eligible for reimbursement until the annual program update is received and approved by ODE.

The permanent Sponsor-ODE Agreement shall include assurances by the District that it will follow all NSLP regulations regarding:

1. Free and reduced price process (updated annually);
2. Financial management of the nonprofit school food service;
3. Civil rights and confidentiality procedures;
4. Nutrition content of meals served;
5. Use and control of commodity foods;
6. Accuracy of reimbursement claims;
7. Food safety and sanitation inspections.

The superintendent is responsible for ensuring that administrative regulations are in place as necessary to implement this policy and meet the requirements of state and federal law.

END OF POLICY

Legal Reference(s):

ORS 327-520 – 327.535

OAR 581-051-0305

OAR 581-051-0310

OAR 581-051-0400

Nondiscrimination on the Basis of Handicap in Programs and Activities, 7 CFR Part 15b (2001).

National School Lunch Program, 7 CFR Part 210 (2001).

Special Milk Program for Children, 7 CFR Part 215 (2001).

School Breakfast Program, 7 CFR Part 220 (2001).

Determining Eligibility for Free and Reduced Price Meals and Free Milk, 7 CFR Part 245 (2001).

Uniform Federal Assistance Regulations, 7 CFR Part 3015 (2001).

Eligibility Guidance for School Meals Manual, FNS-274, United States Department of Agriculture.

FNS Instruction 765-7, Revision 2, United States Department of Agriculture.

Reimbursable School Meals and Milk Programs
(National School Lunch Program, School Breakfast Program, Special Milk Program)

The district's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:
 - a. Nonpricing (serve SMP milk at no charge to all students);
 - b. Pricing programs without a free option (charge all students for SMP milk); or pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals will be priced as a unit.
3. Reimbursable meals will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced price meals.
4. Annually, the district will establish prices for reimbursable student meals. The price charged to students who do not qualify for free or reduced price meals will be established annually by the district in compliance with state and federal laws.¹
5. The price charged to students who qualify for reduced price meals will be established annually by the district in compliance with state and federal laws.²

Application Procedures

6. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits, as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals. the students listed on the official document. Districts must access this document at least three times per year.
7. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals. Households that are denied free or reduced price benefits will be notified in writing using the Oregon Department of Education (ODE) template letter distributed to the district annually.

¹The new requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 205 establishes new criteria for equity in school lunch pricing.

²According to Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals, 7 C.F.R Part 245 (2011).

8. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal [or free milk] benefits and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
9. Students who do not qualify for free or reduced price meals are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged “paid” meal prices set by the district. “Paid” category students will be treated equally to students receiving free or reduced price benefits in every aspect of the district’s NSLP, SBP.
10. The district has established a fair hearing process under which a household can appeal a decision with respect to the household’s application for benefits or any subsequent reduction or termination of benefits.
11. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced price meals to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP and SBP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district’s nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.³
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services’ cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The district will meet the requirements for allowable NSLP and SBP costs as described in Office of Management and Budget (OMB) circular A-87.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations

³For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.

9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products that are produced in the United States, whenever possible.

Civil Rights and Confidentiality Procedures

1. The district will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, sexual orientation, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP and SBP benefits and services, and employment practices with regard to the operation of its NSLP and SBP. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's civil rights coordinator within three days of receiving the complaint.
5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information on the confidential application for free and reduced price meals, including students' eligibility for free or reduced price meals and all household information. The district's NSLP SBP operators are not required to release any information from a student's confidential application for free or reduced price meals. No information may be released from a student's confidential application for free or reduced price meals without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:
 - a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, Summer Food Service Program (SFSP), Child and Adult Care Food Program (CACFP) or the Food Stamp Program;
 - b. Any other confidential information contained in the confidential application for free and reduced price meals (family income, address, etc.) may be released without written consent only to persons who operate or administer NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United

States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

Nutrition and Menu Planning⁴

1. Meals and snacks served for reimbursement will meet the recommendations of the most current Dietary Guidelines for Americans.
2. Meals served for reimbursement will meet at least the minimum NSLP and SBP requirements for food item and quantities
3. Meals served for reimbursement will:
 - a. Meet all minimum and maximum calorie requirements by grade level;
 - b. Meet the maximum standards set for saturated fat;
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
4. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit or vegetable offered in program lunches.
5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items including one-half cup of fruit or vegetable offered in program breakfasts.
6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items⁴ including one-half cup of fruit or vegetable offered in program lunches.
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items including one-half cup of fruit offered in program breakfasts.
8. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request.⁵

Use and Control of Commodity Foods

9. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the reimbursable lunch and breakfast program.
10. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.

⁵Modify the language of this item to be reflective of the options the district has selected for offer versus serve.

11. The value of commodity foods used for any food production other than NSLP, SBP or snacks shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The district will claim reimbursement only for reimbursable meals served to eligible children.
2. All meals claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal meets NSLP or SBP requirements for reimbursement.
3. The person responsible for determining reimbursability of will be trained to recognize a reimbursable meal under the menu planning approach used at the school.
4. The district official signing the claim for reimbursement will review and analyze monthly meal counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

Food Safety and Sanitation Inspections

6. The district will maintain necessary facilities for storing, preparing and serving food and milk.
7. Semi-annually, the district will schedule food safety inspections with the county Environmental Health Department or Oregon Department of Human Resources for each school or dining site under its jurisdiction.
8. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

General USDA NSLP/SBP/SMP Requirements

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student’s school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The district will provide substitute foods for students who are determined by a licensed physician to be legally disabled and whose disability restricts their diet. Substitutions will be provided only when a medical statement from the licensed physician is on file at the school. The medical statement must state the nature of the child’s disability and how the disability affects the child’s nutrition needs, and it must provide a medical prescription for substitute foods or texture modification. The district will not charge more than the price of the school meal, as determined by the child’s eligibility status, for substitute meals or foods.

5. The district will control the sale of the following foods of minimal nutritional value (FMNV): carbonated beverages, water ices, chewing gum, hard candy, jelly and gum candies, marshmallow candy, fondant (candy corn-type), licorice, cotton candy and candy-coated popcorn.
6. The district will ensure that soda pop vending machines and sales of other FMNV will not be in any school's dining site(s) during the time(s) when NSLP lunch meals or SBP breakfast meals are served or eaten. Dining sites are cafeterias and any other place where NSLP lunch meals or SBP breakfast meals are served or eaten.
7. The district will ensure that potable drinking water will be available to students, free of charge for consumption in the place where meals are served during meal service.⁶
8. The district allows no meal charges.
9. The sale of foods (other than FMNV) in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.
10. The district will not use nutrition and food services funds to purchase FMNV for sale unless the proceeds from the sale of those foods is deposited into the Nutrition and Food Services account in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of the foods.
11. Soda pop and any other FMNV will not be offered "at no additional cost" with NSLP lunch meals or SBP breakfast meals in any district school.

Record Keeping

12. All currently approved and denied confidential applications for free and reduced price meals, and all current direct certification documents will be maintained for three years after the current school year. Records will be maintained longer in the event of unresolved audit(s) until the audit(s) has been completed.
13. All currently approved and denied confidential applications for free and reduced price meals and all current direct certification documents will be readily retrievable by school or site and made available to state or federal reviewers upon request.
14. The district will maintain financial records that account for all revenues and expenditures of the nonprofit school nutrition and food services for a period of three years after the school year to which they pertain.

⁶New requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203.

VENDING MACHINES AND SCHOOL STORES

The Superintendent may authorized the use of vending machines or the establishment of school stores for food sales when appropriate.

Food items in vending machines will be commercially prepared and prepackaged. Funds received from sale of food items to students will be used for student activities or other uses authorized by the Board.

Building principals will be responsible for the regulation and supervision of vending machines or school stores within their building.

END OF POLICY

Adopted 10/22/90

Reproduction of All Copyrighted Materials

Among the facilities available to teachers in carrying out their educational assignments are a variety of machines for reproducing the written and spoken word, either in single or multiple copies.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, audiotape, video or computer-programmed materials, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike.

Violations may result in criminal or civil suits.

The Board therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form.

“Fair use” is not a rigidly defined term. “Fair use” is based on the following standards:

1. The purpose and character of the use;
2. The nature of the copyrighted work;
3. The amount of and the substantiality of the portion used;
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

If an individual questions the legality of duplicating materials, he/she should seek permission from the copyright holders.

Employees in violation of copyright law may be required to remunerate the district in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

The superintendent will ensure administrative regulations are in place that provide guidelines for the “fair use” of copyrighted materials that meet the requirements of Section 107 of the Copyright Act of 1976 and applicable amendments.

END OF POLICY

Legal Reference(s):

ORS 332.107

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Guidelines for the Use of Copyrighted Materials

The superintendent/designee is responsible for the establishment of practices which will ensure compliance with the provisions of the U.S. Copyright law as they affect the district and its employees.

1. General Responsibilities

- a. The building principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. He/She will provide employee training as needed, distribute and review district policy and administrative regulations with employees, control the approval process and maintain written records regarding permissions, response to requests and license agreements as may be necessary.
- b. The building principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software.
- c. The building principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of the copyright law.

Warning notices will be posted as follows:

- (1) On or near all copiers;
 - (2) On all forms used to request copying services;
 - (3) On all video recorders;
 - (4) On all computers;
 - (5) At the library or other places where interlibrary loan orders for copies of materials are accepted.
- d. The building principal/designee will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
 - e. The building principal/designee will annually inspect the library/media center and any video collections to ensure all copies are acquired and maintained in accordance with applicable provisions of the copyright law.
 - f. All computer software license agreements must be signed by the superintendent.
 - g. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with district policy and administrative regulations.
 - h. The employee will obtain written permission to reproduce material from the copyright holder(s) whenever copying does not fall within the "fair use" guidelines of copyright law. Permission forms, as provided by the district, will be used.
 - i. The employee using emerging technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to, digital video, videodisc, satellite transmission, distance learning, CD-ROM, on-line data bases (and their down-loading), informational networks and other emerging electronic information which can be manipulated into new copyrightable forms of expression.

In the absence of clearly granted rights, the employee must contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways. Any contract

provided by the distributor of such technology must be submitted to the superintendent for approval.

FAIR USE

2. Printed Materials

- a. Permissible uses — district employees may:
 - (1) Make a single copy of the following for use in teaching or in preparation to teach a class:
 - (a) A chapter from a book;
 - (b) An article from a periodical or newspaper;
 - (c) A short story, short essay or short poem, whether or not from a collective work;
 - (d) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
 - (2) Make multiple copies for classroom use (not to exceed one copy per student in a course) from the following:
 - (a) A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length;
 - (b) A complete article, story or essay of less than 2,500 words;
 - (c) Prose excerpts not to exceed 10 percent of whole or 1,000 words, whichever is less;
 - (d) One chart, graph, diagram, cartoon or picture per book or per issue of a periodical;
 - (e) An excerpt from a children's book containing up to 10 percent of the words found in the text.
- b. All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.
- c. Prohibited uses — district employees may not:
 - (1) Copy more than one work or two excerpts from a single author during one class term;
 - (2) Copy more than three works from a collective work or periodical volume during one class term;
 - (3) Copy more than nine sets of multiple copies for distribution to students in one class term;
 - (4) Copy to create or replace or substitute for anthologies or collective works;
 - (5) Copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;
 - (6) Copy the same work from term to term;
 - (7) Copy the same material for more than one particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.
- d. All sound recordings, including phonograph records, audiotapes, compact discs and laser discs, will be treated under the same provisions that guide the use of print materials unless as may otherwise be excepted by regulations governing the reproduction of works for libraries/media centers.

3. Sheet and Recorded Music

- a. Permissible uses — district employees may:
 - (1) Make emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies will be substituted in due course;

- (2) Make, for academic purposes other than performance, multiple copies (one per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in any case no more than 10 percent of the whole work;
- (3) Make, for academic purposes other than performance, a single copy of an entire performable unit such as a section, movement or aria if confirmed by the copyright holder to be out of print or the “unit” is unavailable except in a larger work. The copy may be made solely for the purpose of scholarly research or in preparation to teach a class;
- (4) Edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist;
- (5) Copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
- (6) Make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
- (7) Make a single copy of a sound recording, such as a tape, disc or cassette, of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes.

b. Prohibited uses — district employees may not:

- (1) Copy to create or replace or substitute for anthologies, compilations or collective works;
- (2) Copy works intended to be “consumable,” such as workbooks, exercises, standardized tests and answer sheets;
- (3) Copy for the purpose of performance, except as noted above (A. 1.) in emergencies;
- (4) Copy to substitute for purchase of music except as noted above (A. 1., 2. and 3.);
- (5) Copy without inclusion of the copyright notice on the copy.

4. Television-Off-the-Air Taping

a. Permissible uses — district employees may:

- (1) Record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite retransmission, and retain the recording for a period not to exceed the first 45 consecutive calendar days after the date of the recording. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy will be subject to all provisions governing the original recording.

Unless authorized by the library/media supervisor, at the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately. Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview portion of the “Request for Off-Air Video Taping” form to the library/media supervisor for each program videotaped. The library/media supervisor will coordinate requests for permission to use or retain copyrighted television programs beyond the 45-day retention period.

- (2) Retain videotapes of commercial programs only with written approval of appropriate copyright holders;
- (3) Use off-air recordings once for each class in the course of relevant teaching activities and repeat once only when instructional reinforcement is necessary and only within the first 10 consecutive school days of the 45-consecutive calendar day retention period;

- (4) Use off-air recordings for evaluation purposes only, after the first 10 consecutive school days up to the end of the 45-consecutive calendar day retention period. Evaluation purposes may include use to determine whether or not to include the broadcast program in the teaching curriculum;
- (5) Use off-air recordings made from a satellite dish if they conform to the 45-consecutive calendar day retention period established for broadcast or cable programming and are not subscription channels;
- (6) Use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program;
- (7) Request that a library/media center record and retain for research purposes commercial television news programs from local, regional or national networks; interviews concerning current events; and on-the-spot coverage of news events. Documentary, magazine-format and public affairs broadcasts, however, are not included in the definition of daily newscasts of major events of the day. Requests for retention of programs recorded off-air will be directed to the producers of those programs directly through the network (not affiliate).

b. Prohibited uses — district employees may not:

- (1) Tape off-air programs in anticipation of an educator's requests;
- (2) Request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast;
- (3) Use the recording for instruction after 45-consecutive calendar days;
- (4) Hold the recording for weeks or indefinitely because:
 - (a) Units needing the program concepts are not taught within the 45-day use period;
 - (b) An interruption or technical problems delayed its use; or
 - (c) Another teacher wishes to use it, or any other supposedly "legitimate" educational reason.
- (5) Record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- (6) Alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works.

Off-air recordings, however, need not be used in their entirety.

- (7) Exchange program(s) with schools in the district or other school districts without the approval of the library/media supervisor.

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- (8) Use the recording for public or commercial viewing;
- (9) Copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools.

"Pay" programs received via satellite dish are also subject to these prohibitions.

5. Rental, Purchase and Use of Videotapes

a. Permissible uses — district employees may:

- (1) Use purchased or rented videotapes such as feature films as part of a systematic course of instruction, in accordance with district policy. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
- (2) Use only rented lawfully-made videotapes;
- (3) Arrange for the local school to transmit videotapes over their closed circuit television systems for direct instruction;
- (4) Use off-air videotapes made at home for classroom instruction and only in accordance with television-off-air guidelines and district policy.

b. Prohibited uses — district employees may not:

- (1) Use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- (2) Use rented or purchased videotapes such as feature films for assemblies, fund raising, entertainment or other applications outside the scope of direct instruction without public performance rights.

6. Computer Software

a. Permissible uses — district employees may:

- (1) Make a copy of an original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one, either the original or the copy, may be used at any one time;
- (2) Make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner;
- (3) Make a new copy from the archival program in the event that the program in use is damaged or destroyed;
- (4) Use a purchased program sent from a manufacturer labeled “archival” simultaneously with the original copy of the program provided its use is permitted (not excluded) by the terms of the sales agreement;
- (5) Make an archival copy of a rightfully-owned disk that is labeled “archival” by the software manufacturer;
- (6) Load a software program from a single disk into a distribution network or to individual stand-alone computers for simultaneous use when the distribution network is only accessible to the owner-user if not otherwise prohibited by terms of a sales agreement;
- (7) Adapt a copyrighted program from one language to another for which it is not commercially available or add features to a program to better meet local needs.

b. Prohibited uses — district employees may not:

- (1) Load the contents of one disk into multiple computers at the same time in the absence of a license permitting the user to do so;
- (2) Load the contents of one disk into local network or disk-sharing systems in the absence of a license permitting the user to do so;
- (3) Make or use illegal copies of copyrighted programs on district equipment;
- (4) Allow any student to surreptitiously or illegally duplicate computer software or access any database or electronic bulletin board;
- (5) Make copies of software provided by a software publisher for preview or approval;

- (6) Make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school or district;
 - (7) Make replacement copies from an archival or back-up copy;
 - (8) Make copies of copyrighted software (or a locally-produced adaptation or modification) to be sold, leased, loaned, transmitted or even given away to other users;
 - (9) Make multiple copies of the printed documentation that accompanies copyrighted software.
- c. With permission from the copyright holder, prohibitions may be significantly modified or removed altogether.

7. Reproduction of Works for Libraries/Media Centers

a. Permissible uses — district employees may:

- (1) Arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for a subscription to or purchase of a work;
- (2) Make for a requesting entity, within any calendar year, five copies of any article or articles published in a given periodical within the last five years prior to the date of the request for the material;
- (3) Make single copies of articles or sound recordings or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship or research;
- (4) Make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy of an out-of-print work that cannot be obtained at a fair price;
- (5) Make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
- (6) Make one copy of a musical work, pictorial, graphic, sculptural work, motion picture or other audiovisual work if the current copy owned by the library/media center is damaged, deteriorated, lost or stolen; and it has been determined that an unused copy cannot be obtained at a fair price.

b. Prohibited uses — district employees may not:

- (1) Make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
- (2) Copy without including a notice of copyright on the reproduced material.

8. Performances

a. Permissible uses — district employees must:

- (1) Contact the copyright holder in writing for permission whenever copyrighted works such as plays and musical numbers are to be performed.

This is particularly important if admission is to be charged or recordings of the performance are to be sold.

DATA MANAGEMENT

The Superintendent will provide for the preparation and maintenance of District records and reports and such other records and report as are required by law.

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

END OF POLICY

Legal References:

ORS 192.001 - 591
336.185 - 215
OAR 166-40-006 to 581-15-055
581-15-490
581-22-717
581-53-008

Cross References:

Policy CL - Administrative Reports
Policy DIC - Financial Reports & Statements
Policy DIE - Audits

Adopted 10/22/90

INSURANCE PROGRAMS

All District insurance coverage is to be written by a company that meets the industry standards with a rating on not less than A:AAA; is to be acceptable to the Board under the provisions of Oregon Law; and is to comply with the requirements of the Revised Oregon Tort Law.

Blanket building and equipment insurance will cover replacement costs at the same site, with a deductible determined by the Board to provide the lowest possible premium costs consistent with adequate protection from unanticipated expenditures.

General and personal liability insurance will cover District Board members and employees only while acting in their official capacity.

Errors and omissions and tort liability endorsement will be carried.

The District will provide liability coverage for all District-owned or leased vehicles.

The District will establish and provide the opportunity for students to purchase student accident insurance.

The District will not carry student accident insurance other than liability insurance, except at the high school level where athletic insurance, including catastrophic, is maintained.

Appraisal - All properties owned by the District shall be appraised periodically by qualified appraisers for insurance purposes.

END OF POLICY

Legal References:

ORS 30.260 - 265
278.005 - 215

Cross Reference:

Policy BHE - Board Members Insurance

Adopted 8/75
Revised 10/22/90

Code: **FA**
Adopted: 12/10/90
Revised: 9/22/08

Facilities Development Goals

Using fiscally-responsible decision making, the District will provide and maintain facilities that offer the best possible physical environment for learning and working. The Board, in consultation with the Superintendent and in consideration of the input from staff, parents and the community, aims specifically toward:

1. Providing buildings and renovations that will accommodate and facilitate those new organizational and instructional patterns that support the District's educational philosophy and instructional goals;
2. Meeting all safety requirements when remodeling of older structures;
3. Providing building renovations as needed to meet state and federal requirements on the accessibility and usability of facilities to person with disabilities;
4. Building design, construction and renovation that will allow low maintenance costs and the conservation of energy and consideration of benefits of life cycle costing.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.155

OAR 437-001-0760
OAR 437-002-0020 to -0074
OAR 581-022-1530

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Code: **FB**
Adopted: 12/10/90
Revised: 09/22/08

Facilities Planning

The Board will gather and analyze appropriate data to evaluate the District's facilities needs on a long-range basis as part of the Capital Improvement Program. Such data will include, but not be limited to, enrollment projections, anticipated changes in the instructional program, analysis of community building plans, analysis of sites and evaluation of present facilities. A periodic review and update will be provided for the Capital Improvement Program.

END OF POLICY

Legal Reference(s):

ORS 195.110
ORS 197.295 – 197.315
ORS 332.155

OAR 581-022-1530

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Enrollment Projections

Enrollment projections will be prepared at the direction of the Superintendent and will be reviewed and updated annually.

Projections will take into consideration the following:

1. Figures from the latest school census;
2. School registration figures;
3. Review of forthcoming changes in town planning and zoning;
4. Review of current and planned community land development and housing projects.

Whenever construction of new school facilities is being contemplated, the Board may authorize outside studies made of population trends and school enrollment.

END OF POLICY

Legal Reference(s):

ORS 195.110
ORS 332.107

OAR 581-022-1630

Capital Construction Program

The Board may submit to voters on any election date specified in Oregon Revised Statutes, the question of contracting a bonded indebtedness to build or renovate school buildings or to purchase school sites. Before such a bond election, the specific needs for facilities will be communicated to the public. Careful estimates will be made as to amounts required for site purchase, construction and equipment.

All new construction or alternations to existing buildings will ensure to the maximum extent feasible that facilities are readily accessible and usable by individuals with disabilities.

Following approval by the voters, the bonds to be issued will be advertised appropriately. The date of issue will be coordinated with tax collection dates, payments on bonds already outstanding and favorable market conditions. Disposition of the bonds may be accomplished by public sale on a competitive bid or negotiated basis, as determined by the Board.

The Board will annually appropriate District funds in the bonded debt service fund for the purpose of paying interest and principal on outstanding bonds. If sufficient funds are not available in the debt service fund, the Board will authorize by resolution an interfund loan for the purpose of meeting debt service requirements.

The capital projects fund is the fund authorized by the approval of the bond issue. Initial receipts from the sale of bonds are deposited in this fund and actual expenditures for sites, buildings and equipment are made from it. The Board will adopt an annual budget resolution authorizing withdrawal from the fund of the amounts needed to meet payments due architects, contractors and other individuals or firms. The Board will receive periodic reports on expenditures made from this fund as compared with original appropriations for various projects.

END OF POLICY

Legal Reference(s):

ORS 195.110	ORS Chapter 294	ORS 332.155
ORS 197.295 – 197.314	ORS 328.205	
ORS Chapter 255	ORS 328.542 – 328.565	

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Capital Improvement – Educational Program

To ensure all new and remodeled facilities are designed to best implement the educational program, the Superintendent will provide for detailed educational specifications prior to design and construction of new buildings or renovation of existing buildings. These specifications will include descriptions of:

1. All activities that will take place in the building;
2. The curriculum to be housed in the building;
3. Specific architectural characteristics desired;
4. The facilities needed, equipment requirements as provided by law, space relationships to other facility elements and ready accessibility and usability by persons with disabilities; and,
5. Pertinent budget and other governing factors.

The preparation of educational specifications serves a two-fold purpose:

1. To encourage staff and community input on the needs, desires and objectives of the educational program to be conducted within the proposed new building; and,
2. To organize this information in a manner that can be easily and clearly interpreted by an architect.

The Board, Superintendent, staff, student and citizen representatives and the architect should be involved in developing educational specifications. Consultants may be used when deemed necessary by the Superintendent and the Board. Consultant contracts will be approved according to board policy DJCA – Personal Services Contracts.

END OF POLICY

Legal Reference(s):

ORS 195.110
ORS 197.295 – 197.314
ORS 332.107
ORS 332.155

OAR 581-022-1530

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Construction Contracts, Bidding and Awards

The Board will serve as its own Local Contract Review Board. The Board will procure contracts for construction or renovation of facilities according to the provisions of state law and Oregon Administrative Rules. Prequalification of bidders may be required by the District. Contractors shall be registered as required by Oregon law.

For every contract for which a bond is required, a bond with good and sufficient sureties will be required of the contractor. The bond will be to the effect that:

1. The obligations of the contract will be faithfully performed;
2. Payment will promptly be made to all persons supplying labor or materials to the contractor or subcontractor for execution of the work provided in the contract;
3. All contributions due for Workers Compensation Insurance and State Unemployment Compensation from the contractor or subcontractor in connection with the performance of the contract will promptly be made;
4. All sums required to be deducted and retained from the wages of employees of the contractor and subcontractor will be paid.

END OF POLICY

Legal Reference(s):

ORS Chapter 279

Naming New Facilities

The Board shall be responsible for naming any building, site or other facility which is the property of the District.

In considering names for facilities, preference will be given to names associated with the community. Names of historical persons, places and events may be considered. Names of living persons will not be considered.

Recommendations from parent groups, students and residents of the District will be considered. The Superintendent will, upon request of the Board, prepare a list of possible names for new facilities. The Board may establish a committee for screening, reviewing and suggesting names. The Board shall have the final decision in the naming of the facility. The Board shall officially name a facility on or before the bid is let for construction of the facility.

END OF POLICY

Legal Reference(s):

ORS 332.107

Code: **FFA**
Adopted: 8/9/93
Revised: 9/22/08

Memorials

No memorials will be installed without prior approval of the Board. Any proposed memorial must be submitted to the Board in writing. The proposal must include an explanation of how the memorial will benefit the students of the District. The Board may request a recommendation from the building administration involved.

Items received as memorials become the property of the District. Principals must have the Superintendent's approval to accept any item that may require additional maintenance cost to the District. The Superintendent may establish guidelines for acceptance of such memorials.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.385

Code: **FFB**
Adopted: 8/9/93
Re-adopted: 9/22/08

Names on Building Plaques

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

1. Name of the school or building;
2. Board approved construction date;
3. Names of the Board members on the Board-approved construction date;
4. Name of the Superintendent;
5. Name of the architect; and,
6. Name of the contractor.

END OF POLICY

Legal Reference(s):

ORS 332.107

Board Inspection and Acceptance of New Facilities

The Board shall appoint a construction manager for all capital improvement projects requiring bids or proposal as set forth in Board policy DJC – Bidding Requirements and accompanying administrative regulations. The construction manager shall personally inspect each project. When the performance meets the District's expectation, the construction manager will recommend acceptance of performance to the Superintendent. The Superintendent shall make a final inspection and bring it to the Board for approval before signing off on the project and making payment.

END OF POLICY

Legal Reference(s):

ORS 332.107

Temporary District Facilities

The Board's aim is to have sufficient permanent facilities to meet the needs of school enrollment and the school program. Rented facilities, movable units and other emergency school housing may be inadequate for long-term public school purposes.

If circumstances require immediate space not available in public school buildings, facilities will be leased or moveable structures will be used as a temporary measure.

The Board encourages the involvement of staff, parents and the community in the decision making process whenever possible. The Superintendent will give due consideration to all such input in his/her recommendations to the Board. All final decisions regarding the use of temporary District facilities will be made by the Board.

Any such facility must conform to all appropriate federal, state, and local building and land use codes, health and fire laws, environmental standards and provisions for accessibility and usability as required by the American with Disabilities Act.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.155

OAR 437-001-0760
OAR 437-002-0020 to -0081
OAR 437-002-0161
OAR 437-002-0180 to -0182
OAR 437-002-0360
OAR 437-002-0368
OAR 437-002-0377
OAR 437-002-0390
OAR 437-002-0391

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Retirement of Facilities

Certain school buildings may no longer be adequate for instructional purposes and should be used to benefit the District or public in other ways. In determining which facility is to be retired for regular school purposes, the Board will be guided by this combination of factors:

1. Education flexibility: Which school building is least adaptable for housing a modern and flexible educational program?
2. Site: Which school site is least adequate for continued use as an educational center?
3. Cost: Which school building represents the highest cost in terms of upkeep, maintenance and renovation?

The Board encourages the involvement of staff, parents and the community in the decision making process whenever possible. The Superintendent will give due consideration to all such input in his/her recommendations to the Board. All final decisions regarding the retirement of District facilities will be made by the Board.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.155

OAR 437-001-0760
OAR 437-002-0020 to -0075
OAR 581-022-1530

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

t

PERSONNEL POLICIES GOALS

The Board recognizes that a dynamic, competent and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

The Board's specific personnel goals are:

- to recruit, select, and employ the best qualified personnel to staff the school system;
- to provide staff compensation and benefits programs sufficient to attract and retain qualified employees;
- to provide an inservice training program for all employees to improve their performance;
- to conduct an employee evaluation program that will contribute to the continuous improvement of staff performance;
- to assign personnel so as to ensure they are used as effectively as possible;
- to develop and maintain the morale necessary to obtain maximum staff performance and satisfaction.

END OF POLICY

Legal References:

ORS 342.850
332.505
332.535

P.L. 97-35, Section 558 (2) (B) of Chapter I, Title V

Adopted 3/8/82
Revised 12/10/90

PERSONNEL: DEFINITIONS

1. **Certified Employees** are those holding a position that requires a certificate issued by the State Teacher's Standards and Practices Commission.
 - a. **A teacher** is an employee who holds a position requiring a teacher's certificate.
 - b. **A permanent teacher** is one who has completed three consecutive years of at least 175 days of employment as a teacher in the District and who has been re-elected for a fourth year of teaching in the District.
 - c. **A probationary teacher** is one who is employed under regular contract as a teacher in the District who has not received permanent status by action of the Board according to provision of Oregon law.
 - d. **A temporary teacher** is any teacher employed to fill a position designated as temporary, experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, or dismissal of a permanent or probationary teacher. A temporary teacher is employed under contract for more than 30 working days in any one assignment.
 - e. **A substitute teacher** is any teacher who is employed to take the place of a probationary or permanent teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract, and does the work of the regularly assigned teacher during the latter's absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually in accordance with the provisions of Oregon law.
 - f. **An intern teacher** is a regularly enrolled student of a college or university who teaches under the supervision of the staff of such institution and of the District in order to acquire practical experience in teaching, for which the student receives academic credit from the institution and financial compensation from the District.
 - g. **A student teacher** is a regularly enrolled student of a college or university who observes and assists a District teacher and develops lessons to present to the class. The student teacher receives academic credit from the institution and the cooperating teacher receives financial payment from the institution and reduced costs for academic classes at the institution.
 - h. **An administrator** is an employee who has been granted administrative authority and who spends more than one-half time in organization, direction, supervision, control, or evaluation of employees in, or programs of, the District.

(continued)

PERSONNEL: DEFINITIONS (cont'd.)

2. **Classified Personnel** are those employees in job positions for which no teaching or administrative certificates are required by law.
 - a. **Regular classified employees** are those employed in a position established by the Board requiring 20 or more hours per week for at least a full school year.
 - b. **Part-time regular classified employees** are those employed in a position established by the Board requiring less than 20 hours per week for at least a full school year.
 - c. **Temporary classified employees** are those employed to provide additional services or to replace a regular classified employee on an infrequent and irregular basis.
 - d. **Substitute classified employee** takes the place of a regular employee for a period of no more than 60 days but are not considered members of the bargaining unit and are not eligible for the benefits of regular employees.
 - e. **Classified supervisory employees** are those who serve in positions that exercise administrative authority or supervisory responsibility over classified employees.
3. **Confidential Employees** are designated in accordance with Oregon law and provisions of the labor agreements between the District and its certified and classified employees. Such employees will be excluded from any bargaining unit.

END OF POLICY

Legal References:

ORS 243.650 (6)
342.610
342.815
342.835
342.840

Adopted 12/10/90

Job Descriptions

Job descriptions serve:

1. To describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. To describe attendance standards;
3. To help applicants determine the qualifications needed to fill a position;
4. To help district administrators determine which candidates to recommend for appointment; and
5. To assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions" as used in this policy means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

"Attendance standards" as used in this policy means the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the district.

Job descriptions will be developed under the supervision of the superintendent for each position in the district. Each job description shall be dated. As job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled *Job Descriptions for the Lowell District*. The document will be available for inspection by any district employee or patron. Each employee shall receive a copy of his/her job description. Each employee shall affix his/her signature and date after having read the job description.

Job descriptions will be reviewed periodically. Initial or revised job descriptions will be approved by the superintendent and will be presented to the Board for a resolution rescinding those that have been replaced and accepting new ones.

END OF POLICY

Legal Reference(s):

ORS 342.850(2)(b)(A)
OAR 581-022-1720

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.
Section 503 of the Rehabilitation Act of 1973.

PERSONNEL LISTS

The District will not release lists of employees to individuals, agencies or companies who intend to use such lists for commercial purposes.

This policy does not prohibit the release of rosters required or desirable for effective management of the District. Examples of permitted releases are listed below:

1. Lists of licensed/certified staff required by the State Department of Education and the Lane County Education Service District;
2. Lists to newspapers or program printers indicating special distinctions.

The intent of this policy is to assure staff privacy rights will not be violated.

END OF POLICY

Legal Reference:

ORS 332.107

GENERAL PERSONNEL POLICIES

The quality of the professional and support staff is of primary importance in achieving the educational objectives of the District. In filling any certified or classified position, therefore, the District will seek out and appoint the best qualified person available for the position.

The employment of candidates to fill certified positions will be approved by the Board upon recommendation of the Superintendent. The Superintendent will employ all classified employees, substitutes, and part-time personnel as needed.

Notice of all regular job openings will be made available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies, and general and specialized media.

Applications of inquiries concerning job openings will be received on standard District application forms. The selection process will be coordinated and supervised by the Superintendent, with the involvement of other appropriate administrators and supervisors.

Each candidate selected for a position with the District must possess or demonstrate eligibility for any certificate, license or permit required to fill the position. In addition, the individual must be insurable by the District's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the District may require any candidate, as a condition of employment, to hold a current, recognized first aid card. A current employee required to hold a card will obtain it within 90 days from the date on which the District gives notification.

Personnel selected for employment will be notified in writing of their selection following Board approval. This notification will specify the assignment, the job classification, the salary or hourly rate, the length of the work week, and the length of the assignment. Applicants who have been interviewed will be notified.

Initial assignments will be made by the Superintendent or designee.

The Superintendent will establish regulations governing the recruitment, selection, and employment of personnel in accordance with this policy.

END OF POLICY

Legal References:

ORS 342.169
653.305 - 326
659.340
OAR 581-22-715 (2)

Adopted 12/10/90

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veterans' status, genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated within the individual’s sex at birth.

Legal Reference(s):

ORS 174.100	ORS 659A.009	ORS 659A.321
ORS 192.630	ORS 659A.029	ORS 659A.409
ORS 243.672	ORS 659A.030	ORS 659A.805
ORS 326.051	ORS 659A.109	
ORS 332.505	ORS 659A.142	OAR 581-021-0045
ORS 342.934	ORS 659A.145	OAR 581-022-1720
ORS 659.850	ORS 659A.233	OAR 839-003-0000
ORS 659.870	ORS 659A.236	
ORS 659A.003	ORS 659A.309	
ORS 659A.006		

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R. Part 1626 (2006).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

AFFIRMATIVE ACTION

The District will take positive action to guarantee that employees are not discriminated against according to the District's Equal Employment Opportunity policy.

This policy will be disseminated to all employees through the available policy manuals located in building libraries, through union representatives, and inservice programs.

In addition, this policy will be available to all prospective employee candidates.

The Superintendent will be responsible for the implementation of this policy. The Superintendent will appoint each building administrator to be directly responsible to insure that the policy is strictly complied with and enforced. This responsibility will be made known to each building administrator and each will be responsible to ensure compliance.

The specific goals of the District shall be:

1. To eliminate and prevent discrimination in employment practices.
2. To attempt to employ qualified members of minority groups.
3. To maintain nondiscriminatory practices in employment.
4. To attempt to employ qualified handicapped employees.

The Superintendent or designee, will be responsible for monitoring the employment practices of the District as it relates to recruiting, hiring, training, transferring, promoting and retaining of employees.

The District has a grievance procedure for employees which is to be utilized for all complaints regarding alleged discriminatory practice. The grievance procedure is found in policy and conditions of the respective union contracts.

Affirmative Action (Con'd)

Non-employees who have alleged discriminatory practices complaints will be allowed a hearing before the Superintendent who will determine if discrimination has occurred and will recommend action to eliminate any discrimination found.

End of Policy

Legal References:

OAR 581-22-715

Cross Reference

Policy GBA - Equal Employment Opportunity
Policy GBAC - Americans with Disabilities

Adopted 1/11/93

AMERICANS WITH DISABILITIES

The District is committed to maintaining employment, facilities, communication and transportation practices that provide equity to disabled persons in all phases of the District's program services and benefits.

The District will provide reasonable accommodations for known disabilities of all qualified applicants for employment positions and current employees upon request and appropriate advanced notice. Primary consideration will be given to the requests of the disabled person in the selection of appropriate auxiliary aids and related services. Reasonable accommodations provided must not present an undue hardship for the District; must not be unduly costly, expensive or disruptive nor present a direct threat to the health and/or safety of the employees, students or community patrons who may come in contact with the disabled person.

All District facilities, transportation services and communication will be accessible and usable by disabled persons. The District authorized the Superintendent to develop and implement an appropriate plan that provides for District compliance with appropriate regulations to ensure equal access of disabled persons.

End of Policy

Legal References

Rehabilitation act of 1973, 29 U.S.C.A.
Sections 504, 791, 793, 794 (West 1985)

Americans with Disabilities Act of 1990,
P.L. 101-336, 104 STAT. 327 (1990)

Cross References

Policy GBA - Equal Employment Opportunity
Policy GBAB - Affirmative Action

RECRUITMENT, SELECTION, HIRING

Lowell School District is an affirmative action employer. Effort will be made to recruit, select and hire employees best qualified for the positions. No candidate will be denied employment based solely on disability, religious beliefs, sex, marital status, national origin, physical appearance, sexual preference, or age. The District will attempt to hire a balance of employees from the above classifications, however the major objective is to employ the best qualified and most competent persons available.

The Superintendent shall develop a brochure which describes the District and which will be sent to all candidates.

The Superintendent will send a notice of vacancy to teacher placement offices in all Oregon colleges and universities who train and prepare certified teachers. No teacher shall be hired without proper certification from the Oregon Teacher Standards and Practices Commission.

The Superintendent may elect to send the notice of vacancy to other agencies, colleges or universities outside the State of Oregon when, in his judgement, there are limited candidates from the Oregon sources or when there is a need for candidates not being trained by Oregon colleges and universities.

Every teacher candidate who applies to the District must provide the following before an interview is granted: 1) District application form, 2) placement file, 3) autobiography, 4) copy of certificate.

Classified employees will be required to submit a District application. Candidates as a bus driver will have their driving record investigated. No candidate will be hired without an interview and references checked.

END OF POLICY

Legal Reference

OAR 581-22-715

Staff Ethics

I. Conflict of Interest

No district employee will use his/her district position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household members or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board or budget committee member in the district.
5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

In order to avoid both potential and actual conflicts of interests, district employees must abide by the following rules when an employee's relative or member of the household is seeking and/or holds a position with the district:

1. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position.
2. A district employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee.
3. More than one member of an employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the superintendent's approval.

In the *conflict of interest context*, a "member of the household" means any person who resides with the employee and "relative" means:

1. The employee's spouse¹;
2. Any children of the employee or his/her spouse; and
3. Brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the employee, or his/her spouse.

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. All gift related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

1. "Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.
2. "Relative" *in the gift context* means the spouse of the employee; any children of the employee or of the employee's spouse; siblings, spouses of siblings or parents of the employee or of the employee's spouse; any individual for whom the employee has a legal support obligation; or any individual for

¹The term spouse includes domestic partners.

whom the employee provides benefits arising from the employee's public employment or from whom the employee receives benefits arising from that individual's employment.

3. "Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the official decision of an employee.

A decision means an act that commits the district to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

7. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

8. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:

- a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.
9. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
10. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees.

3. Gifts from “relatives” and “members of the household” are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
4. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.

5. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. *Organized Planned Events*. Employees are permitted to accept payment for travel conducted in the employee's official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation.
 - (b) The employee is representing the district:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the superintendent.
 - (2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
6. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the district.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
7. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i).
8. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
9. A gift received by the Board member as part of the usual or customary practice of the Board member's private business, employment or position as a volunteer that bears no relationship to the Board member's holding of public office.

10. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the employee.

END OF POLICY

Legal Reference(s):

ORS 244.010 to-244.400
ORS 260.005
ORS 294.311
ORS 294.336
ORS 332.016
ORS 659A.309

OAR 199-005-0003 to-199-020-0020
OAR 584-020-0040

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Staff Ethics

District employees are allowed financial benefits as identified in ORS 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use his/her district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Employees will not use district equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the district's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. District vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, a teacher cannot use the discount to purchase personal items. The teachers may use the discount to purchase items for district use. Employees can

¹The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission.
6. The employee's district position is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated. For example, if your brother owns a pest-control business which is seeking a contract with the district, you must declare an actual conflict of interest in writing, describing the nature of your conflict, and provide this to your supervisor.
7. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the public official's household or a business with which any are associated. For example, you should not use the information that a student in your class is falling behind in math to provide the parents a referral to your sister's tutoring business.
8. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the district, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board. The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose. *See* OAR 199-005-0020(43)(a). The district employee must be directly and immediately associated with the event or location being visited. If a district employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(6)(H)(i). Further, the employee can only accept the reimbursement of reasonable travel expenses from the private company, not any further compensation.

These restrictions do not apply if the district compensates the district employee for chaperoning the trip.

Mother Friendly Workplace

The district recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breast-feeding or expressing milk in the workplace. The Board directs the superintendent/designee to ensure that all district employees shall be provided with an adequate location for the expression of milk or breast-feeding.

The superintendent/designee shall see that the district makes a reasonable effort to provide a room or other location in close proximity to work areas, other than a restroom, where an employee can breast-feed her child or express milk in privacy.

Unless otherwise agreed to by the district and employee, the district shall provide the employee a 30-minute unpaid rest period to express milk during each four-hour work period, or the major part of a four-hour work period, to be taken by the employee approximately in the middle of the work period. If the district is required by law or contract to provide the employee with paid rest periods, the district shall treat the rest periods used by the employee for expressing milk as paid rest periods, up to the amount of time the district is required to provide as paid rest periods.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 653.077
ORS 653.256

STAFF HEALTH AND SAFETY

The Board directs the Superintendent to take all necessary and appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties.

The Superintendent will develop the District plan for dealing with any hazardous chemicals in the work place. Such plan will include the proper labeling, storage, and disposal of all such materials.

The Superintendent will develop District-wide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, all employees will be trained to recognize and respond appropriately to the presence of any hazardous chemical. All personnel who during the performance of their duties or in any foreseeable emergency may be exposed to hazardous chemicals will be so informed and will be trained to deal appropriately with these chemicals.

The Superintendent will provide to all staff members the MSDS (Material Safety Data Sheets) which must accompany any hazardous substance used in the school setting.

The School District nurse is responsible for reporting unsatisfactory health condition in the schools.

All employees are encouraged to be health and safety conscious. Any less than acceptable conditions noted will be reported to the school nurse who will forward the information to the Superintendent.

END OF POLICY

Legal References:

OAR 437-155-015
437-155-030
591-24-275

Adopted 8/75
Revised 12/10/90

PAYMENTS FOR TIME LOSS

Lowell School District employees are covered by State Compensation Department Insurance through contributions by both employer and employee. Employees are also allowed sick leave with pay.

Therefore:

1. When payment is received from the State Compensation Commission for time loss and the employee is also covered by the School District's sick leave policy, the employee may:
 - a. Endorse over the School District Compensation checks covering time loss and receive full sick pay under District policy; or
 - b. Retain compensation checks covering time loss and not receive sick leave pay.
2. All payments for time loss when employee is not covered by sick leave remain the property of the employee.
3. All State Compensation payments made on claims of disability treatment or hospitalization expenses remain the property of the employee.

END OF POLICY

Legal References:

ORS 656.017
656.033
656.202
656.228

Adopted 8/75

Revised 8/9/93

STAFF PROTECTION

Job related assault will be defined as any physical assault or battery upon an employee which takes place at any time during an employee's performance of work-related duties, either on school grounds or off.

1. Self-Protection Employees may take reasonable and necessary action to protect themselves from immediate impending assaults, but the employee must also use appropriate measures to avoid assault.
2. Reporting the Assault
 - a. The employee will report the assault or see that the assault is reported to his/her supervisor as soon as possible after the event;
 - b. The supervisor will assist in: (1) seeing that appropriate medical attention is given and/or arranged for; (2) seeing that the assault is reported and/or filed with the appropriate police agency; (3) reporting the incident to the Lowell School District insurance companies so that insurance procedures can be initiated;
 - c. The incident will be reported to the school attorney by the Superintendent or a designee.
3. Attorney assessability The District will arrange, at District expense, a conference with the school attorney. The attorney will provide the employee with information and/or direction in regard to:
 - a. Filing the complaint with the proper authorities;
 - b. Criminal trial procedure;
 - c. The availability of civil remedies.
4. Days Missed as a Result of Assault Days absent from duty, whether for injury, doctor's direction, hospitalization, attorney consultation or court proceedings directly related to the assault, will not be charged against any leave days, but the absences must be consistent with worker's compensation guidelines.

STAFF PROTECTION (Cont'd)

Limitations:

- a. The District reserves the right of approval of the choice of doctors.
 - b. The doctor must release the employee for return to work.
 - c. Upon the doctor's release, the employee must return to work. If the employee does not return to work, after the doctor's release and if the absence is or is claimed to be a result of the assault, the absence(s) will be subtracted from the employee's accumulated sick leave;
 - d. The District reserves the right to be in consultation with the attending physician before and/or after the release of the employee.
5. Medical Expenses as a Result of assault The District will apply for worker's compensation on behalf of the employee. The employee will also be eligible for any medical insurance and accidental death and dismemberment provisions available at the time, if the employee is on the roll for these benefits prior to the assault.
6. Salary of the Employee The District will pay the difference between what workers' compensation pays and the employee's regular daily salary for as long as the employee is absent from work as a direct result of the assault.

Limitations: The District will pay the difference for no more than one calendar year.

7. Termination of Assault Benefits The benefits described will terminate when:
- a. The doctor has released the employee to return to work;
 - b. The employee is found to be the aggressor in the incident; or
 - c. The employee resigns.
8. Findings of Fault In the event a court of law finds that the employee was the aggressor in the assault incident, all payments of benefits will cease and the District will have a cause of action against the employee for repayment of benefits.

END OF POLICY

Legal Reference:

Communicable Diseases

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Protection from communicable disease generally shall be through immunization, exclusion or other measures provided for in Oregon Revised Statutes and Oregon Administrative Rules. Employees shall comply with all measures adopted by the district and with all rules set by the Oregon Health Services and the county health department. Employees have a responsibility to report to the district when infected with a communicable disease unless stated otherwise by law.

Employees shall provide services to students who are infected with a communicable disease except as provided by law. In those cases where a communicable disease is diagnosed and confirmed, the district shall inform the appropriate employees to protect against the risk of exposure.

Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons, including those who are infected with a communicable disease, and shall provide the services in accordance with this policy. Where the district knows that a person is infected with a communicable disease it shall inform the employees, as appropriate, to protect against the risk of exposure.

No employee shall be denied the opportunity to provide service solely on the basis that the employee is infected with a communicable disease except as otherwise required by law. However, the district may require an employee infected with a communicable disease, which is diagnosed and confirmed, to comply with such reasonable measures, including submission to district paid medical examinations, as may be determined as conditions of continued employment.

The district will include as a part of its emergency procedure plan a description of the actions to be taken by district personnel in the case of pandemic flu outbreak or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of an employee's health condition/record to the extent possible.

END OF POLICY

Legal Reference(s):

ORS 433.255
ORS 433.260
OAR 437-002-0360
OAR 581-022-0705

AIDS, H.I.V. AND HEPATITIS B

GENERAL

1. Employees with HTLV-III or AIDS infection should not pose a health risk to students, other employees or to community members.
2. Employees with HTLV-III or AIDS should be allowed to continue employment.
3. Decisions regarding employment assignment will be made on a case-by-case basis, taking into consideration all available information on the specific case at hand.
4. The anonymity of the employee will be preserved.

SPECIFIC

1. If the District has reasonable cause to believe that an employee is infected with HTLV-III or AIDS, the employee may be required to have an appropriate physical evaluation and will immediately release the information from the physician to the District.
2. The District will reimburse the employee for the cost of the physical evaluation should the evaluation prove to be negative.
3. The Superintendent will immediately form a Planning Team to review the employee's assignment to determine if such assignment may create a health risk for other persons. This team will include:
 - a. school nurse
 - b. employee
 - c. employee's physician
 - d. employee's immediate supervisor
 - e. other appropriate health agency representatives
4. When it becomes known that an employee is infected with HTLV-III or AIDS, the Superintendent will determine if reassignment of the employee is necessary.
5. The Superintendent will initiate a Communications Team to plan and manage communications with all parties regarding the case.
6. Responsibilities of the Planning Team will include:
 - a. review of employees present assignment
 - b. determination as to possibilities of transmission
 - c. recommendation to the Superintendent regarding retention in present position, reassignment or modification of present assignment.
7. If reassignment of the employee is believed to be advisable by the Superintendent, the action taken will follow review and consideration of policies, regulations and practices that govern such reassignments for medical reasons, including the use of appropriate sick leaves and other leaves.

(continue)

AIDS, H.I.V. AND HEPATITIS B (cont'd.)

8. The school nurse will contact the employee's physician at least once every sixty (60) days to insure effective communications about the condition of the employee.
9. If at any time the school nurse, in consultation with the employee's physician, determines that a risk of transmission exists, the Superintendent shall exclude the employee from his/her assignment until such time as appropriate action has been initiated which would eliminate the danger of transmission.
10. The employee's right to privacy and the confidentiality of medical records will be preserved. Only as much information as necessary will be communicated to the staff and community so that news is managed and the credibility and trustworthiness of the District is preserved.
11. The Planning Team may reconvene at the Superintendent's request for further evaluation and study if there is evidence that an alternative assignment may be required.

END OF POLICY

Adopted 4/13/87

Communicable Diseases

In accordance with state law, rule and health authority communicable disease guidelines, procedures, as established below, will be followed:

School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A district employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (*) the restriction may be removed by a school nurse. For pediculosis, or head lice (indicated by a double asterisk) (**), the restriction may be removed after the parent provides a signed statement that a recognized treatment has been initiated. School restrictable diseases include, but are not limited to:
 - a. Chicken pox*;
 - b. Cholera;
 - c. Diphtheria;
 - d. Measles;
 - e. Meningococcal disease;
 - f. Mumps*;
 - g. Pediculosis** (head lice);
 - h. Pertussis (whooping cough);
 - i. Plague;
 - j. Rubella (German measles);
 - k. Scabies*;
 - l. Staphylococcal skin infections*;
 - m. Streptococcal infections*;
 - n. Tuberculosis;
 - o. Pandemic flu or other catastrophe.

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;

5. More stringent rules for exclusion from school may be adopted by the local health department or by the district through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3. above, in accordance with OAR 333-019-0015 (2), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease.
8. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Notification

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Department of Human Services, Health Services, and county health department.
2. Employees have a responsibility to report to the district when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate district response. Reportable diseases include, but are not limited to:
 - a. Acquired immunodeficiency syndrome (AIDS);
 - b. Amebiasis;
 - c. Anthrax;
 - d. Botulism;
 - e. Brucellosis;
 - f. Campylobacteriosis;
 - g. Chancroid;
 - h. Chlamydia trachomatis infection of the genital tract;
 - i. Cholera;
 - j. Cryptosporidiosis;
 - k. Diphtheria;
 - l. Escherichia coli 0157-caused illness;
 - m. Food-borne illness;
 - n. Giardiasis;
 - o. Gonococcal infections;
 - p. Haemophilus influenzae-caused invasive disease;
 - q. Hemolytic uremic syndrome;
 - r. Hepatitis (A; B; non-A, non-B and delta);

- s. HIV infection*;
- t. Leprosy;
- u. Leptospirosis;
- v. Listeriosis;
- w. Lyme disease;
- x. Lymphogranuloma venereum;
- y. Malaria;
- z. Measles (Rubeola);
- aa. Meningococcal disease;
- bb. Pelvic inflammatory disease, acute, nongonococcal;
- cc. Pertussis;
- dd. Plague;
- ee. Poliomyelitis;
- ff. Psittacosis;
- gg. Q fever;
- hh. Rabies (human and animal cases);
- ii. Rocky Mountain spotted fever;
- jj. Rubella (including congenital rubella syndrome);
- kk. Salmonellosis (including typhoid fever);
- ll. Shigellosis;
- mm. Syphilis;
- nn. Tetanus;
- oo. Trichinosis;
- pp. Tuberculosis;
- qq. Tularemia;
- rr. Yersiniosis.

*Does not apply to anonymous HIV testing.

4. With consultation and direction from the district's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

Education

1. The school administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1. above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

Equipment and Training

4. The school administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
5. The school administrator or designee shall consult with the district's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

All district personnel will be instructed annually by the school health nurse to use the proper precautions pertaining to blood and body fluid exposure.

DRUG AND ALCOHOL TESTING - TRANSPORTATION PERSONNEL

In a continuous effort to prevent accidents and injuries resulting from the misuse of drugs and alcohol by drivers of district students, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.

The Superintendent will develop administrative regulations as needed to implement the District's program including such provisions for pre-employment/pre-duty, reasonable suspicion, random and post-accident testing as may be necessary. The regulations will include training, education and other assistance to employees to promote a drug and alcohol-free environment.

End of Policy

Legal References:

Omnibus Employee Testing Act of 1991
P.L. 102-143
Title V
49 CFR PTS.
40, 382, 391-395

Adopted 8/8/94
Effective S.Y. 1995-96

DRUG AND ALCOHOL TESTING - TRANSPORTATION PERSONNEL

The following procedures shall govern the District's drug and alcohol misuse prevention program:

I. Program Coordinator:

The Superintendent will be designated as the District's drug and alcohol misuse prevention program coordinator. The superintendent will coordinate the District's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Training Act of 1991. The Superintendent will:

- A. Ensure that all covered employees receive written materials explaining the District's drug and alcohol misuse prevention program requirements;
- B. Ensure that employees sign statements certifying that they have received the written material;
- C. Ensure that supervisors designated to determine reasonable suspicion receives at least 60 minutes of drug misuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug abuse and alcohol misuse;
- D. Ensure district compliance with applicable provisions of the Omnibus Act's requirements regarding the District's management information system, retention and confidentiality of records;
- E. Ensure selection of a site with a certified breath alcohol technician and testing devices for alcohol testing;
- F. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- G. Ensure selection of a laboratory certified by the Department of Health and Human Services to conduct drug specimen analysis;

- H. Ensure selection of a qualified medical or osteopathic doctor to serve as a Medical Review Officer to verify laboratory drug test results;
- I. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the Omnibus Act.
- J. Ensure the District's drug and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the District office. The District shall maintain the following:
 - 1. The effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - 2. The manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - 3. Documentation of training given to employees and supervisory personnel;
 - 4. Documentation that drug and alcohol training for all covered employees has consisted of at least 60 minutes.
 - 5. Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - 6. Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes.
- K. Ensure the establishment of clearly defined communication procedures to include the method and frequency as well as the authorized individuals to impact and receive information to meet the documentation and confidentiality requirements of the Omnibus Act;
- L. Ensure employee organizations receive written notice of the availability of all pertinent drug and alcohol misuse prevention program information.

II. Pre-Employment Testing:

- A. All offers of employment for student transportation personnel as required by the Omnibus Act will be contingent upon drug and alcohol test results.

- B. Applicants must provide for the release of any prior employer positive drug and alcohol testing results, any subsequent substance abuse professional evaluations, return to duty tests and record of any refusal to be tested within the preceding two (2) years;
- C. Release of such information may be by telephone, letters or any other method that ensure confidentiality. The District will maintain a written, confidential record of each past employer contacted;
- D. Prior to being directed by the District to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and that breath testing shall be conducted for the presence of alcohol;
- E. Pre-employment drug and alcohol testing will be paid by the applicant.
- F. Failure to report to the collection site for testing within the time frame specified by the District shall constitute a refusal to report and result in immediate termination of employment consideration;
- G. Alcohol tests must indicate less than 0.04 alcohol concentration as required by law and negative drug test results.
- H. Alcohol and drug tests will also be required of any employee transferred voluntarily or involuntarily to a position covered by this policy.
- I. Testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing will not be required after a layoff.
- J. The District will notify applicants of the results of the drug and alcohol testing upon written request within 60 days of being notified of the disposition of the employment application;
- K. Refusal to submit to drug and/or alcohol testing and/or to provide for the release of information as required by the District shall result in immediate termination from employment consideration;

- L. The applicant may require a re-test of the urine sample at his/her own expense. All such requests must be received in writing by the District no later than 5 working days following notification to the applicant of the positive test results. Re-tests will be conducted at a site selected by the District.
- M. The District will not provide exceptions to pre-employment drug and alcohol testing requirements.

III. Post-Accident Testing

The district shall conduct post-accident testing as follows:

- A. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following an accident which occurs while the employee is performing district safety sensitive functions in which any person involved has been fatally injured or a citation for a moving traffic violation arising from the accident has been issued. Reporting for testing must occur within 32 hours.
 - 1. The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - 2. If alcohol testing has not been administered within two (2) hours, the district will prepare and maintain on file a record stating the reasons the test was not promptly administered;
 - 3. If alcohol testing is not administered within eight (8) hours the district will cease attempts to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
 - 4. If drug testing has not been administered within thirty-two (32) hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - 5. The employee will inform the (district drug and alcohol misuse prevention program coordinator) (district official) or designee as soon as practicable following the accident.

- B. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone numbers of district drug and alcohol misuse prevention program coordinator or other district officials to contact;
- C. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident or to obtain necessary emergency medical care;
- D. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- E. An employee who has actual knowledge of an accident in which his/her performance has not been discounted as a contributing factor is prohibited from using alcohol for eight (8) hours after the accident or until the employee undergoes a post-accident test.

IV. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- A. First year testing rates of 50% of the average number of employee drivers for drugs and 25% of the average number of employee drivers for alcohol. Any unfilled covered positions will be included as part of the total number of positions counted by the district for testing rate purposes;

- B. The testing rate will be adjusted annually according to industry rates as established by the Federal Highway Administration;
- C. The testing process shall, in fact, be random. All employees will remain in the pool of drivers for each subsequent period, whether or not they have been chosen for testing in the past;
- D. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:
 - a. Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used;
 - b. Cards will be placed into a container from which the required number will be drawn;
 - c. The individual selected by the district to do the drawing will be unbiased;
 - d. All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.
- E. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year";
- F. Following notification of testing, selected employees shall proceed to the district selected collection site immediately or as soon as practicable;
- G. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive function, during or just after performing such function;
- H. Employees off work due to leaves, vacation and layoffs will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty.

V. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- A. The district will test covered employees whenever there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- B. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- C. Reasonable suspicion will be confirmed by a second trained supervisor, whenever possible, before testing shall be required;
- D. Hearsay or second hand information is not sufficient to require an employee to submit to testing;
- E. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the work day that the employee is required to be in compliance with this policy administrative regulations and the provisions of the Omnibus Act. The observing supervisor is generally prohibited from performing the alcohol test on the employee;
- F. If alcohol testing is not administered within two (2) hours, the district will prepare and maintain on file a record stating the reasons the test was not promptly administered;
- G. If alcohol testing is not administered within eight (8) hours, the district will cease attempts to administer an alcohol test and will prepare and maintain a record specifying why the test was not administered;
- H. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the (supervisor) (administrator) authorized to make such observations within 24 hours of the observed

behavior or before the results of the drug test are released, whichever is earlier.

Such documentation is not required for reasonable suspicion alcohol testing;

- I. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

VI. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- A. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of substance abuse professionals (SAP's) and counseling and treatment programs;
- B. An employee who engages in such prohibited conduct shall be evaluated by a substance abuse professional (SAP);
- C. The substance abuse professional (SAP) will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- D. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs and/or alcohol;
- E. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- F. Substance abuse professionals (SAP's) as referred to in these administrative regulations means:
 1. Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 2. Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and

3. Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors ("NAADAC"). This does not include state-certified counselors.

VII. Return to Duty Testing

Employees, if they continue employment and return to duty, shall comply with the following:

- A. Whenever an employee has previously tested positive for alcohol misuse, the employee must test with an alcohol concentration of less than 0.02;
- B. Whenever an employee has previously tested positive for drug use, the employee must test with a verified negative test result.

VIII. Follow-Up Testing

Employees, if they continue employment shall comply with the following:

- A. Follow-up testing will be conducted whenever a substance abuse professional (SAP) determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- B. Follow-up alcohol testing will be conducted only when the employee is performing safety sensitive functions, just before or just after the driver has performed safety sensitive functions;
- C. Follow-up drug and alcohol testing will be unannounced. The number and frequency of such tests shall be determined by the substance abuse professional (SAP). Minimally, there shall be:
 1. At least 6 tests in the first 12 months following the driver's return to duty;
 2. Testing shall not exceed 60 months from the date of the employee's return to duty. The substance abuse professional (SAP), however, may terminate the follow-up testing at any time after the first 6 tests if he/she determines the testing is no longer needed.

IX. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities shall maintain drug and alcohol testing procedures as follows:

A. Drugs

1. The applicant or employee reports to the district designated collection site and provides positive identification;
2. A urine sample for drug testing is provided. A "split sample" (second urine specimen bottle) is collected;
3. Following completion of a chain of custody form, both specimen bottles are forwarded to the Department of Health and Human Services (DHHS) certified laboratory for analysis. The second specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
4. Testing results are reported to the district-selected Medical Review Officer (MRO) by mail or electronic transmission. Results may not be given over the phone;
5. The Medical Review Officer (MRO) will verify both negative and positive testing results;
6. The Medical Review Officer (MRO) will report the verified negative testing results to the district;
7. The Medical Review Officer (MRO) will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
8. A verified valid medical reason for a positive testing result will be reported as a negative testing result to the district;
9. If no legitimate medical reason exists for positive testing, the Medical Review Officer (MRO) will report verified positive testing and identity of the substance(s) to the district;

10. The employee or applicant may request within 72 hours of a positive test notice that the second specimen sample be tested. Such re-testing costs will be paid for by the district;
11. Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of drugs;
12. The Medical Review Officer (MRO) will report results of the re-testing to the employee and the district;
13. The Medical Review Officer (MRO) will meet all Omnibus Act requirements including review of chain-of-custody control form, administrative processing of negative testing results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
14. Detailed drug testing procedures may be obtained by contacting the district's drug and alcohol misuse prevention coordinator or designee.

B. Alcohol

1. The applicant or employee reports to the district designated testing site and provides positive identification;
2. Under the alcohol testing rule, a positive alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
3. All testing will be conducted by a properly certified breath alcohol technician and using evidential breath testing devices. Testing may be conducted at a Department of Health and Human Services (DHHS) certified laboratory other location including mobil facilities equipped for such testing as may meet the requirements of the Omnibus Act, including:
 - a. The capability to provide printed results in triplicate and assigning unique and sequential numbers visible to both the breath alcohol technician and the applicant or employee before each test and printed out on the result;
 - b. The capability to provide an "air blank" or test of the ambient air to ensure that it reported zero when no one was breathing into the instrument;

4. District supervisors should generally not be used as a breath alcohol technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another breath alcohol technician;
5. The applicant or employee submits to breath testing;
6. If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a second confirmation breath testing is administered at least 15 minutes, but no longer than 20 minutes, after the initial testing;
7. The breath alcohol technician will report any invalid tests in which the initial positive test and the confirmation test do not match, confirmed positive and negative results to the district;
8. Applicant or employee refusal to sign forms as required shall be considered as refusal to be tested;
9. The breath alcohol technician will meet all Omnibus Act requirements including such testing procedures, Breath Alcohol Testing form and confidentiality requirements as may be required;
10. Detailed alcohol testing procedures may be obtained by contacting the district's drug and alcohol misuse prevention program coordinator or designee.

X. Record Keeping\Record Reporting

The district shall maintain records of its drug and alcohol misuse prevention program as follows:

- A. Records related to the collection process:
 1. Documents relating to the random selection process;
 2. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 3. Documents generated in connection with decisions on post-accident testing;
 4. Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;

5. An annual calendar year report summarizing results of the district's drug and alcohol misuse prevention program to meet applicable provisions of the Omnibus Act's Management Information System reporting requirements. By March 15 of each year, the district shall complete the annual summary covering the previous calendar year.

The Federal Highway Administration may request that the district's annual report be submitted for review. Such requests will generally be made in January. The district's annual report shall be submitted no later than March 15 of the year of the request.

(If alcohol testing is provided directly by the district, include the following additional recordkeeping requirements.)

6. Collection logbooks, if used;
7. Calibration documentation for evidential testing devices;
8. Documentation of breath alcohol technician training.

B. Records related to a driver's test results, including:

1. The district's copy of the alcohol test form, including the test results;
2. The district's copy of the controlled substance test chain-of-custody and control form;
3. Documents sent by Medical Review Officer (MRO) to the district;
4. Documents related to the refusal of any employee to submit to a drug and/or alcohol testing;
5. Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the Omnibus Act.

C. Records related to evaluations as follows:

1. Records pertaining to a determination by a substance abuse professional (SAP) concerning a driver's need for assistance;
2. Records concerning a driver's compliance with recommendations of the substance abuse professional.

D. Records related to education and training as follows:

1. Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
2. Driver's signed receipt of education materials;
3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
4. Certification that any training conducted in compliance with the Omnibus Act meets all pertinent requirements for such training.

E. Records related to drug testing as follows:

1. Agreements with collection site facilities, laboratories, Medical Review Officers (MRO) and consortia as applicable;
2. Names and positions of officials and their role in the district's drug and alcohol testing program(s);
3. Monthly laboratory statistical summaries of urinalysis as required by the Omnibus Act and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

F. Records will be retained by the district as follows:

1. Five years:
 - a. Records of employee alcohol testing results with results indicating an alcohol concentration of 0.02 or greater;
 - b. Records of verified positive drug testing results;
 - c. Documentation of refusals to take required drug and/or alcohol tests;
 - d. Employee evaluation and referrals;
 - e. A copy of each annual calendar year report summary;
 - f. Equipment calibration documentation as applicable (See X. A. 6, 7 and 8).

2. Two Years:
 - a. Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices) and training.
3. One year:
 - a. Records of negative and cancelled drug testing results.

G. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

1. Drug and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file.
2. Employees are entitled upon written request to obtain copies;
3. The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee of National Transportation Safety Board safety investigations;
4. The district shall disclose such information to subsequent employers upon written request from the employee;
5. The district will provide access to any drug and alcohol collection and/or testing facility maintained by the district.

Adopted 8/8/94
Effective S.Y. 1995-96

CODE: GBG

POLITICAL ACTIVITIES

School employees will refrain from partisan political activity or agitation during school hours about the school premises.

END OF POLICY

Adopted 8/75

Staff/Student/Parent Relations

The Board encourages parents to be involved in their student's school affairs and, unless otherwise ordered by the courts, an order of sole custody to one parent shall not deprive the other parent access to the student's education records.

The parent having sole custody will be contacted before such records are released to a noncustodial parent. Only if the parent having sole custody presents a court document to the contrary will the noncustodial parent be denied access to the records.

Otherwise, the noncustodial parent may receive and inspect the student's education records and consult with school staff concerning the student's welfare and education to the same extent as provided the parent having sole custody.

Noncustodial parents will not be granted visitation or telephone access to the student during the school day nor will a student be released to the noncustodial parent without written permission of the parent having sole custody.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

ORS 107.154
ORS 109.056

ORS 163.245 - 163.257

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2008).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

STAFF FUNDS MANAGEMENT

The Board will provide a fund for professional development in accordance with the terms of the current collective bargaining agreement between certified employees and School District No. 71.

Each request for reimbursement from the fund, for any teacher during the school year, must be approved by the Superintendent prior to the start of the activity for which reimbursement of expenses is being requested. Reimbursement of approved professional development expenses will be made at the end of the first full month of employment under the current teaching contract. The teacher must agree, in writing, that in the event of any early termination of employment with District No. 71, the terminated employee will make a pro rata repayment to the District. If professional leave to attend workshops is approved by the Superintendent, the teachers will be paid for expenses (Mileage, room, meals, etc.) according to the established limits; and the Board will pay the cost of necessary substitutes.

END OF POLICY

Adopted 8/75
Revised 8/14/78
Revised 2/28/83
Revised 9/28/87

Tobacco-Free Environment

It is the school's obligation to protect the health, welfare and safety of students. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with district curriculum and Oregon law, student possession, use, distribution or sale of tobacco in any form on district premises, at school-sponsored activities on or off district premises, in district-owned, rented or leased vehicles, or otherwise while the student is under the jurisdiction of the school is prohibited.

For the purpose of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form, nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes). This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

Tobacco use, distribution or sale by staff and all others is also prohibited on district premises in any building, facility, or vehicle owned, leased, rented or chartered by the district, school, or public charter school and at all school-sponsored activities.

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the principal, attendance and completion of such programs, or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.

Violation of this policy by nonstudents may result in the individual's removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

This policy shall be enforced at all times. The superintendent will ensure administrative regulations as needed are in place to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 332.107	OAR 581-021-0050 to -0075
ORS 336.222	OAR 581-022-0413
ORS 336.227	OAR 581-021-0110
ORS 339.240	OAR 581-053-0015
ORS 339.250	OAR 581-053-0545(4)(c)(R)-(T)
ORS 433.835 - 433.990	OAR 581-053-0550(5)(q)-(s)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

Personnel Records

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions to be placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the superintendent to inspect the contents of his/her personnel file on any day the superintendent's office is open for business;
2. Others designated in writing by the employee;
3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Attorneys for the district or the district's designated representative on matters of district business.
8. The disciplinary records¹ of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and may be released to any person upon

¹Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

9. Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, a district shall provide the records of investigations of suspected child abuse by a district employee.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in his/her opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

END OF POLICY

Legal Reference(s):

ORS 342.850
ORS 652.750

ORS 342.143
SB 755 (2005)

OSEA v. Lake County School District, Case No. C-202-83, 8 PECBR 7837 (1985); rev'd, 81 Or App 623 (1986); order on remand, 9 PECBR 9501 (1987); aff'd, 93 Or App 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil rights.
2. The disclosure is of the disciplinary records¹ of a district employee who has been convicted of a crime listed in ORS 342.143. These records are not exempt from disclosure under ORS 192.501 or ORS 192.502 and shall be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.
3. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.
4. Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).

END OF POLICY

Legal Reference(s):

ORS 30.178
ORS 339.370 - 339.375
ORS 339.388(7)

ORS Chapter 659
ORS Chapter 659A

¹Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

STAFF COMPLAINTS AND GRIEVANCES

All employees of the District shall have the right to pursue any grievance in accordance with the District's grievance procedures.

If any employee wishes to bring a complaint not subject to the grievance procedure before the Board, the matter shall first be taken to the Superintendent who shall seek to resolve it at the administrative level. If it is not satisfactorily resolved at that level the Superintendent shall, at the request of the employee or representative, place the matter on the agenda at the next regular School Board meeting.

END OF POLICY

Cross Reference:

Collective Bargaining Agreement

Adopted 8/14/78

Sexual Harassment

It is the policy of the Lowell School District to maintain a working environment free from any form of harassment related to a person's sex. Sexual harassment includes any unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or other conduct or communication of a sexual nature when:

The employee's submission to the conduct or communication is made a term or condition of employment.

The employee's submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment.

The conduct or communication has the purpose or effect of substantially interfering with the individual's work performance; or

The conduct or communication has the effect of creating an intimidating, hostile, or offensive environment.

No employee will use the authority of his or her position to subject any other employee to sexual harassment, as defined above.

Administrators and supervisors are responsible for their own conduct and for the conduct of the employees they supervise and will take affirmative steps to stop sexual harassment by subordinates when it is brought to their attention, including warning or disciplining the offending employee.

The Superintendent will establish a process by which employees experiencing or aware of sexual harassment are to inform appropriate District officials and to seek review of the response or action taken.

There will be no retaliation by the District official or employee against any person who, in good faith, reports conduct constituting sexual harassment.

END OF POLICY

Legal Reference(s):
ORS 342.850
ORS 342.865
Title VII or ERSA

Harassment

The Board is committed to providing a positive and productive learning environment and prohibits hazing, harassment, intimidation, menacing or bullying by students, staff or third parties.

“District” includes district facilities, district premises and non-district property if there is any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where an employee is engaged in district business.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, cultural background or geographic location.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official bus stop, and that has the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment.

The Board is also committed to the elimination of sexual harassment in district schools and activities. Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. The employee’s submission to the conduct or communication is made a term or condition of employment;

2. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting a student or employment or assignment;
3. The conduct or communication is so severe, pervasive or persistent that it has the purpose or effect of unreasonably interfering with a student's educational performance or an individual's work performance; or
4. The conduct or communication creates an intimidating, hostile or offensive working environment.

Examples of harassment may include, but not be limited to, intimidation (physical, verbal, written) jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Harassment by Board members, employees, parents, students, vendors and others doing business with the district is prohibited. Employees or students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal or expulsion. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Administrators and supervisors are responsible for their conduct and for their employees' conduct and will be proactive in making the district's policy known by staff and in taking other steps to stop harassment by subordinates when observed or brought to their attention, including warning or disciplining the offending employee. Any employee who has knowledge of conduct in violation of this policy or feels he/she is a victim of harassment must immediately report his/her concerns to the building principal, their supervisor or superintendent who have overall responsibility for all investigations. Complaints involving violations of this policy by the superintendent shall be filed directly with the Board chair.

The superintendent will establish a process of reporting for those employees experiencing or observing acts of harassment. There will be no retaliation by the district against any person who, in good faith, reports harassment. False charges shall also be considered a serious offense and will result in disciplinary action or other appropriate sanctions.

END OF POLICY

Legal Reference(s):

ORS 243.706	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	
ORS 342.850	ORS 659A.030	

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).

Harassment Complaint Procedure

Building principals and the superintendent have responsibility for investigations concerning harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

- Step 1 Any harassment information (complaints, rumors, etc.) shall be presented to the building principal, supervisor or superintendent. Complaints against the building principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of my complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- A copy of the notification letter or the date and details of notification to tile complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.
- Step 3 If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal much be filed within 10 working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chair.

Civil rights complaints related to employment may be filed directly with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Civil rights complaints related to educational programs and services may be made directly to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the building principal, compliance officer or superintendent.

Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Code: **GBNA**
Adopted: 11/23/09
Revised: 4/26/10

Hazing/Harassment/Intimidation/Bullying/Menacing – Staff

The Board is committed to providing a positive and productive learning and working environment. Hazing, Harassment, intimidation, menacing or bullying and acts of cyberbullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the district. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.

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

Individuals may also be referred to law enforcement officials. Licensed staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):

ORS 163.190
ORS 163.197(2)
ORS 166.065
ORS 166.155 - 166.165
ORS 332.072
ORS 332.107
ORS 659A.030

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, and acts of cyberbullying and menacing.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises and nondistrict property if the employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student/staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, grade level attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student/staff); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability or sexual orientation.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, or sexual orientation.
6. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that intimidates, harasses or is otherwise intended to harm, insult

or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person's true or false identity.

7. "Menacing" includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Complaint Procedures

Principals and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying and acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of conduct in violation of Board policy JFCF – Harassment/Intimidation/Bullying/Cyberbullying – Student shall immediately report his/her concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, bullied, cyberbullied or menaced in violation of this policy shall immediately report his/her concerns to the designated district official.

Complaints will be promptly investigated in accordance with the following procedures:

- Step 1 Any hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing information (complaints, rumors, etc.) shall be presented to the superintendent. Complaints against the principal shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within [five] working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing complaints and documentation will be maintained as a confidential file in the district office.

DRUG-FREE WORKPLACE

The Lowell School District will provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 and its implementing regulations. All employees will be informed in compliance with the provisions of that Act.

The District shall attempt to solicit and use available State and Federal funds for drug and alcohol education and prevention for students and staff.

END OF POLICY

Legal Reference:

Drug-Free Workplace Act

NOTICE TO EMPLOYEES

The unlawful manufacture, distribution, dispensing, possession or use of an illegal controlled substance or alcohol is prohibited on any property of Lowell School District No. 71 or as a part of any school activity.

As a condition of employment with the District, employees will abide by the above statement and the District shall refer any employee violating these conditions for prosecution. The employee is required to notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days of notification against any employee convicted.

The District shall take one of the following actions within 30 days of notification against any employee convicted.

1. Appropriate personnel action up to and including termination; or
2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

END OF POLICY

Legal Reference:

Drug-Free Workplace Act

Adopted 7/9/90

DEATH OF EMPLOYEE

Upon the death of any person, certificated or classified, while employed by the District, the employee's family or estate will be paid a lump sum equivalent to the deceased's accumulated unused sick leave earned after July 1, 1968. The payment will be based on the deceased's rate on the current established salary schedule at the time of death.

Upon the death of any person employed by the District on a twelve month basis, such employee's family or estate will be paid a lump sum equivalent of the number of unused vacation days days accrued during the interim between the immediately preceding summer vacation schedule and the time of death or the first day after the exhaustion of the employee's unused sick leave, whichever is applicable, provided the employee has been in the employ of the District for a time span sufficient to qualify for vacation under the terms of the applicable collective bargaining agreement.

Until an employee has qualified for vacation time according to the terms of the applicable collective bargaining agreement, the terms of the death benefit policy are null and void as to vacation time.

After an employee has qualified for vacation time under the terms of the applicable collective bargaining agreement, vacation time will accrue each calendar month at the ratio which the number of days of vacation specified in the applicable collective bargaining agreement bear to twelve.

The lump sum payable upon the death of an employee will be computed by applying the employee's daily rate of pay to the number of accrued unused vacation days at the time of death of the employee or the exhaustion of sick leave whichever is applicable.

Vacation time death benefits are not retroactive, but they are effective upon the date of adoption.

END OF POLICY

Adopted 2/14/83

Code: **GC**
Adopted: 3/13/78
Revised: 11/22/10

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the district's instructional goals.

Positions so established may include those which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

ORS 332.505

OAR 581-021-0045

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Personal Communication Devices and Social Media - Staff **

Staff possession or use of personal communication devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent. At no time, whether on duty or off duty, will a personal communication device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal communication device” is a device, not issued by the district, which emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor of the device. These devices include, but are not limited to, walkie talkies, long- or short-range portable radios, portable scanning devices, cellular telephones, pagers, personal digital assistants (PDAs), laptop computers and similar devices with wireless capability. This also includes other digital audio and video devices such as, but not limited to, iPods, radios and TV.

Personal cellular telephones/pagers and other digital audio and video devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. Cellular telephones which have the capability to take photographs or video shall not be used for such purposes while on district property or while a staff member is on duty in district-sponsored activities, unless as expressly authorized by the principal or designee. Laptop computers and PDAs brought to school will be restricted to classroom or instructional-related activities only. The district will not be liable for loss or damage to personal communication devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social network sites (e.g., Facebook, MySpace and Twitter), public websites and blogs, judiciously by not posting confidential information about students, staff or district business. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting in order to prevent substantial disruption in school. Communication with students using personal communication devices will be appropriate, and professional. Communication with students using personal communication devices regarding non-school-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use district e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours is prohibited. Texting students while off duty is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for educational purposes, health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal communication device in any manner that is illegal or violates the terms of this policy. Staff actions on social network sites, public websites, blogs and other social media, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption” for purposes

of this policy includes but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

ORS 167.054	ORS 163.686	ORS 326.011
ORS 167.057	ORS 163.688	ORS 326.051
ORS 163.432	ORS 163.689	ORS 332.072
ORS 163.433	ORS 163.693	ORS 332.107
ORS 163.684	ORS 163.687	
	ORS 163.700	

U.S. CONST. amend. XVIII, § 1466A

U.S. CONST. amend. XVIII, § 1470

U.S. CONST. amend. XX, § 7906

U.S. CONST. amend. XX, § 6777

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

CERTIFIED STAFF CONTRACTS AND COMPENSATION PLANS

Employment of professional staff shall be by a written contract and shall be in accordance with the collective bargaining agreement, if any, then in force between the District and the professional association recognized as the bargaining unit and representative for collective bargaining purposes of the professional staff.

Contracts - Teachers contracts are issued for a period of 193 days. At the discretion of the Board and with the recommendation of the Superintendent, individual teachers may be issued extended contracts for varying periods of time depending upon the assignment .

Notification of renewal or non-renewal of contracts for the following year will be given in writing by April 1 of each year for non-tenured teachers.

Teachers and administrators must notify the Board, in writing, on or before April 15 of acceptance or rejection of their positions for the following year.

END OF POLICY

Legal References:

ORS 342.505
342.513
342.805 - 955

Adopted 3/13/78
Revised 12/10/90

CONTINUATION COVERAGE HEALTH BENEFITS

In keeping with Federal and State legislation, the Lowell School District will extend the benefit of "continuation coverage" health insurance to all employees eligible under the law. District policy concerning "early" retirement benefits is not part of this general policy.

Coverage under this policy will be identical to that provided to other employees in like employment positions.

Eligible employees must notify the District within a sixty (60) day period from the date of retirement, termination, reduction in hours or reduction in force that they choose to continue with the District health plan. Premiums for continuation coverage will be paid by the employee, except as District policy applies to "early" retirement.

Those former employees covered by continuation coverage are responsible for notifying the District when such coverage is no longer needed or when the necessity of moving to an individual plan occurs, whichever is sooner.

Payment must be received in the District office by the second Friday of each month. Failure to provide the District the required premium payments by the above date will result in immediate termination of coverage and this benefit will no longer be available to the employee or benefactors.

END OF POLICY

Legal References:

ORS 243.803
PL 99-272, Title X (HR3128)

Adopted 12/10/90

Leaves and Absences

Leave entitlement for personal illness or injury will accrue at the rate of 10 days each year as provided by Oregon Revised Statutes for teaching. All other employees will accrue 1 day per month up to 10 days. In accordance with state law, this leave will accumulate without limit.

The district reserves the right to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the district. Any employee refusing to submit to such an examination or to provide other evidence as required by the district will be refused the use of accumulated sick leave for such alleged illness at the district's discretion.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Other paid and unpaid leaves will be determined by the district's collective bargaining agreements.

Sickness or other unavoidable circumstances which prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she is able to return to work. If the teacher is unable to return to work the following August 1 the Board may terminate the teacher's employment, subject to state and federal law.

END OF POLICY

Legal Reference(s):

ORS 332.507
ORS 342.545
ORS 342.610

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); 29 CFR Part 825 (2000).

Family Medical Leave

The district will comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act of 2009, and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under federal law, he/she must have been employed by the district for the previous 12 months and have worked at least 1250 hours during the past 12-month period.

In order to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. However, 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 when determining employee eligibility for parental leave.

Federal and state leave entitlements generally run concurrently.

The superintendent will ensure that administrative regulations are in place as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

ORS 332.507 HB 2744 (2009)
 ORS 342.545
 ORS 659.470 – 659.494
 ORS 659A.150 – 659A.186

OAR 839-009-0200 to -0320

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); 29 CFR Part 825 (2008).
National Defense Authorization Act of 2008, Public Law 110-181, Section 585(a).
National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, Section 565.

Federal Family and Medical Leave/State Family Medical Leave

Coverage

Federal law covers public agencies, including districts. In order for school employees to be eligible, however, they must be employed at a work site with 50 or more employees within 75 miles of the employee's work site for each working day during each of the 20 or more calendar workweeks in the year in which the leave is taken or in the preceding calendar year. State law covers districts that employ 25 or more part-time or full-time employees for each working day during 20 or more calendar workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Eligibility

Federal law applies to employees who have worked for the district for at least 12 months and for at least 1250 hours during the year preceding the start of the leave. State law generally applies to employees who work an average of 25 hours or more per week for the district during the 180 days or more immediately prior to the first day of the start of the requested leave. Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. 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 when determining employee eligibility for parental leave.

In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

Definitions

"Child" - For the purpose of taking sick child leave under state law, means a biological, adopted or foster child, or stepchild of the employee, for whom the employee has parental rights and duties as defined by law or a child with whom the employee is or was in a relationship of "in loco parentis." A legal or biological relationship is not required. The child must be under 18 years of age or may be 18 years of age or older if incapable of self-care due to mental or physical impairment as defined by ORS 659A.100 (2)(d). For purposes of sick child leave only, child also includes child of employee's same-sex domestic partner.

“Contingency Operation” is:

1. An operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or;
2. Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

“Covered active duty” means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

“Covered service member” means:

3. A 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
4. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

“Family Member” means the spouse, same-sex domestic partner, custodial parent, noncustodial parent, adoptive parent, foster parent, biological parent, when considering family definition under OFLA, the grandparent or grandchild of the employee, parent-in-law, parent of same-sex domestic partner or a person with whom the employee is or was in a relationship of “in loco parentis.” Eligibility under OFLA and FMLA also includes the biological, adopted or foster child, child of employee’s same-sex domestic partner or stepchild of an employee. For OFLA purpose of a serious health condition, child includes both minor and adult children.

“Next of kin” means the nearest blood relative of the eligible employee.

“Serious Health Condition” - Under federal law means an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;

2. Any period of incapacity requiring absence from work, school or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health-care provider; or
3. Continuing treatment by (or under the supervision of) a health-care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.
4. Illness, disease or condition is terminal, requires constant care and poses an imminent danger of death; or
5. Disability due to pregnancy, childbirth or prenatal care.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee is unable to perform the functions of the position when the health-care provider finds that the employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) federal regulations. The district has the option, in requiring medical verification from a health-care provider, to provide a statement of the essential functions of the employee's position for the provider to review.

A "serious health condition" under state law means an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
 - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
 - b. Transportation or other assistance required for a family member to obtain care from a physician;
 - c. Serious health conditions as described in items 2-8 below.
2. The treating health-care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health-care professional;
4. Involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:

- a. Two or more treatments by a health-care provider;
 - b. One treatment plus a regimen of continuing care.
5. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy.
 6. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease;
 7. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
 8. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

“Serious injury or illness” for the purpose of caring for a covered servicemember, means:

1. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date of which the veteran undergoes that medical treatment, recuperation or therapy, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that manifested itself before or after them member became a veteran.

Purpose of Leave

Federal and state laws allow eligible employees to take FMLA or OFLA leave for the following purposes, commonly referred to as parental leave, serious health condition leave, pregnancy disability leave and sick child leave (child leave is OFLA only):

1. Birth of the employee's child (eligibility expires 12 months after the birth);
2. Placement of a child for adoption or foster care when the child is under 18 or older than 18 years of age if incapable of self-care (eligibility expires 12 months after placement);
3. Care of a family member with a serious health condition;
4. Employee's own serious health condition.

5. Qualifying Exigency Leave: Allowing family members time to deal with any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a covered military member on covered active duty, or has been notified of an impending call to covered active duty status in support of a contingency operation (FMLA);
6. Injured Service Member Leave: Allowing an employee leave to care for a covered service member who is the employee's spouse, son, daughter, parent, or next of kin, who has been injured in the line of duty as a member of the Armed Forces;
7. Additionally, state law also allows employees to take leave for the care of a sick or injured child who requires home care but is not suffering from a serious health condition. An employer is not required to grant leave for routine medical or dental appointments;
8. Military Family Leave: Allowing leave for a spouse or domestic partner of a military personnel per each deployment of the spouse or domestic partner when the spouse or domestic partner has either been notified on an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment (OFLA).

Length of Leave

An employee eligible for FMLA leave under federal law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. A husband and wife who are eligible and who both work for the district may only take a combined total of 12 workweeks of leave if the leave is taken to care for a parent with a serious health condition or if the leave is for the birth of a child or the placement of a child for adoption or foster care.

There will be occasions where a husband and wife employed by the same district will not have to share the 12-week allotment of leave. This situation arises where an employee is eligible for both FMLA and OFLA or just OFLA leave and the employee is taking leave to care for a newborn with a serious health condition.

An employee eligible for Military Caregiver Leave is entitled to a total of 26 work weeks of leave to care for a covered servicemember during a single 12-month period. The 12-month period begins when the Military Caregiver Leave begins.

An employee eligible for OFLA leave under state law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. The 14 days of leave provided by the OMFLA is part of the 12 weeks. Two family members who are eligible and who both work for the district may not take OFLA leave at the same time unless one employee needs to care for the other employee who is suffering from a serious health condition or one employee needs to care for a child suffering from a serious health condition while the other employee is also suffering from a serious health condition or both family members are suffering from a serious health condition or if the concurrent leave in such instances is permitted by the district.

In addition to the 12 workweeks of leave authorized above, under state law a female employee may take an additional 12 workweeks of leave within any one-year period for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing her work duties. An employee who takes 12 workweeks of OFLA leave for parental leave may also take up to an additional 12 workweeks of

sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except for the balance of the initial 12 weeks. The employee may also use this balance for any OFLA leave purpose.

A female employee may take up to 36 weeks of OFLA leave in one leave year, but only under the following circumstances:

1. The female employee takes 12 weeks of pregnancy disability leave; followed by
2. Twelve weeks of parental leave; followed by
3. Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of OFLA leave in one year, but only under the following circumstances:

1. The male employee takes 12 weeks of parental leave; followed by
2. Twelve weeks of sick child leave.

Parental leave must be taken in one uninterrupted period – unless the employer approves otherwise – and must be completed within 12 months of the birth, adoption or placement of the child. An exception must be made to allow parental leave to effectuate adoption or foster placement of the child. Such leave need not be taken in one, uninterrupted period with any additional parental leave.

The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

Sick child leave need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

For the purpose of intermittent leave, leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (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.) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek. (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 OFLA leave.) 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.

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

1. A female employee who has taken 12 weeks of pregnancy-disability leave need not requalify for 12 weeks in the same leave year for any other purpose,

2. An employee who has taken 12 weeks of parental leave does not need to requalify to take an additional 12 weeks in the same leave year for sick child leave; and
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.

For situations where time off is covered by OFLA, but not covered by FMLA leave (e.g., the employer has 25 to 49 employees; or the leave taken is for a sick child or for serious health condition of a same-sex domestic partner, parent-in-law or parent of the same-sex domestic partner, grandparent, or grandchild) the employer:

1. May allow an exempt employee with accrued paid leave to take OFLA leave in blocks of less than a full day. For these purposes, an exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act or the state minimum wage and overtime laws;
2. May not reduce the salary of an employee who does not have or has run out of accrued paid leave and takes intermittent leave in blocks of less than a full day. To do so would result in the loss of exemption under state.

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.

An employee, who has previously qualified for and taken some portion of FMLA leave, may request additional FMLA leave within the same leave year. The employee need not requalify as an eligible employee if the additional leave applied for is in the same leave year and for the same condition.

Intermittent Leave and Alternate Duty

An employer may transfer an employee on a foreseeable intermittent FMLA/OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

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 applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825;
4. Transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

An employee transferred, as provided in 1.-5. above, to an alternate position for the purpose of a reduced work schedule, must be returned to the employee's former position.

FMLA/OFLA leave time for an employee on intermittent leave or a reduced work schedule is the difference between the number of hours the employee normally works and the number of hours the employee actually works during the intermittent leave or reduced work schedule. Holidays or days in which the district is not in operation are not counted toward intermittent or reduced work schedule FMLA/OFLA leave unless the employee was scheduled and expected to work on the holiday.

The district may transfer an employee recovering from a serious health condition to an alternate position that 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 applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825; and
4. The transfer is not used to discourage the employee from taking FMLA/OFLA leave for a serious health condition, or to create a hardship for the employee.

An employee is not on FMLA/OFLA leave if the employee has been transferred, as provided in section 1.-3. above, to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's own serious health condition, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA/OFLA leave taken in that leave year plus the period of time worked in the alternate position exceed 12 weeks.

An alternate position accommodating an employee's serious health condition may result in the employee working fewer hours than the employee worked in the original position. The employee's FMLA/OFLA leave is the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternate position.

Intermittent leave for school teachers is subject to special rules.

The district recognizes that state law will not always reduce the employee's FMLA 12 workweek entitlement (i.e., leave to care for a parent-in-law or sick child leave).

Special Rules for Teachers

Special rules apply if leave is requested to be taken near the end of a semester.

1. Under OFLA leave, if a teacher requests, in advance, leave for a serious health condition and the teacher will be absent more than 20 percent of the total number of working days during the period over which the leave would be taken then the employer may require the teacher to elect one of the following options:

- a. To take family leave for one uninterrupted period of time as necessary to complete medical treatment. (School holidays and school vacation days are not counted as family leave.);
 - b. To transfer temporarily into an available alternative position which better accommodates periodic absences or recurring periods of leave.
2. Under FMLA leave, if a teacher begins leave more than five weeks before the end of the academic term because of the teacher's own serious health condition, the employer may require the teacher to remain on leave until the end of the term if:
 - a. The family leave is at least three weeks long; and
 - b. The teacher's return to work would occur within three weeks of the end of the term.
3. If a teacher begins FMLA or OFLA leave within five weeks of the end of the academic term because of parental leave or the serious health condition of a family member, or to care for a covered servicemember, the employer may require the teacher to remain on family leave through the end of the term if:
 - a. The leave is more than two weeks long; and
 - b. The teacher's return would occur within the last two weeks of the term.
4. If a teacher begins FMLA or OFLA leave within three weeks of the end of the academic term because of parental leave, to care for a family member with a serious health condition, or to care for a covered servicemember and the leave is greater than five working days, the employer may require the teacher to remain on family leave until the end of the term.
5. If a teacher takes FMLA/OFLA leave to the end of the school year and continues the leave at the beginning of the next school term, the leave is consecutive rather than intermittent leave.
 - a. The period between the end of the school term and the beginning of the next school term, when a teacher would not have been required to report for duty, is not counted against the teacher's FMLA or OFLA leave entitlement.
 - b. A teacher on FMLA/OFLA leave at the end of the school term must be provided with the same benefits during the period between school terms that the teacher would normally receive if no FMLA/OFLA leave were taken.
6. If a teacher is required by the employer to remain on leave to the end of the academic term, only the period of leave the teacher requested shall be charged against the teacher's FMLA/OFLA leave entitlement.
7. Nothing in FMLA/OFLA rules prohibits the employer from allowing the teacher to work as a substitute or in some other paid capacity during the weeks prior to the end of term under 3. or 4. above.
8. Full-time employees covered by OFLA rules, and who have been maintained on the payroll by a district during 180 consecutive calendar days, are thereafter deemed to have been employed by that district for an average of at least 25 hours per week during the 180 days immediately preceding the date any OFLA leave begins.

Calculating the 12-Month Period for Leave

The district will use the same method for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs for all employees. The district will use the 12-month period measured forward from the date the employee's leave begins.

Leaves to care for covered servicemembers has its own 12-month year beginning on the first day of leave regardless of the district's method of calculating the 12-month period for leave.

Paid/Unpaid Leave

Family leave under federal and state law is generally unpaid. The district requires the employee to use any accrued paid leave, including personal and sick leave or accrued vacation leave before taking FMLA and/or OFLA leave without pay for the leave period. The employee may select the order in which the paid leave is used.

The district will notify the employee that the requested leave has been designated as FMLA and/or OFLA leave and that accrued paid leave shall be used during the leave period. Such notification will be given to the employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Continuation of Health Insurance Benefits

Under federal law, group health insurance benefits and premium payments must be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. The district will continue to pay the district's contribution toward the employee's premiums. The employee will continue to pay the employee's share of premiums, if any. A 30-day grace period will be allowed for receipt of employee contributions. The district's obligation to maintain the employee's benefits will cease if the employee's contribution is more than 30 days 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.

Under state law, benefits are not required to continue or accrue unless required by Board policy(ies) and/or provisions of collective bargaining agreements related to paid and unpaid leaves.

An employer electing to continue health or other insurance coverage for an employee on OFLA leave may require that the employee pay only the same share of health or other insurance premium during the leave that the employee paid prior to the leave. If an employee cannot or will not pay such costs, the employer may elect to discontinue benefit coverage, unless to do so would render the employer unable to restore the employee to full benefit coverage as required by law. If an employer pays any portion of any employee's

benefit coverage for employees on non-OFLA leave, the employer must pay that portion during OFLA leave.

If an employee gives unequivocal notice of intent not to return to work from OFLA leave, the employee is entitled to complete the approved OFLA leave, providing that the original need for OFLA leave still exists. The employer's obligations under OFLA – to restore benefits (subject to COBRA requirements) and to restore the employee to his/her position at the end of the leave – cease and the employer is not required to hold a position vacant or available for the employee giving unequivocal notice of intent not to return.

In the event the district is required to pay or elects to pay any part of the costs of providing health, disability, life or other insurance coverage for an employee during the period of FMLA or OFLA leave that should have been paid by the employee, the district may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

Return to Work

After leave granted under federal and state law, an employee is generally entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment unless otherwise excepted by law.

Fitness-for-Duty Certification

If the leave was required for the employee's own serious health condition, including intermittent leave, the district may require the employee to obtain and present fitness-for-duty certification from the health-care provider that the employee is able to resume work. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave. The district is responsible for any co-pay or other out-of-pocket costs incurred by the employee in providing certification. Failure to provide the fitness-for-duty certification may result in a delay or denial of reinstatement.

Application

Under federal and state law, an 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, duration and reasons for the requested leave. The 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.

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

If advance notice is not possible, for example due to a change in circumstances or medical emergency, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," under federal law means the employee generally must comply with the employer's normal call-in procedures.

An employee eligible for OFLA leave is required, under state law, 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.

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

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.

Medical Certification

When an employee provides 30 or more days notice when applying for FMLA and/or OFLA leave, other than for parental leave, the employer shall require the employee to provide medical documentation when appropriate to support the request for leave. The district will provide written notification to employees of this requirement within five working days of 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.

The district may request re-certification of a condition when the minimum duration of a certification expires if the employee still needs leave. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health-care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health-care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Under state law, if an employee requests OFLA leave because of a serious health condition, the district may require a second opinion and designate the health-care provider. The provider may not be employed by the district. Should the two opinions conflict, the district may require a third opinion and that the two providers designate the third health-care provider. The third opinion will be final. Second and third opinions and the actual travel expenses for the employee to obtain such opinions will be paid for by the district.

An employer may not delay the taking of an OFLA leave in the event that medical certification is not received prior to the commencement of a leave taken subject to the timelines set forth in this regulation.

The employer may designate the leave as provisionally approved subject to medical certification. The employer shall provide the employee with written notice of any requirement to provide medical certification of the need for leave and the consequences for failure to do so. The employee must be allowed a minimum of 15 days to provide medical certification.

If the employee elects or the district requires substitution of accrued sick leave, vacation or other paid leave for unpaid leave pursuant to a collective bargaining agreement or other Board policy, the district will follow the medical documentation requirements of the applicable leave policy or contract provision whenever such requirements are more beneficial to the employee.

If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical certification on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the medical certification not covered by insurance or other benefit plan. The opinion of the health-care provider shall be binding. The employer may not require the employee to obtain a second opinion. The employer is not required to request medical certification for sick child leave exceeding three days and may make such requests at the employer's discretion.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the superintendent.

Record Keeping/Posted Notice

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.

The district will post notice of Federal Family and Medical Leave Act and Oregon Family Leave Act requirements.

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 state and federal leave entitlements run concurrently. State law requires that federal and state leave run concurrently when possible. For example, due to differences in regulations, an employee who takes leave after 180 days of employment but before one year, is still eligible to take a full 12 workweeks of federal leave after meeting the one-year work requirement. After the first work year, leave will run concurrently.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide reasons for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
- FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

Domestic Violence/Sexual Assault/Stalking Leave

Definitions:

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, sexual assault or stalking or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, sexual assault or stalking.
2. “Eligible employee” means an employee who worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee has taken leave and who is a victim of domestic violence, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, sexual assault or stalking.
3. “Protective order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525 or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking means an individual against whom stalking has been committed as described in ORS 163.732 or any other individual designated as a victim of stalking by rule adopted under ORS 695A.805.
7. “Victim services provider” means a prosecutor- based victims assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, sexual assault of stalking.

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking.
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the employee's minor child or dependent.
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.
4. To obtain services from victims services provider for the eligible employee or the employees minor child or dependent.
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child/dependant.

The district may limit the amount of leave, if the employee's leave creates an undo hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child/dependent is a victim of domestic violence, sexual assault or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a police report indications the employee or child/dependent was a victim of domestic violence, sexual assault or stalking
2. A copy of a protective order or other evidence form a court or attorney that the employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault or stalking.

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or victims services provider that the employee/child/dependent was under going counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

All records and information kept by the district regarding the employees leave, including the request or obtaining of leave is confidential and may not be release without the expressed permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any paid accrued vacation leave or may use any other paid leave that is offered by the district in lieu of vacation leave. The employee may chose the order in which paid accrued leave is to be used when more than one type of paid leave is available.

END OF POLICY

Legal Reference(s):

SB 946 (2007)

Military Leave of Absence

The district will grant military leave to employees on duty¹ with a uniformed service² in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Military leave exceeding 15 days is unpaid leave. Employees may use any accrued vacation or similar leave during the period of service exceeding 15 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the district of his/her intent to return as follows:

3. Employees who are veterans and reservists returning from training must only inform the district of their training obligations and report back at the next regularly scheduled working period.
4. Employees returning from active duty must notify the district of their intention to return to their former jobs within 90 days of release from duty.

¹"Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and absence to determine fitness for duty.

²"Uniformed service" means the Armed Forces, the National Guard, the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

Legal Reference(s):

ORS 332.505

ORS 408.290

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1 - 300bb-8 (2006).

I.R.C. § 4980B(f)(4) (2006).

Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2006).

Break in Service

PERS Break in Service

The Board acknowledges that all active qualified Public Employee Retirement System (PERS) members may continue to accrue service credit and benefits under PERS unless they incur a break in service. If a break in service has occurred, the employee may retain all PERS service time and contributions as well as contributions to their Individual Account Program (IAP) that were made prior to the break. Following a break in service any employee who returns to service in a qualifying position will have all future service time and contributions accrued under the Oregon Public Service Retirement Plan (OPSRP).

Definitions:

- **“Break in Service”:** When an active or inactive PERS member in a qualifying position performs no service hours for a period of six consecutive months or longer a break of service has occurred. There are six exceptions to this rule:
 1. Members who leave for purposes that would qualify for family medical leave. However, the member must return to work in a qualifying position within 12 months of taking the leave to avoid a break in service.
 2. Members who leave for approved career development purposes. However, the member must return to work in a qualifying position within 12¹ months of taking the leave to avoid a break in service.
 3. Members absent from other employment to serve as a legislator;
 4. Members called to military duty and are later reemployed as provided under USERRA in a qualifying position regardless of the length of time the member is on official military leave. The member must be reemployed within the time limits set by USERRA after completing military service.
 5. Members absent due to a disability and who qualify for a PERS disability benefit under ORS 238.320.
 6. Members who leave employment based on the seasonal nature of their employment, as long as the member returns to employment within 12 months.
- **“Qualifying Position”:** An eligible employee that has performed at least 600 hours of service in a calendar year for an employer participating in PERS.

END OF POLICY

Legal Reference(s):

ORS 238A.025

OAR 459-010-0010

OAR 459-075-0010 (13)

OAR 459-070-0010

¹See OAR 459-075-0010 for employees with less than a 12-month contract.

HIRING OF CERTIFIED STAFF

The Superintendent is responsible for hiring the staff subject to Board approval.

Each teacher currently employed by District 71 will be notified as to retention for the ensuing school year in accordance with the terms set forth in ORS 342.513. If re-elected, the teacher will file acceptance or rejection of the position with the Superintendent on or before April 15.

Failure to file acceptance by that date constitutes rejection. Between the dates of April 15 and June 1, any teacher may request release from the contract for the following school year by filing a request in writing with the Superintendent. All such requests will be given careful and honest consideration by the Board. After June 1, no release from contract will be considered by the Board except in cases of demonstrated necessity or other clear and substantial reason.

END OF POLICY

Legal Reference:

ORS 332.505 (1)

Adopted 8/75
Revised 3/13/78

Criminal Records Checks/Fingerprinting

In a continuing effort to further ensure the safety and welfare of students and staff, the district shall require criminal records checks and fingerprinting of all newly hired full-time and part-time employees. Others having direct, unsupervised contact with students shall also have criminal records checks and fingerprinting, as required by law.

“Direct, unsupervised contact” means contact with students that provides the person opportunity and probability for personal communication or touch.

In addition to the newly hired employees, such checks shall be required of the following:

1. All district contractors and/or their employees, whether employed part-time or full-time;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Employment Department;
3. An individual who is an employee of a public charter school.

An individual who has failed to disclose the presence of criminal convictions that would not otherwise prevent his/her employment with the district as provided by law will not be employed or contracted with by the district.

The district may begin the employment or volunteer service of an individual or terms of a district contractor on a probationary basis pending the return and disposition of criminal records checks and/or fingerprinting.

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

END OF POLICY

Legal Reference(s):

ORS 181.525	ORS 342.127	OAR 581-021-0500
ORS 181.555	ORS 342.223 to-342.232	OAR 581-022-1730
ORS 183.413 - 183.470	ORS 342.143	OAR 584-036-0062
ORS 326.603		
ORS 326.607	SB 46 (2009)	
ORS 336.631		
ORS 338.115		

Criminal Records Checks/Fingerprinting

Subject Requirements

1. Any individual newly hired and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Individuals applying for reinstatement of a license that has lapsed for more than three years shall be required to undergo such checks.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by TSPC.

3. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any district contractor, whether part-time or full-time, or an employee of a district contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo a nationwide criminal records check and fingerprinting.

The superintendent will identify district contractors subject to such requirements.

5. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Employment Department.
6. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

An exception will be made to criminal records checks and fingerprinting if the district has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. Evidence will be either a copy of the records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The Oregon Department of Education (ODE) or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available;

2. Additional evidence that the employee has not resided outside the state between the two periods of time working in the district shall be maintained.

Notification

1. A list of those positions subject to criminal records checks and fingerprinting will be maintained in the district office and available to the public upon request.
2. The district will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
 - a. Such checks are required by law and/or Board policy;
 - b. Any action resulting from those checks may be appealed as a contested case;
 - c. All employment or contract offers are contingent upon the results of such checks;
 - d. A refusal to consent to criminal records checks or fingerprinting or falsely stating on district employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
3. The district will provide notice through such means as employment applications and contract forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms as provided by ODE.
2. Following acceptance of an offer of employment, the Criminal Verification of Applicants form for those not subject to fingerprinting will be sent to ODE for processing. A copy will be kept on file by the district in the individual's personnel file.
3. If the individual is subject to fingerprinting, he/she will be required to report within five working days to an authorized fingerprinter for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district;
 - c. Local or state law enforcement agency.

Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract.

4. The individual is responsible for obtaining one fingerprint card from an Oregon district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
5. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter and require that the individual submit a photo ID (driver's license or other) containing the

individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.

6. The authorized fingerprinter will return the fingerprint cards to the district in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to the ODE. A copy of the form will be kept in the employee's personnel file.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors and their employees and volunteers shall be paid by the district.

Termination of Employment

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status or as a district volunteer by the superintendent immediately upon the following:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification by the Superintendent of Public Instruction or his/her designee or the State Board of Education that the employee has made a false statement as to conviction of a crime or conviction of crimes prohibiting employment with the district as specified in law.
2. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Appeals

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Oregon Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by ODE.

CODE: GCEA

ARRANGEMENTS FOR SUBSTITUTES

Substitute teachers shall be assigned by the building administrator to fill a temporary vacancy caused by illness or other absence.

Teachers are to notify the building administrator by 6:30 AM on the date of illness in order to provide sufficient time for the assigned substitute to be in the classroom before students arrive.

END OF POLICY

Legal Reference:

ORS 342.610

Adopted 12/10/90

ORIENTATION OF CERTIFIED STAFF

All certified staff will participate in inservice activities in the week before school starts and throughout the school year to accomplish the following:

1. Acquaint/reacquaint teachers with the procedures and policies of Lowell School District.
2. Explain budgetary procedures and responsibilities.
3. Inform staff concerning new legislation and legal requirements that may have an impact on their responsibilities.
4. Explain and reinforce safety, first aid, health, and emergency procedures.
5. Discuss new or unfamiliar District policies and requirements.
6. Assign teachers to committees and extra duties as needed.
7. Other business as may be deemed necessary by the Superintendent of Schools.

NEW STAFF

New certified staff will also receive the following:

1. A "New Teachers' Orientation Packet" which will include a District Policy Manual, Scope and Sequence, Special Education Manual, Teacher's Evaluation Manual, Curriculum Guide, and Student Handbook for the appropriate grade level.
2. An additional inservice presentation, in which the following are explained or reinforced.
 - a. Lesson planning
 - b. Planning for substitutes
 - c. Leave policies
 - d. When and where to get help
 - e. The purpose of the Child Study Team
 - f. The anti-drug abuse programs and procedures
 - g. Report cards and record keeping

ORIENTATION OF CERTIFIED STAFF (cont'd.)

- h. Communication with parents
 - i. Attendance
 - j. Confidentiality concerns
 - k. Student disciplinary procedures
 - l. The roles of the administrators, office personnel, school nurse, classified staff, and other support staff
 - m. Payroll and insurance options
 - n. Student suicide prevention procedures
 - o. Health, safety, and emergency procedures
 - p. Supervisory responsibilities
 - q. Extra responsibilities (meetings, attendance at extra-curricular activities)
 - r. Search and seizure
 - s. Invitation to attend School Board Meetings
 - t. Care and use of facilities
 - u. Use of keys
3. A new certified teacher may choose to work with a mentor teacher (if available) for a period of one year. A list of available mentor teachers will be compiled from tenured teachers who volunteer to serve as a mentor. The mentor teacher will not be responsible in any way for the performance of duties of the new teacher. Rather, the mentor will be available to answer questions that the new teacher may have regarding the performance of his/her duties.

END OF POLICY

Adopted 10/10/88

PROBATION AND TENURE

Permanent teachers (otherwise known as tenured teachers) are those who have been employed by the District for a period of not less than three (3) successive school years and who have been reelected by the District after the completion of such a 3-year period. New teachers to Lowell School District are considered probationary until they complete the three (3) successive school year employment requirement.

Probationary teachers are to be reappointed annually; permanent teachers are not. Probationary teachers who are not renewed shall receive notice of the nonrenewal by April 1, with a written copy of the reasons for nonrenewal. Probationary teachers may be discharged or removed at any time during the probationary period for any cause considered sufficient by the Lowell School Board. The probationary teacher shall receive a written copy of the reasons for dismissal, and if requested, shall be provided a hearing by the Board.

A permanent (tenured) teacher will not be dismissed except as provided in state law.

END OF POLICY

Legal Reference:

ORS 342.805 - 934

Adopted 12/10/90

CODE: GCI/GCIA

ASSIGNMENT AND TRANSFERS

Initial assignment of employees will be made by the Superintendent or designee. Assignment of all certified and classified personnel employed by the District will be under the direction of the Superintendent.

The Superintendent will develop procedures for voluntary and involuntary transfer of employees within the District.

These procedures will be based on filling the personnel needs of the District in the most efficient, effective manner.

END OF POLICY

Adopted 3/13/78
Revised 12/10/90

CODE: GCJ

TIME SCHEDULES FOR CERTIFIED STAFF

The teacher shall be in the classroom ready to accommodate students at least 15 minutes prior to the start of the first class period of the day.

Teachers shall remain in the classroom 30 minutes after students are dismissed for the day.

END OF POLICY

Adopted 3/13/78
Revised 12/10/90

STAFF DEVELOPMENT — LICENSED

The Board recognizes the need to establish a continuing professional development (CPD) program for all licensed staff in order to enhance professional performance, promote achievement of high standards for all students and assist employees in meeting the licensure requirements of the Teacher Standards and Practices Commission (TSPC).

Employee CPD plans shall be consistent with the district's mission and goals, assist educators to meet the requirements for license renewal as identified in OAR Chapter 584, Division 090, and may contain such other provisions as deemed appropriate by the district.

Individual CPD plans shall be developed collaboratively by the employee and his/her supervisor. Activities shall have as their primary purpose increased student learning by enhancing the professional skills of the employee. Such activities may relate to the individual's current or potential future assignment as determined by the district. Appropriate learning activities may include, but are not limited to, college courses, workshops, conferences, curriculum development, research, peer or student-teacher mentoring and other approved individual and committee endeavors.

Requests for release time for attendance at professional development activities may be approved as deemed appropriate by the district and with the stipulation that: (1) requests are to be submitted sufficiently in advance to permit Board consideration; and (2) where release time is granted, a written report will be submitted to the administration after such meeting or conference.

Meetings or conferences for which district funds are contributed — whether for fees, travel or hiring of substitutes — shall directly relate to the employee's CPD plan. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of educators, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds or to approve the activity for CPD credit.

The Board directs the superintendent to develop administrative regulations, staff CPD handbooks and/or other related materials as may be necessary to implement this policy. Regulations shall include CPD procedures and practices that incorporate plans for the district's improvement and individual building, grade level, student and employee needs and goals.

END OF POLICY

Legal References:

ORS 329.095
ORS 329.125
ORS 329.704
ORS 342.135 (2)(a)
ORS 342.138 (3)

OAR 581-022-0606
OAR 581-022-1720
OAR 584-090-0001 to -0060

Cont'd

Clackamas Intermediate Education District Association v. Clackamas Intermediate Education District, Case No. C-141-77, 3 PECBR 1848 (1978).

Eugene Education Association v. Eugene School District 4J, Case No. C-93-79, 5 PECBR 3004 (1980).

Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

Adopted 2/22/99

STAFF DEVELOPMENT — LICENSED *

All district teachers, personnel service specialists and administrators contracted by the district, excluding substitutes, will follow the procedures provided below for meeting continuing professional development (CPD) requirements.

Board policy CCL, Staff Development — Licensed, this regulation and related district-issued handbooks and materials are recognized as the district's Continuing Professional Development Program.

- I. The district and each school site shall systematically identify instructional needs of students and relate those needs to the practices and CPD activities of the licensed staff.
- II. Licensed employees shall maintain an active individual CPD plan. All licensed employees shall participate in the district's CPD program. Modifications to the employee's plan may be made at any time, after consultation with his/her supervisor, as provided by OAR 584-090-0010 through -0040.
 - A. Each plan shall be designed to assist the employee to:
 1. Achieve district, state-and national standards;
 2. Keep current with the development and use of best practices; and
 3. Develop ways to enhance learning for a diverse student body.
 - B. Each plan shall identify CPD activities and experiences that address one or more of the following professional growth domains:
 1. Content of the subject matter or specialty area directly related to the employee's current assignment(s) or to responsibilities he/she reasonably expects to be assigned, or is assigned by the district;
 2. Strategies for assessment of student performance in achieving school and district objectives and state content standards and interpretation and application of the results;
 3. Methods for effective teaching, classroom management, counseling, supervision, leadership and curriculum development;
 4. Understanding of diversity in abilities, social and/or cultural background and use of such knowledge to promote achievement of high standards for all students;
 5. Knowledge of state and national education priorities and the application of that knowledge to one's school and district programs;
 6. Competence in the uses of technology in schools and the application of that knowledge to one's assignment.

(continued)

STAFF DEVELOPMENT — LICENSED (cont'd.)

C. Each plan shall also include the following:

1. Identified goals/objectives to be achieved through the CPD plan;
2. Proposed activities and experiences to meet the goals;
3. List of completed activities, related domain and number of professional development units of credit earned;
4. Employee's reflection on the completed plan and its relationship to student learning and modifications of the employee's performance;
5. Resources that will be used to complete the plan;
6. Signature of supervisor indicating review and approval of the proposed plan and verification of plan completion.

III. The employee's plan shall be proposed and completed annually according to the following dates:

A. Teachers/Counselors/Specialists

1. Plan developed in October;
2. Plan reviewed approved and revised as needed;
3. Plan updated, activities documented prior to March 1;
4. Plan completed, reviewed and submitted to the district office in October;
5. New plan developed at time of finalization of the previous plan under 4. above.

B. Building Administrators

1. Plan developed in August;
2. Plan reviewed and revised as needed;
3. Plan updated, activities documented prior to March 1;
4. Plan completed, reviewed and submitted to the district office in August;
5. New plan developed at time of finalization of previous plan under 4. above.

C. Central Office Administrators, Including Superintendent

1. Plan developed in March;
2. Plan reviewed and revised as needed;
3. Plan updated, activities documented prior to January;
4. Plan completed, reviewed and submitted to district office in March;
5. New plan developed at time of finalization of the previous plan under 4. above.

IV. Each plan should propose to earn approximately 25 CPD units of credit annually. Additional units of credit, however, may be earned when circumstances warrant. CPD should directly relate to the immediate needs of the district, school site and individual. This may best be accomplished on an annual basis.

STAFF DEVELOPMENT — LICENSED (cont'd.)

- V. When an employee's CPD plan is not completed, the unfinished portion may be included in the next year's plan and more than 25 units of credit may be earned.
- VI. The district will attempt to offer as many professional growth activities as recognized needs warrant and resources permit. To this end, all 25 units of credit may be earned through district and building activities. The district recognizes, however, that there will be times and individuals for which units of credit may be earned outside the district and at no cost to the district.
- VII. Plans may be developed that totally utilize district professional growth activities and some outside district activities, or are totally completed in non-district sponsored activities. All such plans shall be proposed to the employee's supervisor for review and approval.
- VIII. Supervisors may delegate their responsibility for an individual employee's plan to an advisor as provided by OAR 584-005-0005 (29).
- IX. The responsibility for completing a plan and meeting licensure renewal requirements rests with the employee. The employee shall provide documentation that the plan has been completed and he/she has analyzed the results and applied the acquired knowledge and skills to improve student learning.

The district may assist such efforts in the following ways:

- A. Provide a copy of the Board's CPD policy, regulation, CPD handbook and/or other related materials which meet TSPG requirements;
 - B. Provide an annual process for completing a portion of the license renewal requirements, approximately 25 CPD unite of credit;
 - C. Upon the employee's request, provide a site system for record keeping in which the supervisor retains the plan and, where practical, may post certain activities;
 - D. Incorporate plan development and completion into an annual goal-setting cycle;
 - E. When possible, conduct applicable group meetings/conferences to assist in meeting the requirements.
- X. Acceptable CPD activities shall be those reviewed and approved by the employee's supervisor and for which evidence is submitted to verify completion.
 - XI. Completed CPD forms shall be filed annually in the employee's personnel file in accordance with the timelines established in this regulation. The superintendent or his/her designee shall, if applicable, verify completion of the required plan(s) and units for renewal at the time the employee requests district verification of educational experience on the TSPC provided Professional Educational Experience Report (PEER) form.

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

This evaluation program is designed to provide an opportunity for staff to set goals and objectives, including plans for professional growth and career opportunities and receive administrative responses to them; to receive peer assistance as appropriate; to have formal and informal classroom observations of licensed employees; to assess performance of other duties and job responsibilities of all staff; to receive verbal and written comments and suggestions for improvement from supervisors; and to have opportunities to make required improvement(s) within specific timelines.

All classified employees will be formally evaluated by their immediate supervisor at least twice during their first year of employment and at least once a year thereafter.

Evaluation of licensed staff shall be conducted to conform with applicable Oregon Revised Statutes and any applicable collective bargaining provisions.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 332.505
ORS 342.850

OAR 581-022-1720

TERMINATION OF CERTIFIED STAFF

Dismissal, termination, or non-renewal of teachers shall be in accordance with the Fair Dismissal Statute. Permanent teachers whose employment is terminated shall have remedies defined as for permanent teachers in the affirmative action policy and the Fair Dismissal Statute. Probationary teachers whose employment is terminated shall, in addition to the rights defined in the Fair Dismissal Statute and the collective bargaining agreement between the District and the professional association, be entitled to a hearing before the Board pursuant to the Board's hearing procedure.

END OF POLICY

Legal References:

ORS 324.545
342.865
342.895

Adopted 12/10/90

REDUCTION IN FORCE

Lowell School District No. 71 will attempt to maintain a standard school program and may initiate a reduction in force (R.I.F.) for one or more of the following reasons:

1. Inability to levy a tax sufficient to provide funds to continue the District's educational program at its anticipated level.
2. Elimination of classes due to decreased student enrollment
3. Reduction of classes or courses due to an administrative decision.

END OF POLICY

Legal Reference:

ORS 342.934

Adopted 10/25/82

Resignation of Certified Employees

A certified staff member who wishes to resign from his/her position with the District must give written notice at least sixty (60) days prior to the date he/she wishes to leave District employment. The Superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that he/she must continue teaching for part of all of the sixty (60) day period or risk decertification for the remainder of the school year. The Board, at its next meeting, will ratify the action of the Superintendent.

Where less than sixty (60) days notice is given, the Board may request the Teacher Standards and Practices Commission to suspend the teacher's or administrator's certificate for the remainder of the school year. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

In order for Board members to develop leadership capabilities, become informed about current issues in education and improve their skills as members of a policymaking body, Board members will participate in opportunities for development that may include, but not be limited to, the following:

END OF POLICY

Legal Reference(s):
ORS 342.169
ORS 342.553
ORS 653.305 – 326
ORS 659.340
OAR 581-22-715 (2)

Retirement

The Board of Directors of School District No. 71 recognizes that early retirement may be a viable option for some employees. Therefore, the Board unilaterally has established the voluntary early retirement program. The following is a form of deferred compensation for work performed during the years of employment.

CLASSIFIED EMPLOYEES

- A. Classified employees, aged 58 through 61, may elect early retirement by giving sixty (60) days written notice to the District Office. An eligible classified employee may retire upon the completion of the school year in progress at the time of the notice of election.
- B. Beginning with the first month of such retirement, the District will pay to the retired employee the sum of \$300 each month for 12 month employees and 1.3% of the ending salary for less than 12 month employees until the retired employee shall have reach the age of 62. Such period shall not exceed 48 months.
- C. An amount of \$715 will be provided to apply towards hospital-medical and dental insurance coverage. Future rates will be provided equal to those provided to current classified employees.
 - 1. The District will provide at the rate provided to current classified employees hospital-medical and dental insurance coverage as follows:
 - a. Two-part coverage for married employees who meet the underwriter's eligibility criteria for the retiree plan associated with the employee's group coverage while an employee.
 - b. Single-party coverage for unmarried employees who meet the underwriter's eligibility criteria for the retiree plan associated with the employee's group coverage while an employee.
 - 2. In the event of the retired employee's death prior to the age of 65, the following will apply: If the surviving spouse of the retired employee, at the time of the employee's death, is not covered by Medicare, the District will provide single-party hospital-medical and dental insurance for the spouse until the employee would have reached the age of 65; except if the spouse becomes eligible for Medicare during the period of time, the hospital-medical and dental insurance will be terminated at the point of eligibility.
- D. The early retirement option is restricted to employees with at least ten (10) consecutive years of service in the District and hired before September 1, 2004. Leaves of absence approved by the District will not constitute a break in service.
- E. Implementation
The early retirement option is effective upon adoption of the Early Retirement Program by the Board.

CERTIFIED EMPLOYEES

Early retirement benefits for certified employees shall be in accordance with the conditions as detailed in the most current collective bargaining agreement for certified employees.

END OF POLICY

SUSPENSION AND DISMISSAL

Hiring and Dismissal of Employees - The Board shall act only upon the Superintendent's recommendation in matters of employment and dismissal of school employees.

END OF POLICY

Legal References:

ORS 332.505
342.663
342.835
342.865 - 915

Adopted 8/75

HEARING BEFORE THE BOARD

Any employee, except a permanent teacher, whose employment is terminated by dismissal or non-renewal shall, upon written request promptly made, be entitled to a hearing before the Board. The written request, which shall be delivered to the Superintendent, need only state that the employee requests a hearing.

The Superintendent shall promptly prepare and deliver a statement of reason to the employee in accordance with the following provisions of this policy.

The purpose of the hearing is to provide the Board with the full and complete information before making a final decision. The Board's decision following the hearing shall be final upon all parties.

All hearings shall be conducted pursuant to the following procedure:

- I. **DEFINITION OF ISSUES** - Issues at the hearing shall be defined by the following documents:
 1. Statement of Reasons - The Board or the administration on the Board's behalf shall give the employee a written statement of reasons for the non-renewal or dismissal. The statement must be with sufficient particularity to define the conduct or action of the employee which has resulted in the dismissal or non-renewal.
 2. Employee's Response - If the employee desires a hearing, the employee shall respond to the statement of reasons, in writing, signed by the employee or authorized representative, and deliver the response to each Board member. The written response shall contain the following information:
 - a. A statement that the employee requests a hearing and whether the hearing is to be public or private.
 - b. A statement indicating whether the reasons for non-renewal or dismissal are to be spread upon the records of the District.

HEARING BEFORE THE BOARD (CONT'D)

- c. A statement denying or admitting the reasons set forth in the statement of reasons.
- d. If the reasons are admitted, a statement of why the reasons given should not be the basis for the action taken against the employee.
- e. What action the employee wants the Board to take and why.
- f. A list of people who will speak on the employee's behalf at the hearing, indicating, in general, upon what subject or issues they will speak.

II. **COUNSEL** - The employee shall have a right to the assistance of counsel, by an attorney, or other person to be selected by the employee. Counsel shall be bound by these procedures, however, and may be denied participation in the hearing for refusal to comply.

III. HEARING PROCEDURE

- 1. Chairman - The chairman of the Board shall designate a Board member or the Board's counsel to be chairman of the hearing, who shall rule on all procedural issues which arise during the hearing. Questions not covered by Board policies and these procedures shall be governed by Robert's Rules of Order, Revised.
- 2. Administrative Recommendation - The Superintendent and any member of the staff who participated in the administrative recommendation shall be present to explain the administration's position and to respond to inquiries from the Board. If the administration's recommendation is based upon information supplied by third persons, those persons, if they are employees of the District, shall be present to respond to inquiries from the Board. If the third persons are not employees of the District, the Superintendent shall make every effort to have them attend the hearing to respond to inquiries from the Board. If any such third person fails to be present and respond fully to the Board's inquiries, the Board shall give little or no weight to that person's information which was the basis of the administration's recommendation.

Any employee who willfully refuses to attend the hearing and respond fully and candidly to the Board's inquiries shall be deemed guilty of insubordination.

HEARING BEFORE THE BOARD (CONT'D)

3. Employee's Statement - After the administration has explained its recommendation and after the Board has concluded its questioning of the Superintendent and other witnesses presented by the administration, the employee may, by means of personal choice, present witnesses and make any statement on behalf of the employee.
4. Witnesses - Witnesses shall not be sworn and shall present information or statements in narrative form only unless the chairman of the hearing rules otherwise. Only the Board may question witnesses, but the chairman of the hearing may permit questioning by other persons.
5. Summation - After all information has been presented to the Board, the administration and then the employee, by means of personal choice, may briefly summarize their respective positions.
6. Board's Decision - The Board will make its decision in open session. In considering its decision, the Board may confer and meet with its counsel, but shall not discuss or meet with the administration. All board members present at the hearing shall vote on the Board's decision. The Board shall make its decision promptly. The chairman of the hearing shall have the decision reduced to writing and mail copies to the employee and counsel.

END OF POLICY

Adopted 8/75
Revised 3/14/80
Revised 8/9/93

TUTORING FOR PAY

School employees may not tutor, for compensation during school hours, any student who is attending the school to which the teacher is assigned unless the tutoring is assigned by the Board as an extra-duty assignment.

No tutoring for which a teacher receives a fee from the parents/guardian or student will be allowed in a school building, or on school time, and no District-owned materials or equipment may be used.

Exceptions to this policy are as follows:

1. Private lessons, such as music lessons and other enrichment activities, that are clearly beyond the scope of the regular curriculum may be given for remuneration outside of school time and away from school buildings.
2. Teachers may tutor for remuneration, outside of normal school time, students eligible for home-bound services, according to procedures established by the Superintendent.

END OF POLICY

Legal References:

ORS 332.505

Cross Reference:

Policy IGBG - Homebound Instruction

Adopted 8/75
Revised 12/10/90

Classified Staff/Classified Staff Positions

Classified employee means any district employee not required to hold a teaching license. The superintendent or designee will designate classified employee positions. The essential job functions, and titles and examples of work performed, are to be prescribed in a written job description for each position classification.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 659A.030	ORS 659A.409
ORS 332.505	ORS 659A.142	
ORS 659.805	ORS 659A.145	OAR 581-021-0045
ORS 659.850	ORS 659A.233	OAR 581-022-1720
ORS 659A.009	ORS 659A.236	
ORS 659A.029	ORS 659A.309	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Educational Assistants

Educational assistants shall be hired by the Board upon recommendation of the superintendent.

Educational assistants¹ who work in Title I programs and provide instructional support must have earned a secondary school diploma or equivalent. Additionally, these educational assistants must have:

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

The district [will] [will not] require individuals newly hired as Title I educational assistants who have met another district's academic assessment as set forth by the No Child Left Behind Act of 2001, to meet the district's academic assessment standards.

The general responsibilities of an educational assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher with instruction. The educational assistants shall be under the supervision of the classroom teachers.

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

In an emergency an educational assistant may be left in charge of a class for a brief period.

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

Educational assistants hired before January 8, 2002 have until ~~January 1, 2006~~ **the end of the 2005-2006 school year** to meet these requirements.

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

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 332](#).505

[ORS 342](#).120

[OAR 581-022](#)-1710 (2)

[OAR 581-037](#)-0005 to -0030

Suggested Personnel Policy Guidelines for School Districts - Educational Assistants, Oregon Department of Education (1990).
No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1119 20 U.S.C. § 6315 (2005).

Domestic Violence/Sexual Assault/Stalking Leave

Definitions:

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, sexual assault or stalking or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, sexual assault or stalking.
2. “Eligible employee” means an employee who worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee has taken leave and who is a victim of domestic violence, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, sexual assault or stalking.
3. “Protective order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525 or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking means an individual against whom stalking has been committed as described in ORS 163.732 or any other individual designated as a victim of stalking by rule adopted under ORS 695A.805.
7. “Victim services provider” means a prosecutor- based victims assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, sexual assault of stalking.

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking.
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the employee's minor child or dependent.
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.
4. To obtain services from victims services provider for the eligible employee or the employees minor child or dependent.
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child/dependant.

The district may limit the amount of leave, if the employee's leave creates an undue hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child/dependent is a victim of domestic violence, sexual assault or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, sexual assault or stalking
2. A copy of a protective order or other evidence from a court or attorney that the employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault or stalking.

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or victims services provider that the employee/child/dependent was under going counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

All records and information kept by the district regarding the employees leave, including the request or obtaining of leave is confidential and may not be release without the expressed permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any paid accrued vacation leave or may use any other paid leave that is offered by the district in lieu of vacation leave. The employee may chose the order in which paid accrued leave is to be used when more than one type of paid leave is available.

END OF POLICY

Legal Reference(s):

SB 946 (2007)

CLASSIFIED ASSIGNMENTS, TRANSFERS AND OVERTIME

Classified staff will be assigned in accordance with the needs of the District and administrative determination as to where the employee is most qualified to serve.

Lowell School District shall comply with appropriate Oregon Revised Statutes with regard to overtime compensation for all classified employees.

The District will exercise the available options which would be the most cost effective to the District.

END OF POLICY

Legal References:

ORS 279.340
332.505 (3)

Adopted 12/10/90

RESIGNATION OF CLASSIFIED EMPLOYEES

A classified staff member who wishes to resign from his/her position with the District must file a written notice in the personnel office at least two (2) weeks prior to the date he/she wishes to leave District employment. The Superintendent is authorized to accept the resignation effective the day it is received.

END OF POLICY

Legal References:

ORS 342.169
342.553
653.305 - 326
659.340
OAR 581-22-715 (2)

Adopted 12/10/90

FINGERPRINTING

Lowell School District shall comply with Oregon rules regarding the fingerprinting of new employees hired after January 1, 1994.

Any individual hired as a full time, part-time or substitute employee who has direct, unsupervised contact with students are subject to this policy. Fingerprinting and criminal records check are required by law and any action resulting from this check may be applied as a contested case.

The above paragraph will be a required portion of all District application forms.

Certified substitutes shall only be selected from the list of qualified candidates provided by the Lane Education Service District.

Classified substitutes and/or part-time employees are required, by law, to be fingerprinted and have a criminal records check if they are employed by the District for the first time.

An applicant, once offered employment by the District, must submit the required documents prior to commencement of employment. The District shall forward the documents to the appropriate state agencies within two working days of receipt.

The applicant may commence employment with the District on probationary status until receipt of a response from the various responsible agencies. Continued employment will be contingent upon the results of the investigation.

The District shall immediately terminate a probationary employee upon notification from the State Department of Education or Federal Bureau of Investigation that the employee has either been convicted, or made false statement as to a conviction, of any crime which prohibits employment in a public school.

The District shall provide all necessary forms, fingerprint cards, instructions for handling fingerprint cards, and envelopes to any person offered employment.

Instructions for handling fingerprint cards will require that they be placed in an envelope, sealed and the flap initialed by the person authorized to conduct fingerprinting. The envelope must be returned to the District for processing.

Fees for the collection of fingerprints and subsequent processing by the state and federal agencies shall be the responsibility of

CODE: GE

Fingerprinting (Cont'd)

the probationary full-time employee. The fees shall not exceed the actual costs. The probationary employee may pay these fees directly to the District or submit a written request that the fees be withheld from payroll.

Substitutes and part-time employees subject to fingerprinting and criminal records check shall have the fees paid by the District.

END OF POLICY

Reference:

ORS	342.143
OAR	581-22-716
	584-21-202
	584-36-062
	584-50-012

Adopted 7/11/94

OCCUPATIONAL INJURIES - RETURN TO WORK

Lowell School District is concerned about the health and good work habits of its employees. In the event an employee is injured and unable to perform the duties of the job, the District may assist the employee to obtain the best treatment and return to the regular job as soon as possible. The following information has been prepared to help the employee understand the procedure for notifying the District concerning the employee's condition and providing the District with appropriate information necessary to assist in the return to work. By this joint effort, it will help the employee recover at a rapid rate, gain production for wages paid, and reduce unnecessary medical costs.

If an employee is injured on the job, whenever possible, the District will offer modified work while the employee is recovering from the injury. Such positions will be temporary in nature and will be monitored by the Superintendent or the Superintendent's designee.

In every possible light duty position, the District will utilize benefits provided by the Employer At Injury Program which is offered by the Department of Insurance and Finance and administered by S.A.I.F. Corporation. This will be initiated when an on-the-job injury requires medical treatment and possible loss time from work.

Initiation of this policy will commence when the attending physician verifies that the employee may be able to return to normal duties within 90 days from the date of injury.

END OF POLICY

CROSS REFERENCE: CODE GF-AR

Adopted 3/28/94

RETURN TO WORK PROCEDURES

REQUIRED REPORTING

All District employees who have an occupational injury or illness must complete a Worker's and Employer's Report of Occupational Injury or Disease form (801) within 24 hours of the occurrence.

This form is to be submitted to the employee's supervisor within 24 hours of the occurrence.

The form will be forwarded to S.A.I.F. by the District within 5 calendar days.

S.A.I.F. Corporation Risk Control Consultants may be contacted to advise possible alternatives to, or assistance with, proposed "light duty" job analysis for early return to work assignments or job site modification recommendations.

DISABLED WORKER RELEASE

Workers treated within their work shift and released to return to work should report immediately to their supervisor with the full release from the attending physician. This may require a phone call in certain circumstances.

If released after the end of the shift, the employee must report to their supervisor at the beginning of the next shift with the release.

In all cases, where the physician releases the employee to return to work, the employee is required to contact the supervisor within 24 hours with the medical release from the attending physician.

Failure to report to work or make contact with the supervisor following disability and medical treatment within 24 hours may result in disciplinary action.

DISABLED WORKERS UNABLE TO RETURN TO WORK AND REPORTING

If a worker cannot report to the next shift, the supervisor and employee will agree on a "regular" and consistent time and day of the week to maintain contact regarding the status of the disability.

The disabled employee must notify the supervisor within 24 hours of any/all changes in medical condition.

RETURN TO WORK PROCEDURES - (Cont'd)

All disabled employees must provide current and changes of address and phone number to supervisor.

Failure to provide the above changes could lead to disciplinary action.

DEFINITION OF LIGHT DUTY

The District defines "light duty" work as temporary work assignments within the injured worker's physical abilities, knowledge and skills. Light duty positions are developed by disability, utilizing the known physical abilities/ restrictions obtained from the employee's attending physician. Light duty jobs can also include duties taken from the injured worker's regular job, when the injured worker cannot perform full duties.

COMMUNICATION REGARDING RETURN TO LIGHT DUTY WORK

The immediate supervisor shall secure name and address of the attending physician and, within one working day of securing the above, forward a copy of the Return to Work Recommendation form and a copy of the District's regular job description to the attending physician. The employee shall be responsible for returning the Return to Work Recommendation form to the District supervisor within 3 working days from the date the form was mailed to the attending physician.

The District will communicate with the attending physician to develop a modified return to work program, if applicable. There will be a Job Analysis completed cooperatively between the District and attending physician. The physician must sign the Job Analysis Worksheet before an offer is made to the employee for modified employment and light duty assignment.

The District will forward a Job Offer letter to the injured employee, through certified mail, to the last known address. The letter will also include a copy of the signed Job Analysis Worksheet and release by the attending physician. The letter will include, as a minimum, the following: report date; wage; hours; report time; duration of light duty work assignment; supervisor to report to; phone number; and location of the light duty assignment.

The worker will be asked to sign the bottom of the Job Offer letter indicating acceptance or refusal of the job offered work assignment.

RETURN TO WORK PROCEDURES - (Cont'd)

Copies of all job analysis, releases and Job Offer letters will be forwarded to S.A.I.F. Corporation.

DURATION OF LIGHT DUTY WORK ASSIGNMENT

Continuation of temporary light duty assignments for disabled workers will be reviewed regularly. The District reserves the right to determine the duration of light duty work assignments.

The supervisor will monitor the employee's recovery progress through regular contact to reassess when and how often duties may be changed. Upon receipt of increases in physical capacities, the supervisor will assess the ability to adjust work assignments. All changes in work assignment will be made only after receiving concurrence from the attending physician in writing. Notification of changes will be in writing with copies provided to the worker, attending physician and the insurer, S.A.I.F..

If an employee has a permanent disability which restricts the worker's ability to return to regular duties, the light duty program may end.

The District will determine whether a continuing modified position exists and whether the worker will or will not be offered this or any other position as their new regular work assignment. The District will also determine whether the employee's physical restrictions require substantial modification and whether such modifications are practical.

LIGHT DUTY WAGE PAYMENT

While off work due to on-the-job disability an employee will receive payment from S.A.I.F. Corporation as specified in Oregon Revised Statutes. Any questions concerning wage replacement payment should be directed to the claims adjuster at S.A.I.F. Corporation.

Disabled workers who are given light duty work releases and offered temporary work assignments will be offered wages determined by the District. If there is a difference between the employee's regular rate of pay and the temporary work assignment pay, S.A.I.F. Corporation may make temporary partial disability payments to the employee (ORS 656).

RETURN TO WORK PROCEDURES (Cont'd)

Worker refusal of an attending physician approved light duty job offer, by either refusing to sign the Job Offer letter, verbal refusal or failure to report to work, will result in S.A.I.F. Corporation's reduction or termination of total or partial wage replacement.

Refusal may also result in loss of reemployment and reinstatement rights and could affect possible future vocational eligibility.

RESPIRATORY PROTECTIVE PROGRAM

The intent of this Administrative Rule regarding the use of respirator masks is for personal protection against the airborne contaminants asbestos, paint fumes, pesticide and herbicide spray. These regulations are not optional for the employee. The Lowell School District considers this mandatory and a condition of employment for each individual using respirators.

AVAILABILITY OF RESPIRATORS

Each employee that requires a respirator to perform the assigned duty will be issued a respirator at district expense. Replacement parts, cartridges and filters will also be provided. The following type of respirator is available - one-half face respirator.

USE OF RESPIRATORS

Each employee that requires a respirator shall wear only the one approved for the task assigned. It must be properly fitted at all times while performing an operation defined as HAZARDOUS. Employees in the immediate area (within 10 feet) for an extended period of time (more than 5 minutes) where another employee is performing a HAZARDOUS operation must wear a respirator. The following are considered HAZARDOUS operations - removal of asbestos pipe covering, removal of asbestos duct covering; removal of asbestos floor tile; painting of district owned vehicles, implements and equipment; spraying of pesticides and herbicides.

SELECTION OF RESPIRATORS

Only NIOSH/MESA approved respirators will be used in this district. The choice will depend on the airborne contaminant present, the hazardous operation being performed, and ability to obtain a proper fit on the employee. The useful life of each respirator will depend mainly on the employee's job duties and the actual time the unit is in use. The employee must use the proper cartridge for the operation required to be performed.

TRAINING OF EMPLOYEES

Each respirator user will be shown and trained how to use and maintain the respirator. The training will be provided by the Building Maintenance Supervisor or his designee.

Employee's proof of the training and instructions received shall consist of the following:

RESPIRATORY PROTECTIVE PROGRAM (Cont'd)

1. The supervisor shall provide the training.
2. The employees will demonstrate their understanding of the training by being able to apply the contents of the training received.
3. The employees shall sign a statement, provided by the district, that they have received the training.
4. The supervisor shall initial each statement indicating that the employee has satisfactorily demonstrated the proper use and maintenance of the respirator.

To insure the availability of this respirator program, copies of this Administrative Rule shall be posted in the following areas.

1. Building Maintenance office
2. Bus garage

Copies will be maintained in the District office.

FITTING OF RESPIRATORS

Proper fitting of respirators is essential if employees are to receive the protection for which this program is designed. Air which passes around the edges of the respirator, rather than through it, is not filtered air. In order to ensure a proper face seal, the following rules must be observed:

1. The respirator and straps must be in place and worn in the appropriate position. To adjust head bands, pull the free ends tight until a comfortable fit is obtained. All straps shall be secure.
2. To adjust face piece properly, position chin firmly in the chin cup and manually shift mask until the most comfortable position is located. Make final adjustments in the head band and do not break the nasal seal. Modifications to the respirator or traps shall not be made.
3. Proper fit must be checked each time the respirator is worn. Respirators shall not be worn when projections under the face piece prevents a good face seal.
4. The fitted respirator must be tested for proper fit. Test organic vapor respirators by using isoamyl acetate. Banana odor indicates improper fit. Test particulate respirators by using an irritant fume test such as ammonia capsule.
5. Respirator users must be clean shaved.

MAINTENANCE OF RESPIRATORS

Respirators should be cleaned after each day's use, placed in a plastic bag and stored in the container provided for this purpose.

RESPIRATORY PROTECTIVE PROGRAM (Cont'd)

At the end of each week (or more often, if needed) respirators should be completely cleaned and disinfected by carrying out the following procedures:

1. Remove the air-purifying elements from the respirator. Air purifying elements must never be washed and disinfected.
2. Immerse the respirator in warm (140-160 degrees F) aqueous solution of a germicidal detergent. The respirator face piece and parts may be gently scrubbed with a cloth or soft brush. Make sure that all foreign matter is removed from all surfaces of the exhalation valve flap and valve seats.
3. Rinse the respirator with clean warm water and allow to dry.
4. After the respirator is dry, attach the air purifying elements.
5. Store the respirator in a plastic bag and container provided.

Any malfunction of the respirator shall be reported to the Building Maintenance Supervisor or designee.

In storing the respirator, the face piece and exhalation valve flap must be in a normal position so as to prevent the abnormal set of elastic and rubber parts during storage.

TESTING BEFORE USE

Each employee will assure that the respirator is kept clean and in satisfactory working condition. Respirator inspection shall include:

1. Tightness of connections
2. Condition of face piece
3. Condition of head bands
4. Condition of cartridges
5. Condition of valves
6. Pliability of elastic and/or rubber
7. Deterioration of elastic and/or rubber

NOTE: Stretching and manipulating rubber or elastic parts by massaging action will keep them pliable and flexible and prevent them from taking a set during storage. Worn out parts will be replaced immediately.

RESPIRATOR PROGRAM EVALUATION

The district shall monitor the effectiveness of this program by :

1. Unscheduled observation of employee activities to confirm proper respirator use and storage.

Approved - August 1994

LEGAL STATUS

The District has a basic obligation to protect the public by attempting to insure the orderly and uninterrupted operations and functions of the schools.

The District recognizes that in order to protect the sequential educational programs from labor disputes, the District accepts the right of public employees to organize and the principles and procedures of collective negotiation between the District and the employees.

END OF POLICY

Legal Reference:

ORS 243.656

Adopted 12/10/90

CLASSIFIED NEGOTIATIONS

The Lowell School District Board of Directors recognizes the Oregon School Employees Association, Chapter #118 as the collective bargaining representative of the classified employees and will continue to be so recognized until the Board is notified to the contrary in accordance with collective bargaining statutes.

END OF POLICY

Legal Reference:

ORS 243.662

**Adopted 8/75
Revised 12/10/90**

CERTIFIED NEGOTIATIONS

The Lane Unified Bargaining Council is recognized as the collective bargaining representative of professional staff and will continue to be so recognized until the Board is notified to the contrary in accordance with collective bargaining statutes.

END OF POLICY

Legal Reference:

ORS 243.662

Adopted 3/13/78
Revised 12/10/90

DISTRICT GOALS FOR LOWELL SCHOOL DISTRICT #71

- | | |
|---------------|--|
| INDIVIDUAL | <ul style="list-style-type: none"> - 1100 Students will have feelings of self worth. - 1200 Students will maintain healthy bodies - 1300 Students will maintain healthy minds - 1400 Students will appreciate music and art |
| LEARNER | <ul style="list-style-type: none"> - 2100 Students will read and comprehend, express through writing, and compute. - 2200 Students will be able to use the scientific method. - 2300 Students will have lifelong desire for learning - 2400 Students will be prepared to attend college. |
| PRODUCER | <ul style="list-style-type: none"> - 3100 Students will be good listeners and know how to follow instructions. - 3200 Students will be good workers and have pride in their accomplishments. - 3300 Students will have career awareness. |
| CITIZEN | <ul style="list-style-type: none"> - 4100 Students will be morally responsible. - 4200 Students will be responsible members of community, state, and nation, and world. |
| CONSUMER | <ul style="list-style-type: none"> - 5100 Students will respect their environment. - 5200 Students will identify relevant information. |
| FAMILY MEMBER | <ul style="list-style-type: none"> - 6100 Students will have family living skills. - 6200 Students will use leisure time constructively. |

INSTRUCTIONAL GOALS AND OBJECTIVES

The primary goal of the Lowell School District is to provide a meaningful education for each student as related to his individual abilities and goals.

In pursuit of this goal, the following are considered essential:

1. Emphasis on effective communication skills which form the basis of success in any undertaking.
2. Awareness of the rights and dignity of the individual as well as responsible group behavior.
3. Recognition of the contributions of all ethnic groups to our country and its culture.
4. Involvement of the school and community in a meaningful and practical relationship.

Course of Study - The course of study prescribed by the State Department of Education shall be followed together with such additional materials as may be prescribed by the Superintendent of Schools and approved by the Board.

END OF POLICY

Legal References:

ORS 326.775
OAR 581-22-211
581-22-402
581-22-405
581-22-410
581-22-415
581-22-420
581-22-425

Adopted 8/75
Revised 10/86
Revised 8/9/93

INSTRUCTIONAL GOALS AND OBJECTIVES (cont'd.)

In preparation for the life role of **Individual**, the State of Oregon mandates that students will "develop basic skills to achieve fulfillment as a self directed person; acquire knowledge to achieve and maintain physical and mental health; develop capacity to cope with change through understanding of the arts, humanities, scientific processes, and principles involved in making moral and ethical choices."

In pursuit of this goal, students will:

1. develop and maintain good character and a positive self image . . . emphasizing:
 - a. the capacity of self discipline required for structured work, study, and constructive play.
 - b. a moral and ethical sense of values, goals, and processes of a free society.
 - c. the value of one's cultural heritage.
2. practice habits of good health, fitness, and safety . . . emphasizing:
 - a. an effective individual physical fitness program.
 - b. development of a concern for public health and safety.
3. appreciate culture and beauty of the world . . . emphasizing:
 - a. development of abilities for effective expression of ideas and cultural appreciation (fine arts).
4. will understand and be able to adjust to change . . . emphasizing:
 - a. development of awareness and ability to adjust to a changing world and its circumstances.
 - b. development of understanding of the past, identification with the present, and development of the ability to meet the future.

(continued)

INSTRUCTIONAL GOALS AND OBJECTIVES

In preparation for the life role of Learner, the State of Oregon mandates that students will "develop basic skills of reading, writing, computation, spelling, speaking, listening, and problem solving and develop a positive attitude toward learning as a lifelong endeavor."

In pursuit of this goal, students will:

1. be able to read, write, spell, listen, and speak in order to gain information and communicate ideas . . . emphasizing:
 - a. development of skills in use of written and oral language.
 - b. development of ability to communicate and receive ideas and feelings effectively.
2. be able to locate, examine, evaluate, and use information . . . emphasizing:
 - a. development of ability to use scientific methods (orderly logic).
3. be able to apply logical, critical thinking in solving problems and making decisions . . . emphasizing:
 - a. development of ability to think, organize, and proceed logically.
4. begin to build the store of intellectual resources needed to adapt to the dynamic world in which we live . . . emphasizing:
 - a. development of background and skills in the subject areas of language arts, mathematics, natural science, social sciences, and arts.
5. value learning and perpetuate the desire to learn . . . emphasizing:
 - a. development of a positive attitude toward learning now and in the future.
 - b. acceptance of responsibility for independent thinking and continuing education.
 - c. development of intellectual curiosity and readiness for lifelong learning.

(continued)

INSTRUCTIONAL GOALS AND OBJECTIVES (cont'd.)

In preparation for the life role of **Producer**, the State of Oregon mandates that students will "learn the variety of occupations; learn to appreciate the dignity and value of work and mutual responsibilities of employers and employees; learn to identify personal talents and interests, to make appropriate career choices and to develop career skills."

In pursuit of this goal, students will:

1. value work as necessary for responsibility of self and a feeling of worthiness . . emphasizing:
 - a. development of a feeling of pride in student achievements and progress.
 - b. development of understanding and awareness of the interdependence of the feelings of positive self-worth, security, and self-assurance with personal industry, integrity, and conscientiousness.
 - c. development of a work ethic that makes him/her a prime candidate for retention and/or promotion after employment.
2. value good fellowship . . . emphasizing:
 - a. development of cooperative attitude toward living and
 - b. development of appreciation and respect for the worth and dignity of individuals.
 - c. development of respect for and acceptance of majority decision.
3. gain attitudes and information necessary to seek and secure a job and/or life roles . . . emphasizing:
 - a. development of self-direction in relation to occupation interests.
 - b. development of an awareness of opportunities and requirements related to a specific field of work.
 - c. development of an awareness of and ability to use information and counseling services related to job selection.

(continued)

INSTRUCTIONAL GOALS AND OBJECTIVES (cont'd.)

In preparation for the life role of Citizen, the State of Oregon mandates that students will "learn to act in a responsible manner; learn rights and responsibilities of citizens of community, state, nation, and world; learn to understand respect, and interact with other cultures, generation, and races."

In pursuit of this goal, students will :

1. be a responsible citizen . . . emphasizing:
 - a. development of an awareness of civic rights and responsibilities.
 - b. development of an attitude favoring productive citizenship in a democracy.
 - c. respect for personal and public property.
2. respect for individual and group worth . . . emphasizing
 - a. development of an awareness of the process of group relationships.
3. understand and practice American democratic ideas and ideals . . . emphasizing:
 - a. development of loyalty to American democracy.
 - b. development of knowledge and appreciation of the rights and privileges in the country.
 - c. development of an understanding of our American heritage.
4. appreciate and understand other people and other cultures . . . emphasizing:
 - a. development of an understanding of political, economic, and social patterns in this world.
 - b. development of awareness of the interdependence of races, creeds, nations, and cultures.

(continued)

INSTRUCTIONAL GOALS AND OBJECTIVES (cont'd.)

In preparation for the life role of **Consumer**, the State of Oregon mandates that students will "acquire knowledge and develop skills in management of personal resources to provide wisely for personal and family needs and meet obligations to self, family, and society."

In pursuit of this goal, students will:

1. learn how to be a good manager of money, property, and resources . . . emphasizing:
 - a. development of an understanding of economic principles and responsibilities.
 - b. development of ability and understanding in personal buying, selling, and investment.
 - c. development of skills in management of natural and human resources in the environment.
 - d. development of an understanding of the reciprocal relationship between consumption and available resources.

In preparation for the life role of **Family Member**, the State of Oregon mandates that students will "learn of the rights and responsibilities of family members, and acquire skills and knowledge to strengthen and enjoy family life."

In pursuit of this goal, students will:

1. understand and value the principles and skills of responsible family living.
2. be able to make positive use of leisure time . . . emphasizing:
 - a. development of a positive attitude toward participation in a range of leisure time activities - physical, intellectual, and creative.
 - b. development of appreciation and interests which will lead to wise and enjoyable use of leisure time.

END OF POLICY

Legal References:

OAR 581-22-21
581-22-402
581-22-405
581-22-410
581-22-415
581-22-420
581-22-425

Adopted 10/86

STUDENT COMPETENCIES

COMPETENCYPERFORMANCE INDICATOR**READING**

The student comprehends everyday written material.

The student will demonstrate the ability to derive meanings from the written word.

The student will demonstrate capacity to understand written instructions.

The student will demonstrate the ability to utilize maps, tables and diagrams.

The student will demonstrate the ability to find and use information in reference materials.

WRITING

The student is able to perform everyday writing activities.

The student can compose letters.

The student is able to fill in forms.

The student will demonstrate the ability to convey clear explanations.

The student will be able to clearly describe objects and places.

The student will demonstrate the ability to express in written form personally held opinions.

MATH

The student is able to solve everyday mathematical problems.

The student is able to add, subtract, multiply and divide using whole numbers, decimals and fractions.

The student will demonstrate the ability to mentally compute and estimate.

The student will be able to measure.

The student will demonstrate the ability to use calculators.

(continue)

STUDENT COMPETENCIES (cont'd.)

SPEAKING

The student can orally convey clear directions and descriptions to others in everyday situations.

The student will demonstrate the ability to ask questions.

The student is able to give directions orally.

The student will be able to orally describe objects and places.

The student is able to discuss ideas.

The student will display the ability to orally defend personally held opinions.

LISTENING

The student can listen and make appropriate responses to oral directions, questions and answers; and can understand ideas expressed verbally.

The student will demonstrate the ability to paraphrase questions and answers.

The student is able to obtain meaning from discussions and speeches.

The student will demonstrate the ability to follow oral directions.

REASONING

The student will be able to apply reasoning to identify and solve everyday problems and to evaluate consequences and reach decisions.

The student is able to detect problems.

The student will demonstrate the ability to suggest alternate solutions to problems.

The student is able to evaluate likely consequences of actions.

The student will demonstrate the ability to justify decision.

END OF POLICY

Adopted 3/13/78
Revised 5/80

ACADEMIC FREEDOM

It is important to the orderly use of school facilities that the use of all space should be planned in advance. Students shall be permitted to hold meetings on school property under conditions as follows:

1. Rights:

- a. Students shall be permitted to hold student meetings on school property.
- b. Student shall have the right to gather informally.

2. Responsibilities:

a. Student Meetings

- 1. The meetings shall be scheduled a minimum of ten school days in advance.
- 2. Normal class activities shall not be disrupted.
- 3. The meeting shall not incite hazard to person or property.
- 4. The meeting shall be sponsored by school officials or an official school club or organization.
- 5. No speaker who openly and knowingly advocates breaking the law or encourages immoral acts shall be invited to speak.
- 6. If a crowd is anticipated, a crowd control plan shall be filed in the appropriate office well in advance of the meeting.
- 7. Every attempt shall be made to present a balance of viewpoints.

b. Informal Gathering

- 1. Students gathered informally shall not disrupt the orderly operations of the educational process.
- 2. Students gathered informally shall not infringe upon the rights of others to pursue their activities.

END OF POLICY

Adopted 3/13/78

Relations with Home-Schooled Students**

The district recognizes the rights of parents to educate students at home and acknowledges the education service district's role in registering and monitoring test results for students who are being taught at home.

Further, the Board is willing to assist parents in this endeavor if a request is made through the superintendent. The district will furnish basic course descriptions, state standards for elementary and secondary education, and, when available, may furnish basic instructional materials upon deposit of a loss/damage fee.

Students may, upon parent request, be allowed to participate in district programs such as physical education programs, instrumental and vocal music programs, or other selected options if space and materials are available. Such students must then adhere to regular attendance procedures as established by the school and must avoid disruption of said programs. Parents are responsible for transportation for students attending selected school offerings.

The Board shall evaluate transcripts and determine the value of prior credits and number of years of school attendance or equivalent for home-schooled students on a case-by-case basis.

Home-schooled students may participate in interscholastic activities if the following criteria are met:

1. The student can meet the district eligibility requirements except the district or class attendance requirements;
2. The student need not meet class requirements of the voluntary association administering the interscholastic activities;
3. The student can achieve the minimum score on an examination from the list adopted by the State Board of Education. The minimum composite test score that a student must achieve shall place the student at or above the 23rd percentile based on national norms. The examination shall be taken at the end of each school year. (Students may participate while awaiting test results);
4. The parent shall submit the examination results to the district; or that district may adopt alternative requirements, in consultation with the parent that a student must meet to participate in interscholastic activities, including, but not limited to a requirement that a student submit a portfolio of work samples to the district for review to determine whether a student is eligible to participate in interscholastic activities;
5. The student must fulfill the same responsibilities and standards of behavior and performance including related class or practice requirements of other students participating in the interscholastic activity. The student must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation.

Relations with Home-Schooled Students**

6. The student must reside in the attendance boundaries of the school for which the student participates.

An interscholastic activity is defined as an activity:

1. With optional student participation which complements the curriculum, encourages students' physical, academic or social development.
2. Supervised by school personnel;
3. Generally conducted outside the instructional day.

END OF POLICY

Legal Reference(s):

ORS 326.051
ORS 329.465
ORS 339.030
ORS 339.035
ORS 339.430
ORS 339.460

OAR 581-021-0026 to -0029
OAR 581-021-0033
OAR 581-021-0034
OAR 581-021-0071
OAR 581-021-0210
OAR 581-022-1350

Adopted 12/11/00

SCHOOL YEAR/SCHOOL CALENDAR

The Board will approve the school year calendar for each year. After Board approval, any modifications of the calendar will require Board action.

The calendar will include the number of student days, number of work days for staff and holidays. It will meet state requirements.

END OF POLICY

Legal Reference:

ORS 332.075 (2)

Adopted 8/75
Original Code: ICA
Revised 12/10/90

MAKE UP OF INSTRUCTIONAL TIME

When days of instruction are missed because of forced school closure due to weather or other reasons and it is projected that any grade level will fall below the required hours of instruction the District will use one or combination of the following options.

1. Sufficient days will be added to the school year in order for the District to comply with minimum state standards.
2. Spring vacation will be shortened in order that the District will meet minimum instructional requirements.

END OF POLICY

Legal References
OAR 581-22-502

Adopted 10/28/91

SCHOOL DAY

During the school year, the school shall be open from 7:30 AM to 3:30 PM for the conducting of school business and it will be in keeping with state requirements. Starting and ending times for the day will be established annually by the Superintendent and in conformance to applicable collective bargaining agreements.

END OF POLICY

Legal References:

ORS 332.072
OAR 581-22-502

Adopted 8/75
Original Code: ICA
Revised 12/10/90

STUDENT ACTIVITIES FUND MANAGEMENT

In compliance with:

- OAR 581-22-248 (1) "Student activity funds" shall be audited each year by the auditor approved by the Board.
- OAR 581-22-248 (2) The local district shall adopt policies defining "student activity funds" and prescribe specific purposes for which each such fund may be used.
- OAR 581-22-248(3) "Student activity funds" shall be used only for purposes described by local district policies adopted in compliance with this rule.

Student activity funds (definition) - Student activity funds are comprised of monies deposited in the student body fund to the account of various student organizations chartered by the student government and any monies assigned to the student body by Board action.

Student activity funds may be used by the student government and any monies assigned to the student body by Board action.

Student activity funds may be used by the student government, by an organization chartered by the student government, or by combinations of constituted student organizations for purposes as follow:

1. Promotion and financing of social events and fund raising ventures authorized by the student government.
2. Payment of the expenses incurred as the result of formal action by a chartered student organization.
3. Payment for security services utilized during events sponsored by a constituted student organization.
4. Making of charitable contributions authorized by a chartered student organization.

Student charges - The Board shall adopt a schedule of legally authorized charges before the opening of school each year. No charge shall be made which results in a profit to the District.

All payments must be properly authorized by the organization on payment authorization forms. These require approval by the organization treasurer and adviser. After the form is completed, a check will be drawn to pay the invoice or statement amount.

END OF POLICY

Legal Reference:

OAR 581-22-248

Adopted 8/8/77

CODE: IE

ORGANIZATION OF INSTRUCTION

Lowell School District is organized on a K-12 grade level plan.

There are two schools in the District, operated as separate, but united and closely related units.

Multiple-level offerings may be established to meet the needs of continuous progress and individualized instruction of students. The District will provide special instructional services to students who have disabilities that are recognized by provisions in state and federal law.

END OF POLICY

Legal Reference:

ORS 326.715
332.075 (1)
336.557

Adopted 12/10/90
Revised 8/10/92
Revised 9/9/93

CURRICULUM DEVELOPMENT

The Board believes it necessary that the District continually develop and modify its curriculum to meet changing needs in technology and fields of knowledge and to assure the full, rounded, and continuing development of our students. While keeping with the requirements of state law, the Board authorizes the Superintendent to review the curriculum periodically and to advise the Board on curriculum changes needed.

END OF POLICY

Legal Reference:

OAR 581-22-201

Adopted 12/10/90

CURRICULUM RESEARCH/PILOT PROJECTS

A pilot project is defined as an educational experiment conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that experiment for fulfilling present and future needs of the District.

Requests for permission to conduct such projects must be submitted to the Superintendent and must be approved by the Board subject to compliance with state and federal laws and to Board policy and administrative regulations.

END OF POLICY

Legal Reference:

General Education Provisions Act, Sec. 439

Adopted 12/10/90

OREGON 21ST CENTURY SCHOOLS PROGRAM

The Board supports the real and fundamental changes that are fostered by the "Oregon 21st Century Schools Program."

The "Oregon 21st Century Schools Program," is a program that encourages the restructuring of school operations by allowing teachers, administrators, other school personnel and the public working together to modify or waive, or both, certain statutes, rules and local policies and collective bargaining agreements in order to promote greater flexibility in the way schools are organized, managed and financed. In exchange for such flexibility, standards of student learning and other educational performance shall be established. Clear and measurable accountability shall be provided.

To be eligible for the "Oregon 21st Century Schools Program," the Board is responsible for submitting the application.

Further responsibilities of the Board include obtaining a letter of support from the Board and the exclusive representative of teachers in the buildings affected if a waiver of a mandatory collective bargaining obligation or any right as specified by law is required.

Amendments must also be accompanied by a statement of support from the Board, exclusive representative of teachers, if applicable, and each building site committee involved in the project.

At least one Board member to be chosen by the Board shall serve on the district planning committee if one is established.

Approval of the Board, exclusive representative of teachers, if applicable, and building site committee is required to terminate the district's application.

END OF POLICY

Legal References:

ORS 243.650	
ORS 243.782	OAR 581-020-0105
ORS 329.537 - 329.605	OAR 581-020-0115
ORS 342.513	
ORS 342.545	
ORS 342.553	
ORS 342.608	
ORS 342.610	
ORS 342.613	
ORS 342.650	

Adopted: 10/26/98

21ST CENTURY SCHOOLS COUNCILS

The Board directs the superintendent to encourage community involvement in shared decision making and to foster the collaborative efforts of district personnel, students, parents and community members through 21st Century Schools Councils at each school site.

Additionally, the Board may, as deemed necessary for assisting in the administration of grants or for coordination of districtwide programs, establish 21st Century Schools Councils and/or other special committees at the district level for specific projects or issues.

The establishment and charge of the 21st Century Schools Councils shall not interfere with the duties, responsibilities and rights of the duly elected Board.

At the school site 21st Century Schools Councils shall be structured as follows:

Composition

1. 21st Century Schools Councils shall be composed of teachers, parents, classified employees and building administrator or designee as follows:
 - a. Not more than half of the members shall be teachers;
 - b. Not more than half of the members shall be parents of students attending that school;
 - c. At least one member shall be a classified employee;
 - d. One member shall be a building administrator or designee;
 - e. In addition, other members may be designated by the Board including, but not limited to, local school committee members, business leaders, students and members of the community-at-large.

Selection

2. Members of the 21st Century Schools Council shall be selected as follows:
 - a. Teachers shall be licensed teachers elected by licensed teachers at the school site;
 - b. Classified employees shall be elected by classified employees at the school site;
 - c. Parents shall be selected by parents of students attending the school.
 - d. Others shall be selected by the council.

(continued)

3. The duties of the 21st Century Schools Council shall include, but not be limited to:
- a. The development of plans to improve the professional growth of the school's staff.
 - b. The improvement of the school's instructional program;
 - c. The development and coordination of plans for the implementation of programs at the school in accordance with Oregon's Educational Act for the 21st Century;
 - d. The administration of grants-in-aid for the professional development of teachers and classified employees.

Duties

If the Board determines that a school site is unable to fulfill the requirement of the 21st Century Schools Council as outlined in this policy, or if the needs of a school site require a different composition, the Board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

21st Century Schools Councils may request a waiver of Board policy. Waiver requests must be submitted in writing to the superintendent. The superintendent will submit the waiver request and his/her recommendation to the Board for final approval. Policy waiver requests will be considered based on the district's mission statement, philosophy, Board adopted goals and effective schooling tenets.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval respectively. In no case will 21st Century Schools Councils abrogate any provision of the district's collective bargaining agreements, district contracts or Board policy, except through the waiver process.

21st Century Schools Councils, the duties of which include advising the Board or making decisions on behalf of the Board, shall follow the notice, meeting and recordkeeping requirements of the Public Meetings Law.

END OF POLICY

Legal References:

ORS 192.660 - 192.690	ORS 342.513
ORS 243.650	ORS 342.545
ORS 243.782	ORS 342.553
ORS 329.125	ORS 342.608
ORS 329.675 - 329.745	ORS 342.610
ORS 332.172	ORS 342.613
	ORS 342.650

CODE: IFCA

OAR 581-020-0105
OAR 581-020-0115
OAR 581-020-0130

Adopted: 10/26/98

21ST CENTURY SCHOOLS COUNCILS

The district shall have 21st Century Schools Councils at each school. 21st Century Schools Councils shall consist of the following:

Membership

Membership shall include the following:

<u>Membership</u>	<u>Selection</u>	<u>Requirements</u>
Teachers, required	Elected by licensed teachers at school site	Shall serve
Classified, required	Elected by classified employees at school site	Shall serve
Building administrator or administrator or designee, required	Appointed by building administrator or designee	Shall serve
Parents of students, required	Appointed by parents of students at that site, by a process to be defined by the Board	Shall serve
[Community member(s), other building staff member(s) students]	[Determined by the Board, appointed by the council]	[May] serve

Organization

Each 21st Century Schools Council should:

Establish length of terms on the council.

Establish staggered terms which maintain continuity of service on the council.

Select chairman and other officers as necessary.

Establish time and location of meetings.

Adopt Roberts Rules of Order Newly Revised as a code of conduct.

Maintain recorded agendas and minutes.

Determine method of communication to Board, superintendent regarding ongoing council projects.

Duties

Within the parameters established above, 21st Century Schools Councils shall be responsible for the development of plans to improve the professional growth of the school staff, the improvement of the school's instructional program, the development and coordination of plans for the implementation of programs at the school site and the administration of grants-in-aid for the professional development of teachers and classified employees as provided for in Oregon Revised Statutes and Oregon Administrative Rules.

(continued)

Additional duties shall be set by Board policy.

Limitation of Council Authority

The district mission, beliefs, goals, priorities, strategic plan and policies shall continue to be established at the district level and approved by the Board. These establish the guiding framework within which 21st Century Schools Councils will develop school improvement plans.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval, respectively. 21st Century Schools Council decisions shall not abrogate any provisions of the district's collective bargaining agreements, other Board contracts, Board policy or law, except through the waiver process.

Public Meetings Law

21st Century Schools Councils, the duties of which include advising the Board or making decisions on behalf of the Board, shall follow the notice, meeting and recordkeeping requirements of the Public Meetings Law.

Adopted 10/26/98

CURRICULUM ADOPTION

Recommendation to add new courses or programs or to delete existing courses or programs must be approved by the Board.

END OF POLICY

Legal Reference:

ORS 332.072

Adopted 10/12/90

CURRICULUM GUIDES AND COURSE OUTLINES

Curriculum guides and course outlines will be available for all courses/programs offered in the District. Planned course statements will be on file for each course offered in grades 2-12. Such statements will include common curriculum goals/competencies as appropriate. Information regarding course offerings and course descriptions will be available to all students and interested patrons of the District.

END OF POLICY

Legal Reference:

OAR 581-22-316

Adopted 12/10/90

EARLY GRADUATION

A student who, for sound educational and vocational reasons, wishes to graduate from high school in less time than the ordinary grade 9-12 sequence may request permission to complete graduation requirements on an altered schedule. The student and his/her parents will consult with high school guidance personnel in order to develop a graduation plan. To be considered in the conference is the student maturity level, the access to alternative learning experiences, quality of academic performance, other district guidelines and their parent or guardian wishes. Their intention to accomplish this plan will be stated in writing to the Superintendent.

END OF POLICY

Legal Reference:

OAR 581-22-316

Adopted 12/10/90
Revised 10/28/91

DELAYED GRADUATION

Students who do not complete the required number of credits for graduation in the standard four year time period may continue to attend classes towards graduation. They may continue to take courses towards this objective until the age of 21. Upon completion of the then current graduation requirements an appropriate diploma will be issued by the District.

END OF POLICY

Legal Reference
OAR 581-22-316

Adopted 10/28/91

AIDS CURRICULUM

Acquired Immune Deficiency Syndrome (AIDS) is a disease that is new to the American culture. Some people fear AIDS, in part because they don't know much about the disease, and, in larger part, because they have feelings of helplessness about what they do know or have heard. Based on information from the Oregon State Health Division, we know that AIDS is a preventable epidemic. The Board believes schools can serve an important role in reducing the fears about AIDS by educating students with current, factual information about the disease, i.e., how it attacks the body system, and how it is (and is not) transmitted. AIDS is a deadly disease for which there is no known cure or remedy. Until a cure is found, the Board believes the best course of action is to attempt to contain or to reduce the spread of the disease by creating an informed public; one that is aware of the physiological and psychological aspects of the disease.

The Board will adopt curriculum that presents current, accurate information to help students learn about preventing the spread of the AIDS-causing virus, and to assist them in making decisions about protecting their health and the health of others.

The major goal of such a curriculum will be to provide students with information about AIDS so they will be able to make informed decisions about their own health.

END OF POLICY

Legal Reference:

OAR 581-22-412

Adopted 12/10/90

SPECIAL INSTRUCTIONAL PROGRAMS

This school district recognizes its responsibilities to provide a free appropriate public education for all children with disabilities, ages 5-21 years, who are residents within the attendance boundaries of the school district. In recognizing this obligation to provide special education, the Board accepts responsibility for implementing Individuals with Disabilities Education Act (IDEA), the Oregon Revised Statutes and appropriate Oregon Administrative Rules.

This district will, on an ongoing basis screen, evaluate, identify and place in a free appropriate public educational setting, all children with disabilities regardless of their needs or severity of handicap. To this end, each eligible student will be provided with an Individualized Education Program which will address his or her unique educational needs. Implementation of the full opportunity goals for students with disabilities, ages 5 through 21, will be completed in September of each school year. All federal and state regulations will be followed with this implementation.

These services will be provided free of cost to the parents and child and will continue as long as the child is eligible for services or remains a resident with the jurisdictional boundaries of this school district.

Delegation of authority for implementation of this Special Education Program is as follows:

- a. This program is administered by the Special Education Director who is responsible to the Superintendent of Schools.
- b. The Special Education Director is responsible for the coordination of this Special Education Program within the District and for continuity of services to Lowell students who are being served in other educational settings.
- c. The Special Education Director may delegate authority and assign responsibilities for the implementation of this program within the framework of his/her job description and this program.
- d. The Special Education Program shall be evaluated annually by the Special Education Director, who will make recommendations to the Superintendent and Board of Directors for program revisions.

Special education programs to meet the needs of disabled students will range along a broad continuum and will be an integral part of the District's regular school program.

SPECIAL INSTRUCTIONAL PROGRAMS (cont'd)

These programs include, from least to most restrictive:

- a. Regular classroom instruction.
- b. Regular classroom instruction with alternative materials.
- c. Regular classroom instruction with tutoring or aide assistance.
- d. Part-time resource room tutoring with regular classroom materials.
- e. Part-time resource room instruction with alternative materials and programs.
- f. Full-time resource room instruction with some mainstreaming for lunch, recess, etc.
- g. Full-time self-contained special programs.
- h. Education (full or part-time) in a separate educational facility.
- i. Home instruction.
- j. Hospital or institutional instruction.

Each student who is certified disabled by a multidisciplinary team will receive appropriate educational services as developed and outlined in an individual education program (IEP). Students who require IEP services shall receive all rights and privileges afforded other students as provided by the equal opportunity policy of the District.

An IEP team will meet in conference to develop an IEP for the disabled student based upon the evaluation of the student's needs and the resources available. The IEP team shall be composed of the following individuals:

- a. The child's regular classroom teachers.
- b. A representative of the School District, other than the child's teacher, who is qualified to supervise or provide special education.
- c. One or both of the child's parents, if possible, or a guardian or surrogate parent.
- d. The school nurse and/or other medical personnel, as needed.
- e. A member of the evaluation team who is knowledgeable about the evaluation procedure and results.
- f. Other resource persons as needed.

The individual education program is based on the professional evaluation of the needs of the disabled child. Unless otherwise stated, the IEP will represent departures from, and additions to, the regular education program for the grade and class level of the student, and should contain statements of the child's present levels of achievement, long and short term instructional goals, specific special

Special Instructional Programs (con'd)

educational services and strategies proposed, efforts to provide the "least restrictive environment", dates for commencement and review of the IEP program and services, IEP evaluation methods and criteria (IEP evaluations must be done at least annually), and date of the child's last educational evaluation (must be done at least every three years).

To the maximum extent possible, disabled children will be educated in regular classrooms with nondisabled peers. However, disabled children will be given educational services in a separate environment when:

- a. The individual education program designed to meet the unique needs of the student requires materials and equipment not available in the regular classroom.
- b. The IEP requires space and personnel not available in the regular classroom.
- c. Having the IEP activity in the regular classroom would cause severe disruption to the regular program or limit the effectiveness of the special program.

END OF POLICY

Legal References:

OAR 581-15-005 - 105
ORS 343.035
343.153
343.157
343.163
343.187
343.221

Revised 1/11/88
Revised 5/11/92

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency, EC Cares is responsible for determining the eligibility of children for EI/ECSE services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they have not failed, been retained in a course or a grade, and are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with ORS Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular diploma.

The district shall annually submit data to the Oregon Department of Education regarding the number of resident students with disabilities who have been identified, located and evaluated are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 338.165](#)
[ORS 339.115 to-137](#)
[ORS 343.151](#)
[ORS 343.157](#)
[ORS 343.193](#)
[ORS 343.221](#)
[ORS 343.517](#)
[ORS 343.533](#)

[OAR 581-015-2040](#)
[OAR 581-015-2045](#)
[OAR 581-015-2080](#)
[OAR 581-015-2085](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2315](#)
[OAR 581-015-2480](#)
[OAR 581-021-0029](#)
[OAR 581-022-1340](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3)-(2006).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2006).

Students with Disabilities - Child Identification Procedures

1. The District's Child Find Efforts Include:

- a. Public awareness. District child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - (1) The district provides information about special education services in the district and the district's special education referral process to public and private facilities and public charter schools located in the district, including day care centers, homeless shelters, group homes, county jails, hospitals, medical officer and other facilities that serve children birth to 21 years old.
 - (2) The district provides information about special education services and how to make a referral to any migrant education programs operating in the district.
- b. Notice of confidentiality. Before any major child find activity, the district publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
- c. Staff awareness. The district ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
- d. Communication to parents. District staff shall inform parents about the availability of special education services in the district and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EI/ECSE) and the designated referral and evaluation agencies with which the district collaborates.

2. Private School Children with Disabilities:

- a. The district's child find system applies to children, including those children who are residents of another state, enrolled by their parents in private schools, located within the boundaries of the district.
- b. The district's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in district public schools.
- c. The district does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal IDEA funds on parentally-placed school students with disabilities.

- d. The district consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:
 - (1) How private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers and private school officials will be informed of the process.
- e. The district child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

3. **Home-Schooled Students with Disabilities**

- a. The district collaborates with the ESD that serves the district to ensure that the district responds promptly to information about home-schooled students with suspected disabilities.
- b. The district collaborates with home schooling organizations in the district's jurisdiction and provides information about special education services in the district and how to make a referral.
- c. If the district has reason to suspect that a home schooled student has a disability, the district will obtain parent consent for initial evaluation.

Education Records/Records of Students with Disabilities

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student's records;

2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the district's education records policy.

Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years or older or emancipated and the general public.

END OF POLICY

Legal Reference(s):

ORS 30.864	ORS 339.260	OAR 166-400-0010 to 166-450-0010
ORS 107.154	ORS 339.270	OAR 581-021-0220 to -0430
ORS 326.565	ORS 343.177(3)	OAR 581-022-1660
ORS 326.575		OAR 581-022-1670

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his/her status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;

- e. Date of entry in school;
- f. Name of school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an IEP, or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record; and
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for

providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the students educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The [administrator/principal or his/her designee] shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who needs to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;
- c. The disclosure is to authorized representatives of:
 - (1) The Comptroller General of the United States;
 - (2) The Secretary of the United States Department of Education;
 - (3) State and local educational authorities; or
 - (4) The Oregon Secretary of State's Audit Division.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section “financial aid” means any payment of funds provided to an individual that is conditioned on the individual’s attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
 - (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The district may disclose information under this section only if:

- (1) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (2) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The disclosure is to accrediting organizations to carry out their accrediting functions;
- g. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student’s parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
- h. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- i. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to

applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency.

- j. The disclosure is information the district has designated as “directory information” (See Board policy JOA – Directory Information);
- k. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- l. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- m. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student’s personally identifiable information:

- a. The parent(s) or eligible student;
- b. The school official or his/her assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student’s Education Record

If an eligible student or student’s parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student’s rights of privacy or other rights, he/she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within [10] working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within [10] working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than [10] working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the district; and

- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall, subject to ORS 339.260, transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

Code: **IGBAC**
Adopted: 9/25/00
Revised: 11/28/05

Special Education - Personnel

Consistent with Teacher Standards and Practices Commission requirements, district personnel are appropriately and adequately prepared to implement special education and related services and have the content knowledge and skills to serve children with disabilities.

The district takes measurable steps to recruit, hire, train and retrain highly qualified personnel to provide special education and related services to children with disabilities.

The district's plan for providing personnel development programs in the district is found in Board policy GCL/GDL - Staff Development.

END OF POLICY

Legal Reference(s):

Assistance to States for the Education of Children with Disabilities, 34 CFR Sections 300.221 and 300.380 - 300.382 (2000).
Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997), as amended 108-446 (2004). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Code: **IGBAE**
Adopted: 9/25/00
Revised: 11/28/05
Revised: 5/19/08

Special Education - Participation in Regular Education Programs

The district ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

ORS 343.223
OAR 581-015-2040
OAR 581-015-2045
OAR 581-015-2050
OAR 581-015-2055
OAR 581-015-2060
OAR 581-015-2065

Assistance to States for the Education of Children with Disabilities, 34 CFR Sections 300.114 – 330.118 (2006).

Special Education - Participation in Regular Education Programs

1. Placement of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
- b. The student is educated in the school that he/she would attend if nondisabled unless the services identified in the IEP cannot feasibly be provided in this setting.
- c. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
- d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;

- (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
- (4) Place is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;
- (5) In selecting the student's placement, the placement team considers and documents:
 - (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that he or she needs; and,
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
- (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
- (7) If the selected placement is a change from previous placement, the district provides the parent with prior written notice of the change in placement; and,
- (8) If the parent requests a specific placement that the team rejects, the district provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.

Special Education - Individualized Education Program (IEP)**

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

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

END OF POLICY

Legal Reference(s):

ORS 343.151	OAR 581-015-2215
ORS 343.155	OAR 581-015-2220
	OAR 581-015-2225
	OAR 581-015-2230
OAR 581-015-2000	OAR 581-015-2235
OAR 581-015-2190	OAR 581-015-2055
OAR 581-015-2195	OAR 581-015-2600
OAR 581-015-2200	OAR 581-015-2065
OAR 581-015-2205	OAR 581-015-2265
OAR 581-015-2210	

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5-300.6, 300.22-300.24, 300.34, 300.43, 300.105-106, 300.112, 300.325, 300.328, 300.501-~~(2006)~~.

Special Education - Individualized Education Program (IEP)

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:

- (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.
- c. Participation by other agencies:
- (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
 - (2) If the district refers or places a student in an ESD, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
 - (1) The parent and the district consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:

- (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students.
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
 - (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or district wide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or district wide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take an alternate assessment in any area instead of a regular state or district wide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the student.

- (6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental, and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes his or her learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate; and

- (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
 - (5) A statement of any device or service needed for the student to receive a Free Appropriate Public Education.
 - d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the IEP in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.

8. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

9. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide a free appropriate public education (FAPE).

- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

9. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

10. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

- (1) Adopts the student's IEP from the previous district; or

- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

Special Education - Procedural Safeguards

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

Procedural Safeguards Notice

¹If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

13. The district provides to parents a copy of the Procedural Safeguards Notice, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
14. The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

15. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.
16. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
17. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
18. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.

19. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

ORS 343.155
ORS 343.165
ORS 343.177
ORS 343.181

OAR 581-015-2000
OAR 581-015-2030
OAR 581-015-2090
OAR 581-015-2095
OAR 581-015-2190
OAR 581-015-2195
OAR 581-015-2305
OAR 581-015-2310
OAR 581-015-2325
OAR 581-015-2330
OAR 581-015-2345
OAR 581-015-2360
OAR 581-015-2385

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 - 300.505, 300.515, 300.517 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).

Special Education - Procedural Safeguards

1. Procedural Safeguards

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority, or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
- b. The district gives parents a copy of the *Notice of Procedural Safeguards*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.
- c. The *Notice of Procedural Safeguards* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of Procedural Safeguards Notice

The procedural safeguards notice includes all of the content provided in the *Notice of Procedural Safeguards* published by the Oregon Department of Education.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;

- (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or the Oregon Department of Education;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.

f. The duties of the surrogate parent are to:

- (1) Protect the special education rights of the student;
- (2) Be acquainted with the student's disability and the student's special education needs;
- (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
- (4) Represent the student in all matters relating to the provision of a free appropriate public education to the student.

g. A parent may give written consent for a surrogate to be appointed.

- (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
- (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
- (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment;

h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.

i. The district may change or terminate the appointment of a surrogate when:

- (1) The person appointed as surrogate is no longer willing to serve;
- (2) Rights transfer to the adult student or the student graduates with a regular diploma;
- (3) The student is no longer eligible for special education services;
- (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
- (5) A foster parent or other person is identified who can carry out the role of parent;
- (6) The parent, who previously could not be identified or located, is now identified or located;
- (7) The appointed surrogate is no longer eligible;
- (8) The student moves to another district; or
- (9) The student is no longer a ward of the state or unaccompanied homeless youth.

j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.

6. Prior Written Notice

- a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time when the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a free appropriate public education.
- b. The district provides prior written notice after a decision is made and a reasonable time before that decision is implemented.
- c. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of any options that the IEP team considered and reasons why those options were rejected;
 - (4) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (5) A description of any other factors that are relevant to the district's proposal or refusal;
 - (6) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Notice of Procedural Safeguards* may be obtained; and
 - (7) Sources for parents to contact to obtain assistance in understanding their procedural safeguards.
- d. The prior written notice is:
 - (1) Written in language understandable to the general public; and

- (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
- (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.
- e. If the proposed action requires prior written notice and written consent, the district may give notice at the same time consent is requested.

7. Consent – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Re-evaluation

- a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.

- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.

- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or ESD is violating or has violated the Individuals with Disabilities Education Act or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the Oregon Department of Education (ODE) forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.

- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45 day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses the Oregon Department of Education (ODE) for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
- c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/JGEA - Discipline of Students with Disabilities.

Special Education - Evaluation Procedures

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child:

1. Are selected and administered so as not to be racially or culturally discriminatory;
2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 to-2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.7, 300.530 - 300.534, 300.540 - 300.543
(2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300-(2008).

Special Education - Evaluation and Eligibility Procedures

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation

- a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.
- b. The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

5. Evaluation Planning

- a. The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), the child's IEP or IFSP team, including the parents and other qualified professionals, as appropriate, review and document their review of existing evaluation data on the child including:
 - (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations; and
 - (3) Observations by teachers and related service providers.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
 - (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs or continues to need EI/ECSE or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.

- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and
 - (5) Are administered in accordance with any instructions provided by the producer of the assessments.
- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;

- (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

Code: **IGBAI**
Adopted: 9/25/00
Revised: 11/28/05
Revised: 5/19/08

Special Education - Private Schools

IDEA requires special education services for two different groups of private school students: those referred or placed by the district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and services for these groups.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)
[OAR 581-015-2085](#)
[OAR 581-015-2265](#)
[OAR 581-015-2270](#)
[OAR 581-015-2280](#)
[OAR 581-015-2450](#)
[OAR 581-015-2455](#)
[OAR 581-015-2460](#)
[OAR 581-015-2470](#)
[OAR 581-015-2480](#)
[OAR 581-015-2515](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).

Special Education - Private Schools

Approved Private Schools

1. Obligations of the district:
 - a. The district ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
 - b. If the district refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the district ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education to provide such education in conformance with an IEP, and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
 - c. Before placing a student with a disability in an approved private school or preschool, the district ensures that the program has current Oregon Department of Education approval to provide special education and related services.
 - d. The district or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/IFSP development and placement when determining whether to place the child in an approved private preschool or school for special education services.
 - e. For each student age three through 21, the district's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the district ensures that school-age students are district residents or preschool-age children are eligible to receive EI/ECSE or special education services.
 - (2) The district initiates and conducts an individualized education program team meeting that includes a representative of the approved private school. If a representative of the approved private school, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the district and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the district or public agency, unless the district or public agency requests by written agreement that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP.
 - (4) The district may, by written agreement, request that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the district remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and

- (b) Ensures the participation of parents and the district or public agency representative.
- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the district or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The district or public agency terminates the placement of students in a private school or preschool if the Oregon Department of Education suspends, revokes or refuses to renew the approval of a private school or preschool.
- (a) The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services.
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
 - (b) The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
 - (c) The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.

2. Out-of-State Placements for Special Education

- a. The district ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The district maintains documentation of such approval and makes it available to the Oregon Department of Education (ODE) upon request.
- c. The district makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the district has:
 - (1) Developed an individualized education program;
 - (2) The placement team has determined that no appropriate in-state placement options are available.

3. District Responsibility for Students Enrolled by their Parents in Private Schools
 - a. The district provides equitable services, funded by a proportionate share of federal special education funds, for resident and nonresident students with disabilities enrolled by their parents in private schools located within district boundaries. Nonresident students include children who are residents of another state.
 - b. The district consults with private school officials about procedures and services and provides child find activities, evaluations, reevaluations and eligibility determinations comparable to those provided for the district's public schools.
 - c. The district maintains in its records and provides annually to the Oregon Department of Education, a count of the number of parentally-enrolled private school students evaluated, the number found eligible and the number to whom it provides services.
4. Consultation with Representatives of Private School Students with Disabilities
 - a. The district consults, in a timely and meaningful way with representatives of private schools and parents of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
 - b. Consultation includes:
 - (1) The child find process, including:
 - (a) How parentally-placed private school children with disabilities may participate equitably, as they do not have an individual entitlement to the same level of special education services as children enrolled in public schools; and in the child find process and how parents, teachers and private school officials will be informed of the process;
 - (b) How parents, teachers and private school officials will be informed of the process.
 - (c) How, where and by whom the special education and related services will be provided.
 - (d) The determination of the proportionate amount of federal funds available including how the amount is calculated, the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this is calculated.
 - (e) How services will be apportioned if funds are insufficient, and how and when these decisions will be made.
 - (f) A written explanation of service decisions that the district provides to officials of private schools if the district disagrees with the views of the private school officials about the services to be provided or the methods of providing these services.
 - c. Written affirmation and complaint:
 - (1) The district requests a written affirmation, signed by the administrator of each private school participating in the consultation process that a timely and meaningful consultation occurred;
 - (2) If private school officials do not provide this affirmation within a reasonable period of time, the district forwards its documentation of the consultation process to the Oregon Department of Education (ODE);
 - (3) The district maintains documentation of its consultation process.

- (4) The district acknowledges the right of a private school official to submit a complaint to the Oregon Department of Education (ODE) regarding the district's implementation of these requirements. Should such a complaint occur, the district forwards to ODE appropriate documentation, including documentation of the district's consultation process.
- d. The district makes the final decisions with respect to the services to be provided to eligible private school students.
- e. Child Find for Parentally-Placed Private School Children:
 - (1) The district's child find process includes all resident and nonresident parentally placed students attending private schools located within the district's boundaries.
 - (2) The district provides child find activities that are similar to, and completed within a comparable time period as child find activities for students in the district's public schools.
 - (3) The district consults with private school representatives and parents about how to implement the child find activities and how to keep parents and private school personnel informed.
 - (4) The district ensures the equitable participation of parentally placed private school students in the child find process.
 - (5) The district does not include the cost of conducting child find activities for private school students, including individual evaluations in determining whether it has spent a proportionate share of its federal IDEA funds on parentally placed private school students with disabilities.
 - (6) The district ensures an accurate count of these children is made between October 1 and December 1 of each year and uses this count in determining the amount the district spends for services in the subsequent fiscal year.
- 5. Provisions for serving students placed by their parents in private schools:
 - a. District decisions about the services that are provided to private school students with disabilities are made throughout the consultation process and in accordance with the district's plan for service of parentally-placed private school students and their services plans.
 - b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing service in the district program.
 - c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
 - d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
 - e. If a parent of a private school student with a disability requests a meeting from the resident district, the resident district will either:
 - (1) Hold an IEP meeting within a reasonable time; or
 - (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.
- 6. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities

- a. The district conducts evaluations, reevaluations and eligibility determinations, in accordance with federal and state laws and regulations, for both resident and nonresident students enrolled by their parents in private schools located within district boundaries.
- b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.
- c. The district in which the private school is located reevaluates private school students with disabilities at least every three years to determine whether the student continues to be eligible for special education, whether the student is or is not currently receiving services under a services plan.
- d. If parents who enroll a student in a private school at their own expense do not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district does not use due process procedures to override the lack of consent. The district does not, and is not required to, consider the child as eligible for special education services in these cases.
- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Following an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a district program, and conducts a meeting to develop, review or revise the student's services plan.
- g. If the parent does not choose to remove the child from private school to enroll in a district public school, the district initiates and conducts a meeting to develop, review or revise the student's services plan, consistent with the procedures for IEP meetings and timeline and in light of the service provision the district has determined through the consultation process.
- h. The district in which the private school is located does not release evaluation and eligibility determination information or other personally identifiable information to the student's resident district without written parental consent, unless parents seek enrollment in the student's resident district and the resident district requests records.

7. Services Plan

- a. If a student with a disability is enrolled by a parent in a private school the district offers a services plan.
- b. The district ensures that the services plan describes the specific special education and related services the district will provide to the student in light of the services that have been determined through the consultation process.
- c. The district convenes individual meetings to develop, review and revise the services plan consistent with procedures for IEP team membership, parent participation and IEP content, to the extent appropriate.
- d. The district ensures that a representative of the private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls.
- e. The district is not required to provide transportation from the student's home to the private school. If necessary for the student to benefit from or participate in the services provided by the district the district must provide transportation:

- (1) From the student's school or the student's home to a site other than the private school; and
- (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

8. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
 - (1) Are used only for implementation of special education activities; and
 - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district removes equipment and supplies from a private school if:
 - (1) The equipment and supplies are no longer needed for special education activities, programs or services; or
 - (2) The district determines removal is necessary to avoid unauthorized use of the equipment and supplies.
- e. The district does not use IDEA funds for repairs, minor remodeling or construction of private school facilities.

9. Separate Classes Prohibited

The district does not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

- a. The classes are at the same site; and
- b. The classes include students enrolled in public school programs and students enrolled in private schools.

10. Funds and Property Not to Benefit Private Schools

- a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
 - (1) The needs of a private school; or
 - (2) The general needs of the students enrolled in the private school.

11. Use of School Personnel

- a. The district may use IDEA funds to make public school personnel available in other than public facilities:
 - (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
 - (2) If those services are not normally provided by the private school.
- b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
 - (1) The employee performs the services outside of his/her regular hours of duty; and
 - (2) The employee performs the services under public supervision and control.

12. Federal Funds Available for Services

- a. The district calculates a proportionate share of federal funds available to provide special education and related services to private school students with disabilities using the formula specified in the Individuals with Disabilities Act (IDEA).
- b. If the district does not expend the proportionate share of funds by the end of the fiscal year, the district obligates the remaining funds to be used in the following year.
- c. The district does not include child find expenditures in determining whether the district has met its expenditure requirements for parentally placed private school students, but may include the cost of transportation required for students to access required special education services.
- d. The district does not supplant the proportionate amount of federal funds required to be expended for parentally placed private school students.

Special Education - Free Appropriate Public Education (FAPE)

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
 - b. Who have not graduated with a regular diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children enrolled in district charter schools.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

ORS 338.165
ORS 339.115
ORS 343.085
ORS 343.224

OAR 581-015-2020
OAR 581-015-2035
OAR 581-015-2040 to-2065
OAR 581-015-2050

OAR 581-015-2530
OAR 581-015-2600
OAR 581-015-2605
OAR 581-021-0029

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).

Special Education - Free Appropriate Public Education (FAPE)

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school diploma is no longer entitled to FAPE.
- b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular high school diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
- d. Graduation with an alternative document:
 - (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
- e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.

4. Incarcerated Youth

- a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
- b. The district provides FAPE for students with disabilities ages 18 through 21 incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an IEP.
- c. The district's provisions of FAPE does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.

- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves resident children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with OAR 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services on site at a district charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide IDEA funds to those charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a charter school, the charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and

- (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to 2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education;
- d. Are enrolled in the district.

9. Students with Disabilities Covered by Public Insurance

With regard to services required to provide FAPE to a student with disabilities, the district:

- a. Will not require a parent to sign up for or enroll in public insurance programs in order for their student with disabilities to receive FAPE under Part B of the IDEA;
- b. Will not require parents to incur an out-of-pocket expense in order for their student with disabilities to receive FAPE under Part B of the IDEA; and
- c. Will not use the student's benefits under a public insurance if that use would:
 - (1) Decrease available lifetime coverage or any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.

10. Students with Disabilities Covered by Private Insurance

- a. Each time the district proposes to access a parent's private insurance proceeds, the district will:
 - (1) Obtain parent consent (as defined in OAR 581-015-2090); and
 - (2) Inform the parents that their refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent(s).

- b. The district may use its IDEA Part B funds for a specified service required to ensure FAPE if the district is unable to obtain consent to use a child's private insurance.
- c. If the parent would incur a cost for the district's use of private insurance, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the private insurance (e.g. the deductible or co-pay amounts).

11. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

12. ESY as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

13. Assistive Technology as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the district's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement the district does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the district implements policies, procedures and programs for special education consistent with state and federal requirements;
 - b. Performance of student with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of district programs for special education, including the timeliness and accuracy of required data submissions;
 - d. District achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, district information about:
 - (1) Excess costs of educating students with disabilities;
 - (2) Maintaining financial support for programs and services for students with disabilities (maintenance of effort of MOE); and
 - (3) Schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or No Child Left Behind (NCLB);
 - (4) Annual district application for IDEA funds; and
 - (5) Official audit reports, complaints and due process hearings.
 - f. District dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 34 C.F.R. 300.212 (2006).

Special Education - Services for Home-Schooled Students with Disabilities

If the district receives notice that a parent intends to home school a student with a disability, the district will offer an opportunity for an IEP meeting to consider providing special education and related services in conjunction with home schooling and will provide written notice to the parent that a free appropriate public education will be provided if the student enrolls in the district. This notice shall be provided annually as long as:

- § The student remains eligible for special education; and
- § The student is exempt from compulsory education as a home-schooled student; and
- § The student is not receiving special education and related services from the district.

END OF POLICY

Legal Reference(s):

<u>ORS 339.020</u>	<u>OAR 581-015-0039</u>
<u>ORS 339.030 (3)</u>	<u>OAR 581-015-0051</u>
<u>ORS 339.035</u>	<u>OAR 581-015-0053</u>
<u>ORS 343.165</u>	<u>OAR 581-015-0066</u>
	<u>OAR 581-015-0071 to -0075</u>
	<u>OAR 581-015-0701</u>
	<u>OAR 581-021-0026 to -0029</u>

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997), as amended 108-446 (2004). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Special Education - Services for Home-Schooled Students with Disabilities

1. Home Schooling for Students with Disabilities
 - a. As soon as the district learns of the parent's intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent that it stands ready to provide a free appropriate public education if the student enrolls in the district.
 - b. The district offers and documents to the parent an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
 - c. This district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - (1) The student remains eligible for special education;
 - (2) The student is exempt from compulsory education as a home-schooled student; and
 - (3) The student is not receiving special education and related services from the district.
 - d. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
 - e. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - (1) The student's parent shall be treated as both parent and regular education teacher of the student unless the parent designates another individual as the regular education teacher;
 - (2) Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - (3) The IEP will state how "satisfactory educational progress" will be determined for the student. A parent may use a privately developed plan (PDP) to determine satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.

- f. The district ensures that:
 - (1) Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent and the district, and not more than once a year unless the parent and district agree otherwise;
 - (2) If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available;
 - (3) If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.

2. Testing and Reporting Requirements

- a. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - (1) Completes the assessment; and
 - (2) Provides the parent with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age and disability.
- b. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent.

3. Child Find

- a. If the district suspects that a home-schooled student has a disability, the district:
 - (1) Obtains parent consent for initial evaluation; and
 - (2) Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
- b. If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.
- c. If the parent refuses consent, does not respond or refuses to make the student available, the district documents to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.

4. School Enrollment

- a. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as

nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.

- b. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.

Talented and Gifted Program

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The superintendent will be responsible for ensuring that a written identification process for identifying academically talented and intellectually gifted students K-12 is developed and maintained. The superintendent will also be responsible for ensuring that a written plan that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students is developed and maintained.

END OF POLICY

Legal Reference(s):

ORS 343.391	OAR 581-015-0805 to –0825
ORS 343.395	OAR 581-022-1310
ORS 343.397	
ORS 343.401	
ORS 343.407	
ORS 343.409	
ORS 343.413	

Identification - Talented and Gifted

In order to serve academically talented and intellectually gifted students in grades K-12, the superintendent is responsible for ensuring a written identification process is developed and maintained. This process shall include as a minimum:

1. Behavioral, learning and/or performance information;
2. A nationally standardized mental ability test for assistance in identifying intellectually gifted students;
3. A nationally standardized academic achievement test for assistance in identifying academically talented students. In accordance with guidance from the State of Oregon Department of Education, state assessments in math and reading/literature may be used to assist in the identification of academic talent.

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

The district shall inform parents of the identification of their student as talented and gifted. The district shall further inform parents of program or service options available and provide them an opportunity to participate in selecting those programs or options most appropriate for their student.

The Board has established an appeals process for parents to utilize if they are dissatisfied with the identification process of their student for the district program for talented and gifted students and wish to request reconsideration.

The superintendent is responsible for ensuring written procedures for parent notification and participation are developed and maintained.

END OF POLICY

Legal Reference(s):

ORS 343.395	OAR 581-015-0805 to -0825
ORS 343.407	OAR 581-021-0030
ORS 343.411	OAR 581-022-1310
	OAR 581-022-1940

Appeals Procedure for Talented and Gifted Identification and Placement

The Board has established an appeals process for parents to utilize if they are dissatisfied with the identification process and/or placement of their student in the district program for talented and gifted (TAG) students and wish to request reconsideration. The district's desire and intent is to reach satisfactory solutions during the informal process:

Informal Process:

1. The parent(s) will contact the district TAG coordinator/teacher to request reconsideration;
2. The TAG coordinator/teacher will confer with the parent(s) and may include any additional appropriate persons, e.g., principal, counselor, teacher, etc. At this time, information pertinent to the selection or placement will be shared;
3. If an agreement cannot be reached, the parent(s) may initiate the Formal Process.

Formal Process:

1. Parent(s) shall submit a written request for reconsideration of the identification/placement to the building principal;
2. The building principal shall acknowledge in writing the receipt of the request within five working days and shall forward copies of the request and acknowledgment to the TAG coordinator/teacher;
3. The building principal, TAG coordinator/teacher and other appropriate administrator shall review the student's file and earlier decisions within ten working days of the original request. Additional data may be gathered to support or change the earlier decision;
4. Parent(s) may be provided an opportunity to present additional evidence;
5. A decision will be made within 20 working days after receipt of the written request for reconsideration. The parent(s) shall be notified of the decision in writing and the decision shall be forwarded to the superintendent;
6. If the parent is not satisfied with the decision of the building principal, an appeal may be made to the superintendent, in writing;
7. The superintendent will communicate his/her decision in writing within 10 working days of receipt of the appeal;
8. If the parent is not satisfied with the decision of the superintendent, the decision may be appealed to the Board and placed on the next board meeting agenda for which there is time to notice the agenda item and prepare the board;
9. If the parent(s) is dissatisfied with the Board's decision, an appeal to the State Superintendent of Public Instruction following the procedures outlined in the Oregon Administrative Rules (OAR) may be used. The district shall provide a copy of the appropriate OAR upon request.

Title I/Parental Involvement

The Board recognizes that parental involvement is important in achieving maximum educational growth for students participating in the district's Title I program. Therefore, in compliance with federal law and Oregon Department of Education guidelines, the district shall meet with parents to provide information regarding their school's participation in the Title I program and its requirements.

The Board directs the superintendent to ensure that such meetings are held annually and at a convenient time. All parents of participating students shall be invited to attend. Title I funds may be provided for transportation, child care, home visits or other parental involvement services, as appropriate. The superintendent shall ensure equivalence among schools in teachers, administration and other staff and in the provisions of curriculum materials and instructional supplies.

Parents shall be informed of their right to be involved in the development of the district's parental involvement policy, Title I plans and parent-teacher-student compact.

Parental Involvement Policy

A parental involvement policy shall be developed jointly and agreed upon with parents of participating students. The district shall ensure:

1. Involvement of parents in the joint development of the district's overall Title I plan and the process of school review and improvement;
2. Coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Development of activities that promote the schools' and parents' capacity for strong parent involvement;
4. Coordination and integration of parental involvement strategies with appropriate programs as provided by law;
5. Involvement of parents in the annual evaluation of the content and effectiveness of the policy in improving the academic quality of schools served under Title I;
6. Barriers to participation by parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority are identified;
7. Findings of annual evaluations are used to design strategies for more effective parental involvement and to revise, if necessary, the requirements of this policy;
8. Parents are involved in the activities of schools served under Title I.

Title I Plan

As a part of the district's overall Title I plan, the district shall ensure effective involvement of parents by promoting activities that support a partnership among the school, parents and the community and

that promote the improvement of student achievement. Plans may be developed by participating district schools individually or collectively. District Title I schools:

1. Shall provide assistance to parents of students served by the school in understanding such topics as the state's academic content standards and state student academic achievement standards, Title I plan requirements, state and local academic assessments and how to monitor a student's progress and work with educators to improve the achievement of their student;
2. Shall provide information and assistance as requested to help parents work with the student to improve their student's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
3. Shall educate teachers, student services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school;
4. Shall coordinate and integrate parent-involvement programs and activities with other programs, to the extent feasible and appropriate;
5. Shall ensure, to the extent possible, that information related to school and parent programs, meetings and other activities is sent to the homes of participating students in a format and in a language the parent can understand;
6. May involve parents in the development of training of teachers, principals and other educators to improve the effectiveness of such training;
7. May provide necessary literacy training from Title I funds received if the district has exhausted all other reasonably available sources of funding for such training;
8. May pay reasonable and necessary allowable expenses associated with local parental involvement activities from Title I funds, including transportation and child-care costs, to enable parents to participate in school-related activities;
9. May train and support parents to enhance the involvement of other parents;
10. May arrange school meetings at a convenient time to maximize parental involvement and participation;
11. May utilize other district-wide committees to provide advice on all matters related to parental involvement in Title I programs;
12. May develop appropriate roles for community-based organizations and businesses in parental-involvement activities;
13. May adopt and implement model approaches to improving parental involvement;
14. Shall provide such other reasonable support for parental involvement activities as parents may request consistent with Title I requirements.

Parent-Teacher-Student Compact

A school-parent compact shall be developed for each of the district's Title I schools. The compact shall:

1. Describe the school's responsibility to provide high quality curriculum and instruction in a supportive and effective learning environment that enables students to meet the state's student academic achievement standards;
2. Describe the ways in which each parent will be responsible for supporting their student's learning;

3. Stress the importance of ongoing communication between teachers and parents through annual parent-teacher conferences at the elementary school level.

The district shall, to the extent practicable, provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students. Information and school reports will be provided in a format and language parents understand.

END OF POLICY

Legal Reference(s):

ORS 343.650 OAR 581-015-0750

ORS 343.660

No Child Left Behind Act of 2001, 20 U.S.C. 6311-632 (2006).

Parental Involvement

The Board recognizes that parental involvement is vital to achieve maximum educational growth for students participating in the district's educational program. Therefore, the district shall meet with parents to provide information regarding their school's participation in the educational program and its components.

The Board directs the superintendent to ensure that the district meets with parent annually. Parents of participating students shall be informed of their right to be involved in the development of the district's parental involvement policy, overall plan and parent-teacher-student compact.

The district shall, to the extent practicable, provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of minority students. Information and school reports will be provided in a format and language parents understand.

In cooperation with parents, the district's policy, plan and compact shall be reviewed annually and updated periodically to meet the changing needs of parents and the school and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

The superintendent shall develop administrative regulations, as necessary, to implement this policy and meet the requirements of the law.

END OF POLICY

Legal Reference(s):

ORS 343.650 OAR 581-015-0750

ORS 343.660

No Child Left Behind Act of 2001, 20 U.S.C. 6311-632 (2006).

REMEDIAL INSTRUCTION

The Lowell School District's Chapter I Program will serve as the remedial instruction program for the District. Students will be served who meet the guidelines for the Chapter I Program. These students may or may not also qualify for services as educationally disabled. If a disabled child qualifies for Chapter I services, then Chapter I services may be a part of the child's individual education program.

END OF POLICY

Legal Reference:

P.L 97-35, Chapter I

Adopted 12/10/90
Revised 8/10/92

HOMEBOUND INSTRUCTION

In certain circumstances, a student may not be able to attend school on a regular basis because of a mental, physical, emotional, or learning problem.

Lowell School District shall provide home instruction to these individuals, using a teacher with appropriate certification, when the individual meets disabled eligibility criteria established by Oregon Administrative Rules and the Individual Education Program Committee determines that homebound instruction is the most appropriate special educational program for the unique educational needs of the student.

Lowell School District may also provide homebound instruction to students who do not meet the above criteria for Special Education, if a situation exists that makes it impossible or impractical for the student to attend school. An example might include an individual with an illness or injury that is not permanently disabling but which may require a several weeks recovery period. Homebound instruction may also be offered for a period of time to pregnant students or to teen mothers who are caring for their newborn child.

In the above situations that are not specifically covered by special education legislation, the building principal shall decide when short-term homebound instruction is necessary and appropriate. The principal shall, of course, consult with the student, the student's parents, the student's teachers, and medical personnel, if appropriate, before making the decision to provide or not provide home instruction, and the principal's decision on this matter may be appealed to the Superintendent and School Board.

END OF POLICY

Legal References:

OAR 581-15-015
581-15-051
581-15-060
OAR 343.055
Individuals with Disabilities Act
(Replaced P.L. 94-142)

Adopted 11/9/87
Revised 4/13/92

Lowell School District No. 71

BOARD OF EDUCATION POLICY STATEMENT

SUBJECT: ALTERNATIVE SCHOOL PROGRAMS EFFECTIVE DATE _____

POLICY NO. IGBH

DATE OF ORIGINAL POLICY & REVISIONS _____

CANCELS POLICY NO. _____ DATED _____ DATE OF THE NEXT REVIEW _____

I. PHILOSOPHY

In order to recognize that the educational goals of School District No. 71 can best be attained through educational programs as diverse as students needs, the Board endorses the development of a variety of alternative schools through the cooperative efforts of educators, parents, students, and/or community resources. Therefore, the Board of Directors establishes the following policy:

II. POLICY

1. “Alternative Education Program” means a separate school or class group designed to assist students to achieve the goals of the curriculum in a manner consistent with their learning styles and needs. The term “separate school or class group” means a program that has an organizational structure, a teaching staff, a budget, and a specific curriculum separate from other schools.

An alternative education program may be a school-within-school and share facilities, administration, and support services of another school, or may be an autonomous unit. Alternative education programs shall include a service delivery model that is student-centered supported by teachers, parents, and community-based programs and services. These programs shall offer a student-centered curriculum, use a variety of instructional strategies and be accountable for outcomes comparable to other educational programs.

Alternative education programs may differ from other schools in ways that include, but are not limited to, the following:

- 1) emphasis of a specific element of the district’s curriculum;
- 2) presenting the district’s curriculum in a different sequence;
- 3) a different decision-making process for school governance;
- 4) unique groupings of students for instruction; or
- 5) emphasis on a specific instructional strategy.

These programs shall be designed to benefit all students equally, and to maintain learning situations that are flexible with regard to environment, time, structure, and pedagogy. Alternative education programs shall be implemented to comply with ORS 336.615-665.

The Lowell School District shall grant units of credit for student work completed in its alternative programs and in private alternative education programs as defined in ORS 336.615 and 336.625. In order for credits to be granted student work must meet the following requirements of OAR 581-022-1350:

- (a) Successful completion of classroom or equivalent work (e.g., supervised independent study, work experience research) in a course of at least 130 clock hours in accordance with OAR 581-022-0102;
 - (b) Successful completion of a unit of credit in a school accredited by Northwest Association of Schools and Colleges;
 - (c) Successful completion of a unit of credit where performance-based criteria acceptable to the school district are identified; or
 - (d) Demonstrated competency or mastery of subject as defined by the school district by any one or more of the following as approved by the district:
 - (1) Successfully pass an appropriate exam;
 - (2) Provide sample of work or other evidence which demonstrates equivalent knowledge or skill; and
 - (3) Provide documentation of prior learning activities or experiences (e.g., certification of training, letters, diplomas, awards, etc.).
3. By September 1 of each year, the Superintendent shall provide an evaluation of each program. The evaluation shall focus on the following criteria:
- 1) Does the program better serve the diverse needs of students?
 - 2) Does the program constitute an efficient use of resources?
 - 3) Has the program fulfilled the goals outlined in the initial proposal?

The evaluation shall primarily focus on how the program better serves the diverse needs of students and constitutes an efficient use of district resources. Based upon the evaluation of student needs and the specific requirements of the Oregon Department of Education for alternative education programs, the Superintendent shall adjust, eliminate or expand these programs in scope and number.

4. Proposals for alternative programs shall be submitted in writing to the Superintendent. The following District Standards for Alternative Programs will be used to evaluate a proposal to establish, modify or maintain an alternative education program:

a. Definition of Program: The education program must be an alternative education program as defined in Section 1 of this policy.

- b. Goals of Program:** General goals for the education program must be established as set forth in Section 1 of this policy. These goals must take into account evidence of sufficient need among staff, parents, students, and other public stakeholders to warrant establishment of the education program. There must be evidence that establishment of the proposed program enhances the district's mission.
- c. Accountable Activities and Allowable Credit:** The planned curriculum must align with the district's curriculum and objectives and, if credit is to be granted, be accountable for granting credit for work satisfactorily completed in one of the methods described in OAR 581-022-1350.
- d. Notification and Enrollment:** The education program must identify pre-established criteria for student notification and enrollment. Any student in the Lowell School District may apply for enrollment in an alternative education program; the location must be accessible to all residents of the district. Applicants will be evaluated for acceptance according to the student selection criteria as approved by the board in the proposal for establishment of the alternative education program. Programs may use appropriate public or private funds to produce and distribute written information about an alternative education program but shall not otherwise recruit students to apply for enrollment.
- e. Cost of Program:** The proposed budget for the education program must be appropriate to the program that is proposed and must represent an efficient use of District funds. Budget requests may include start-up costs to be paid by the District or to be solicited from other sources. "Start-up costs" are defined as those extra expenditures necessary to begin some new programs but which will not continue after those programs become fully operational. Start-up costs include, but are not necessarily limited to, such items as purchase and/or renovation of facilities, purchase of an initial inventory of general and instructional equipment and supplies, staff employment and travel expenses for planning and evaluation purposes and inservice education of staff. Other than startup costs, per pupil expenditures must not exceed the District average unless an express waiver is approved by the Board of Education.

The school district shall pay private alternative education programs for each student enrolled, at the actual tuition cost or at an amount equivalent to eighty percent of the school district's estimated current year's average per pupil net operating expenditure, whichever is lesser, pro-rated to the percentage of the school day the student is enrolled in the alternative program and not participating in a school district program, and pro-rated to the percentage of the school year, the student is actually in attendance in the private alternative program, on an **average daily membership (ADM)** basis. The school district shall make payment on a monthly basis using a report of the ADM to determine the amount of payment. A private program must register with the Oregon Department of Education prior to receiving public school funds.

f. Staffing of Program: Staffing and support services of the proposed education program must conform to applicable district policies and constitute an efficient use of district resources. Any Oregon teaching license is valid for teaching all subjects and grade levels in an alternative education program operated by the District (ORS 336.63 5(5)). A private program that is registered with the Department of Education is not required to employ only licensed teachers or administrators. Teachers and administrators in such programs shall not be considered employees of the district.

g. Site Evaluation: Location of the proposed education program must conform to applicable district policies and state laws related to health, safety, and access for physically disabled students and staff, and constitute an efficient use of district resources.

h. District Evaluation of Program: The education program must comply with the district evaluation process set forth in Sections 3 and 4 of this policy.

i. Discrimination: The proposed criteria for selecting students for enrollment in the education program must not unfairly discriminate among applicants and must reasonably relate to the educational goals of the district.

5. The Lowell School Board will determine whether to approve a proposed alternative program after considering the Superintendent's recommendation and a report from the district's Alternative Learning Environments Committee (ALEC). The ALEC shall;
 - (1) meet promptly to consider the proposal;
 - (2) review the proposal using the standards established in 4 above; and
 - (3) submit a report of its findings and recommendations to the Superintendent.

The ALEC must recommend either approval or rejection of the proposal. Before submitting its final recommendation for approval or rejection, the committee may suggest modification of the proposal to those submitting the proposal. The ALEC shall attach a statement to the proposal describing its reasons for recommending that the proposal be accepted or rejected. Upon receipt of ALEC's recommendation and statement of reasons, the Superintendent shall review the report and submit it to the School Board along with his/her recommendation.

6. Proposals must be submitted prior to February 1 for programs to be implemented in September of the next year

Adopted 6/21/99

Alternative Education Programs

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents and the community in recommending alternative education programs for Board approval. Annual evaluation of alternative education programs will be made in accordance with ORS 336.655 and OAR 581-022-1350. The superintendent will develop administrative regulations as necessary to implement this requirement.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. Private alternative education programs shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in ORS 336.625, 336.631 and 336.637. A qualified school district may contract with a qualified private alternative education to provide services to a qualified home-schooled child.

Students, upon parent request, may be placed in an alternative education program if the district (teachers, administrators, counselor, special education director, etc.) determines that the placement serves the student's educational needs and interests and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student's resident district and, as appropriate, the attending district.

The district will also consider and propose alternative education programs for students prior to expulsion as required by law.

The district shall pay the actual alternative education program cost or an amount equal to 80 percent of the district's estimated current year's average per-student net operating expenditure, whichever is less. The district will enter into a written contract with district-approved private alternative education programs.

END OF POLICY

Legal Reference(s):

ORS 329.035	OAR 581-021-0065	OAR 581-022-1350
ORS 329.485	OAR 581-021-0070	OAR 581-022-1620
ORS 332.072	OAR 581-021-0071	OAR 581-023-0006
ORS 336.135 - 336.183		OAR 581-023-0008
ORS 336.615 - 336.665		HB 2040
ORS 339.030		
ORS 339.250		
OAR 581-021-0045		

Establishment of Alternative Education Programs

The superintendent will develop alternative education program options in compliance with Oregon Administrative Rules and Oregon Revised Statutes:

1. For students who are unable to succeed in the regular programs because of erratic attendance or behavioral problems;
2. For students who have not met or who have exceeded all of Oregon's academic content standards;
3. When necessary to meet a student's educational needs and interests;
4. To assist students in achieving district and state academic content standards;
5. When a public or private alternative education program is not readily available or accessible.

Alternative education programs implemented by the district are to maintain learning options that are flexible with regard to environment, time, structure and pedagogy.

Examples of alternative education program options could include:

1. A separate school;
2. Evening classes;
3. Tutorial instruction;
4. Small group instruction;
5. Large group instruction;
6. Personal growth and development instruction;
7. Counseling and guidance;
8. Computer-assisted instruction;
9. Professional technical programs;

10. Cooperative work experience and/or supervised work experience, in accordance with the student's educational goals;
11. Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges;
12. Supervised community service activities performed as part of the instructional program;
13. Supervised independent study in accordance with a student's educational goals; and,
14. The district's Expanded Options Program.

The superintendent will develop administrative regulations for establishing alternative education programs.

END OF POLICY

Legal Reference(s):

ORS 329.035
ORS 329.485
ORS 332.072
ORS 336.135 - 336.183
ORS 336.615 - 336.665
ORS 339.250

SB 300 (Chapter 674), effective
January 1, 2006

OAR 581-021-0045
OAR 581-021-0065
OAR 581-021-0070
OAR 581-021-0071
OAR 581-022-1350
OAR 581-022-1620
OAR 581-023-0006
OAR 581-023-0008

Alternative Education Notification

General notification of the alternative education law shall be contained in the student/parent handbook distributed each year.

Individual notification to students and parents regarding the availability of alternative education programs will be given semi-annually or when new programs become available under the following situations:

1. When two or more severe disciplinary problems occur within a three-year period (Severe disciplinary problems will be defined in the Student Handbook);
2. When attendance is so erratic the student is not benefiting from the educational program (Erratic attendance will be defined on a case-by-case basis.);
3. When a student's parent or emancipated student applies for exemption from attendance on a semi-annual basis;
4. When an expulsion is being considered for reasons other than a weapons policy violation;
5. When a student is expelled for reasons other than a weapons policy violation.

Individual notification shall be hand delivered or sent by certified mail. Parents shall receive individual notification prior to an actual expulsion.

Notification shall include:

1. The student's action;
2. A list of alternative education programs for this student;
3. The program recommendations based upon the student's learning styles and needs;
4. Procedures for enrolling the student in the recommended program.

The superintendent will develop notification procedures in accordance with Oregon Revised Statutes.

END OF POLICY

Legal Reference(s):

ORS 332.072	OAR 581-021-0076
ORS 336.135 - 336.183	OAR 581-022-1350
ORS 336.615 - 336.665	OAR 581-022-1620
ORS 339.250 (9), (11)	OAR 581-023-0006
OAR 581-021-0045	OAR 581-023-0008
OAR 581-021-0065	
OAR 581-021-0070	
OAR 581-021-0071	

Expanded Options Program

The Board is committed to providing additional options to students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district's Expanded Options Program will comply with all requirements of Oregon law.

Eligible Students

Eligible students may apply to take courses at a post-secondary institution through the Expanded Options Program. A student is eligible for the Expanded Options Program if he/she: (1) is 16 years or older at the time of enrollment in a course under the Expanded Options Program; (2) is in grade 11 or 12 or has not yet completed the required credits for grade 11 or 12, but the district has allowed the student to participate in the program; (3) has developed an educational learning plan; and (4) has not successfully completed the requirements for a high school diploma. A student who has graduated from high school may not participate.

Student Notification

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

The notice must include the following:

1. The definitions below:

a. **Eligible Students:** A student who is enrolled in an Oregon public school and who ~~is~~:

- (1) Is 16 years or older at the time of enrollment in a course under the Expanded Options Program;
- (2) Is in grade 11 or 12 or has not yet completed the required credits for grade 11 or 12, but the district has allowed the student to participate in the program;
- (3) Has developed an educational learning plan as described in this policy; and
- (4) Has not successfully completed the requirements for a high school diploma.

An eligible student who has completed course requirements for graduation but has not received a diploma, may participate.

An eligible student does not include a foreign exchange student enrolled in a school under a cultural exchange program;

b. **Eligible Post-Secondary Institution:** A community college, a state institution of higher education listed in ORS 352.002 and the Oregon Health and Science University;

- c. **Eligible Post-Secondary Course:** Any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree. An eligible post-secondary course does not include a duplicate course offered at the student's resident school. Eligible post-secondary courses include academic and professional technical courses and distance education courses.
2. Purposes of the Expanded Options Program which include the following:
 - a. To create a seamless education system for students enrolled in grades 11 and 12 to:
 - (1) Have additional options to continue or complete their education;
 - (2) Earn concurrent high school and college credits; and
 - (3) Gain early entry into post-secondary education.
 - b. To promote and support existing accelerated college credit programs and to support the development of new programs that are unique to a community's secondary and post-secondary relationships and resources;
 - c. To allow eligible students who participate in the Expanded Options Program to enroll full-time or part-time in an eligible post-secondary institution; and
 - d. To provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program;
 - e. To increase the number of at-risk students earning college credits or preparing to enroll in a post-secondary institution.
3. Financial arrangements for tuition, textbooks, equipment and materials;
4. Available transportation services;
5. The effect of enrolling in the Expanded Options Program on the student's ability to complete high school graduation requirements;
6. The consequences of failing or not completing a post-secondary course;
7. Notification that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution;
8. District time lines affecting student eligibility and duplicate course determinations;
9. The following information about eligibility for the Expanded Options Program:
 - a. Eligible students may not enroll in eligible post-secondary courses for more than the equivalent of two academic years, and eligible students who first enroll in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year;
 - b. A student who has completed the requirements for a high school diploma may not participate in the Expanded Options Program.
10. Notice(s) of any other program(s), agreements(s) or plan(s) in effect that provides access for public high school students to post-secondary courses;

11. The district's responsibility for providing any required special education and related services to the student;
12. The number of quarter credit hours that may be awarded each school year to eligible students by the resident high school;
13. The Board's process for selecting eligible students to participate in the Expanded Options Program if the district has not chosen to exceed the credit hour cap and has more eligible students who wish to participate than are allowed by the cap;
14. Information about program participation priority for at-risk students;
15. Exclusion of duplicate courses as determined by the district;
16. The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee;
17. Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident secondary school; and
18. Exclusion of foreign exchange students enrolled in a school under a cultural exchange program.

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

Enrollment Process

Prior to May 15 of each year, a student who is interested in participating in the Expanded Options Program shall notify the district of his/her intent to enroll in post-secondary courses during the following school year. A high school transfer student or returning dropout has 20 business days from the date of enrollment to indicate interest.

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

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

1. The student's short-term and long-term learning goals and proposed activities; and
2. The relationship of the post-secondary courses proposed under the Expanded Options Program and the student's learning goals.

A student who enrolls in the Expanded Options Program may not enroll in post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the Expanded Options Program in grade 12 may not enroll in post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in a post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and

begins each grade in the summer session, summer sessions are not counted against the time of participation.

Duplicate Courses

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

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. The scope of the course refers to the depth and breadth of course content as evidenced through a planned course statement, including content outlines, applicable state content standards, course goals and student outcomes. The Superintendent will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board, the student may appeal the district's determination to the Superintendent of Public Instruction.

Expanded Options Program Annual Credit Hour Cap

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

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced price lunch program; or (2) an at-risk student as defined by rules adopted by the State Board of Education if it has adopted rules to define an at-risk student. An "at-risk" student includes a student who meets state or federal thresholds for poverty as indicated by eligibility for services under any of the following provisions of the No Child Left Behind Act: (1) Title I - Improving Academic Achievement of the Disadvantaged, Part A - Improving Basic Programs Operated by Local Educational Agencies; (2) Title I, Part C - Education of Migratory Children; (3) Title I, Part D - Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk; (4) Title III - Language Instruction for Limited English Proficient and Immigrant Students; and (5) and Title X - Repeals, Redesignations, and Amendments to Other Statutes, Part C - Education of Homeless Children and Youth Program (amending subtitle B of title VII of the McKinney-Vento Homeless Educational Assistance Act).

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

Post-Secondary Institution Credit

Prior to beginning a post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and student regarding the number or type of credits that the district will or has granted

to a student for a particular course, the student may appeal the district's decision using an appeals process adopted by the Board.

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

Financial Agreement

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

A district may request a waiver from the Superintendent of Public Instruction if:

1. Compliance would adversely impact the finances of the district; or
2. The district offers dual credit technical preparation programs (i.e. two-plus-two programs, advanced placement or International Baccalaureate programs).

Student Reimbursement

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

Transportation Services

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

Special Education Services

The district of a student participating in the Expanded Options Program shall be responsible for providing any required special education and related services to the student. "Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education and is consistent with Oregon administrative rules on special education. "Special education" means specifically designed instruction consistent with Oregon administrative rules to meet the unique needs of a student with a disability by adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum. If a post-secondary institution intends to provide special education and related services to an Expanded Options Program participant, the institution shall enter into a written contract with the district of the student. The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parents and district agree otherwise;

2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parents of the student regarding the student's participation in the program at the institution.

District Alternative Programs

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

Any new program, agreement or plan that is developed after January 1, 2006 may be initiated at the discretion of the district and the post-secondary institution.

END OF POLICY

Legal Reference(s):

OAR 581-022-1363 to-1373

ORS 329.035
ORS 329.485
ORS 332.072
ORS 336.615 - 336.665
ORS Chapter 340

ENGLISH AS A SECOND LANGUAGE

When a teacher or a parent feels that a student is unable to profit from the regular classroom instruction due to a language barrier, he/she should refer the student to the Child Study Team, which will recommend an appropriate evaluation. The Lane E.S.D. and the State Department of Education may be contacted for assistance in the evaluation.

Lowell School District will comply with Oregon Law regarding instruction of students whose native language is other than English. Appropriate instruction in the English language will be provided until students can participate effectively in the regular classroom, as determined by the child's teacher(s) and an administrator.

If it is determined that a student needs English-as-a-second-language instruction, then that instruction may be provided in one or several ways, depending on the student's needs:

1. Community members or parents who are trained in English as a second language instruction may conduct tutoring sessions under the direction of a certified staff member.
2. Tutoring in English may be done by paid staff such as teachers or teacher aides who have received training.
3. Instruction in English may be provided by certified foreign language teachers who are employees of the District.
4. Instruction in English may be conducted in classes provided by Lowell School District in other educational settings.

END OF POLICY

Legal References:

OAR 581.21-046 (8)
ORS 336.074
336.079

Adopted 1/11/88

Service Learning

The Board supports the concept of service learning as a teaching methodology in the schools. As used in this policy, “service learning” means a teaching/learning strategy requiring students to develop and apply knowledge and skills through challenging projects that meet real community needs. Service learning includes activities that are coordinated with the community and institutions of higher education, as appropriate; are helpful in fostering civic responsibility; and career-related standards; are integrated into and enhance the academic curriculum of the students enrolled; and include structured time for students to reflect on the service learning experience.

It is the expectation of the Board that service learning be embedded in the culture of the district through activities that are tied to academic content standards and/or local performance standards and reflected in the Consolidated District Improvement Plan (CDIP) and school improvement plans (SIP). Age-appropriate activities that promote the development of student skills in the areas of critical thinking, communication, teamwork, civic responsibility, mathematical reasoning, problem solving, public speaking, professional technical skills, the scientific method, research skills and analysis are to be incorporated in the curriculum in grades 8-12. Service learning will be included as a part of the district’s graduation requirements.

The superintendent may develop and implement service learning with the input of staff, students, parents, community and higher education, as appropriate.

Recommendations for curriculum revisions that require the addition or deletion of existing courses, represent a change in the courses and/or units of credit required for graduation and/or impact existing staffing patterns shall be submitted to the Board for approval. All other recommended changes must be submitted by the principal to the superintendent for approval.

The superintendent is directed to identify existing district policies, administrative regulations and other district practices that may be barriers to effective implementation of service learning. Identified policies will be referred to the Board for review and revision, as appropriate. The superintendent will also submit service learning funding needs to the Board as part of the budget planning process.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 336.175
ORS 336.183
ORS 341.315
OAR 581-022-1130

CO-CURRICULAR AND EXTRA-CURRICULAR PROGRAMS

Curricular - Activities such as field trips, intramural sports field days, etc., shall be considered a required part of the school curriculum provided they have been properly scheduled and approved by the administration.

Extra-Curricular - Extra-Curricular activities are those which are sponsored by the school or the student body, but which take place outside the regular school day or school program. These activities are considered to be an essential part of the educational program of the Lowell schools, but participation is not required of students.

All activities must conform to the general educational program of the District and shall be under the direct supervision of certificated staff and/or the principal. No one is to attend unless regularly enrolled in school or by special invitation.

Extra-Curricular Guest Procedure - Each eligible student shall be permitted to bring one guest to an approved class-, club-, student body-, school-, or District-sponsored extra-curricular activity provided:

1. The student files a completed guest permission slip in the school office at least one day prior to the activity.
2. The guest is within the age span of the students involved in the activity.
3. The guest agrees to submit to the rules by which the Lowell students are governed.
4. Junior High School students may not be guests at High School activities.

END OF POLICY

STUDENT ORGANIZATIONS

Student organizations will be encouraged when they meet the criteria of contributing to learning. Such organizations will operate within the framework of the law, Board policy, administrative rules, and the parameters of the learning program. When such organizations contribute to the learning environment, their establishment and operation will be facilitated in reasonable ways by District staff and through the use of District resources.

The building principal will develop general guidelines for student organizations. Among other provisions, such guidelines will require the assignment of at least one faculty advisor to each student organization and the approval by the Board of any student organization that requires the expenditure of budgeted funds or that may engage in activities of a divisive or controversial nature.

This policy applies to on-campus organizations. It is not intended to restrict the organization of students into groups which function apart from the school premises.

Voluntary student-organized clubs not directly related to the instructional program may not meet on school premises pursuant to the provisions of the Equal Access Act and to the terms of this policy.

END OF POLICY

Legal References:

Equal Access Act
ORS 336.610
336.620
OAR 581-21-055

Cross Reference:

Policy KG - Community Use of School Facilities

Adopted 8/75
Revised 12/10/90

STUDENT PUBLICATIONS

Students' First Amendment rights to freedom of expression and equal protection of the law will be observed in regard to student publications, whether school-sponsored or nonschool-sponsored. The observance of these rights must be balanced against the duty of educating students in an orderly manner to protect the rights of all.

Some student publications, such as yearbooks and school newspapers, may be educational devices developed as part of the curriculum to benefit primarily those who compile, edit, and publish them. Faculty advisors will be assigned to guide students engaged in these activities. Any commercial advertisements in such publications will conform to Board regulations.

Students may be required to submit publications for approval prior to distribution. When approval is required, school administrators must make available to students the standards which will be used in determining the grant or denial of permission. Such guidelines will be specific and will be directed toward ascertaining which publications will cause substantial disruption of, or material interference with, school activities or intrusion into school affairs or the lives of others.

Prior restraints will contain precise criteria spelling out what is forbidden so that a student will understand. A definite brief time limit will be set within which school officials must approve or disapprove distribution. To be valid, these guidelines must prescribe a procedure for appeals from students.

It will be the responsibility of local school administrators to promulgate reasonable and specific regulations setting forth the time, manner, and place in which distribution of student publications may occur. Students who become subject to discipline for failure to comply with distribution rules will be granted procedural due process rights.

END OF POLICY

Legal References:

ORS 332.072
332.107
336.620

Hazelwood School District v. Kuhlmeier, 108 S.Ct. 562 (1988)

Cross Reference:

Policy JFCD - Underground Student Publications

Adopted 12/10/90

STUDENT FUND-RAISING ACTIVITIES

All fund-raising must be approved by the principal and supervised by the appropriate advisor.

Fund-raising projects involving the sale of products must be approved by the activity sponsor and by the principal before the activity is initiated. Solicitation of funds is expressly prohibited without consent of the principal

END OF POLICY

Legal References:

ORS 336.620
OAR 581-22-717

**Adopted 8/75
Revised 12/10/90**

INTERSCHOLASTIC ATHLETICS

The Board subscribes to the Oregon Schools Activities Association (O.S.A.A.) policies, rules and regulations concerning student participation in interscholastic athletics and to the rules of the athletic leagues in which Lowell teams are members.

The District is committed to the values intrinsic through interscholastic athletics and competition. The District realizes the value of sportsmanship above all else in the athletic program. All student/athletes representing the District shall, at all times, while under the supervision of District personnel, conduct themselves in an appropriate manner.

The District will provide the most qualified coaches available to the student/athletes and will provide the necessary equipment to ensure a safe and injury free environment.

All District personnel hired as coaches will abide by the rules and regulations of the District, O.S.A.A. and league. They will always keep the safety of the students as a first priority in their practices and contests. No coach or District personnel directly associated with the athletic program shall accept gratuities or recompense from any outside agency as a result to the employment position held with the District.

All coaches shall abide by the code of ethics established by the Oregon Coaches Association.

All students participating in competitive athletics shall be required to present evidence of their physical fitness to participate, as follows:

1. A physical examination by a qualified medical examiner is required before entrance into competitive athletics, then every other year until grade 10.
2. A current (school year) Annual Interval History Form for those who have met the physical examination requirements. (Form includes Health History, Parent or Guardian Consent, and Insurance Arrangements).
3. A student athlete must be in attendance for a full day or have a prearranged absence to be eligible for a contest or practice.
4. Observe all the special training rules imposed by the coach of the sport.
5. Complete the practice sessions required for each sport before participation in a game.
6. Attend school regularly. An unexcused absence from school constitutes an unexcused absence from practice.
7. Any injury or illness which requires a doctor's attention will also require that the doctor give written permission before participation can be resumed.

(continued)

INTERSCHOLASTIC ATHLETICS (cont'd.)

(Pertain to High School Only)

8. Parent/Guardian signature consenting to/denying release of the student's name, height, weight to the media. (See Athletic Handbook)
9. Have passed five classes the preceding semester.
10. Students who are new to the District and who do not have evidence of having had a physical examination must present such evidence before they will be allowed to participate in athletics.
11. Maintain membership in the Lowell High School Student Body.
12. All other eligibility rules are set by the (O.S.A.A.).

END OF POLICY

Legal Reference:

ORS 332.075 (6)

Adopted 8/14/79
Revised 8/87
Revised 7/90

HOME SCHOOL STUDENT ELIGIBILITY

Home school students are eligible to participate in interscholastic activities provided by the Lowell School District. The requirements for home school students are as follows:

1. The student must be a resident in the Lowell School District attendance area.
2. The student must provide proof of a composite test score of not less than the 23rd percentile on an annual achievement test as listed by the State Department of Education.
3. Any public school student who chooses to be home schooled may participate in interscholastic activities while awaiting test score results.
4. Any public school student who has been unable to maintain academic eligibility shall be ineligible to participate in interscholastic activities as a home school student for the duration of the school year in which the student becomes academically ineligible and for the following year. The student shall take the required tests at the end of the second year and meet standards to become eligible for the third year.
5. Any home school student participating in interscholastic activities must have current immunizations as required of all other student/athletes.
6. Home school students must have the proper physical examinations completed and submitted to the district prior to participation.
7. The home school student shall be required to fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements, of other students participating in the interscholastic activity of the team or squad.
8. Home school students must meet all fee requirements for participation as required of regular students attending the Lowell School District.

END OF POLICY

Legal References

ORS 339.035
HB 2574 - Chapter 914
OSAA Home School Student Eligibility Policy
OAR (Temporary) 581-21-033

Adopted 10/14/91
Revised 9/14/92

ADULT EDUCATION PROGRAMS

The Board supports and cooperates fully with Lane Community College in order to make adult education programs available to its patrons.

END OF POLICY

Legal Reference:

ORS 332.075 (1)

Adopted 12/10/90

INSTRUCTIONAL ARRANGEMENTS/GROUPING FOR INSTRUCTION

The Board supports those instructional arrangements that will make it possible to provide for the individual needs of students and permit individual growth and continuous progress.

Grouping and teaching arrangements may be employed within classes as well as within groups of classes which will permit effective learning.

END OF POLICY

Legal References:

ORS 332.072
OAR 581-22-201

Adopted 12/10/90

CLASS SIZE

Maximum Class Size

Class size within the schools of District No. 71 will be determined on the basis of policy requirements and the space available for a specific instructional activity. The maximum class size shall not exceed twenty-five (25) students. The designated number of students is a weighted number derived by applying the appropriate discount formula to the number of students actually enrolled in a specific class. The discount formula used by the Northwest Association of Schools and Colleges shall be used to derive the weighted number of students enrolled in any class. The weighted number is that mathematical product obtained when the actual number of students enrolled in a class is multiplied by the appropriate discount formula.

Minimum Class Size

A course offering will not be maintained if the student enrollment falls below five (5) in number. Courses which fail to achieve or maintain the minimum enrollment number will be replaced by other courses, and students will be recruited into such courses.

END OF POLICY

Legal References:

OAR 581-22-266
581-22-515

Adopted 8/14/78

Alternative Instructional Programs

In addition to the regular curriculum and courses offered, it is possible for students, with prior administrative approval, to obtain credit from the following alternative instructional programs and activities:

1. Community college courses;
2. Correspondence courses;
3. Outdoor school;
4. Educational travel;
5. Challenge tests;
6. Independent study;
7. Online courses;
8. The Expanded Options Program;
9. Others approved by the Board.

END OF POLICY

Legal Reference(s):

ORS 332.072
ORS 336.135 - 336.183
ORS 336.615 - 336.665
ORS 336.790 - 336.815

OAR 581-021-0045
OAR 581-021-0065
OAR 581-021-0070
OAR 581-021-0071
OAR 581-022-1130
OAR 581-022-1350
OAR 581-022-1620
OAR 581-023-0006
OAR 581-023-0008

SB 300 (Chapter 674), effective
January 1, 2006

Instructional Resources/Instructional Materials

The Board believes that proper care and judgment should be exercised in selecting basic instructional materials. While the Board retains the authority to approve district instructional materials adoptions, it authorizes the superintendent to develop and implement administrative procedures governing how selections are determined. Such procedures will provide for administrator, staff, parent, student and community involvement and employ suitable selection criteria to ensure that the recommended instructional materials will meet the needs of the program, students, teachers and community.

The district will review instructional materials in accordance with the State Board of Education adoption cycle. Each instructional program and basic instructional materials will be reviewed on a seven-year cycle and recommendations for appropriate instructional materials will be made.

Recommended instructional materials will be free of racial, national origin, religious, disability, age, marital status, sexual bias or sexual orientation; contain appropriate readability levels; support the district's adopted curriculum content; provide ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

All basic instructional materials recommended for adoption need to be approved for use by the Board. Prior to Board approval, parents, students and interested district patrons will have the opportunity to review the recommended instructional materials and be encouraged to provide opinions about them and their use in the classrooms.

All supplementary materials and library/media resources will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents. Recommended supplementary materials and library media resources will also be free of racial, national origin, religious, disability, age, marital status, sexual orientation or sexual bias; contain appropriate readability levels; support the district's adopted curriculum content; provide for ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

END OF POLICY

Legal Reference(s):

ORS 336.035	OAR 581-011-0050 to -0117
ORS 337.120	OAR 581-021-0045
ORS 337.141	OAR 581-021-0046
ORS 337.150	OAR 581-022-1140
ORS 337.260	OAR 581-022-1520
ORS 339.155	OAR 581-022-1640

No Child Left Behind Act of 2001, 20 U.S.C. §§ 6311-6322 (2006).

Instructional Materials Selection

1. Selection of Instructional Materials

a. Responsibility for Selection of Materials

- (1) The responsibility for the selection of instructional materials is delegated to the superintendent. For the purposes of this regulation the term “instructional materials” includes print and nonprint materials, including digital content of software in a format such as electronic and Internet or web-based materials or media (not equipment), whether considered classroom materials or media center materials.
- (2) The responsibility for coordinating the distribution of instructional materials to classes will rest with the superintendent. “Instructional materials” includes any organized system which constitutes the major instructional vehicle for a given course of study or any major part of the course.

b. Procedure for Selection

(1) Media

- (a) In purchasing materials for the media center, the librarian under supervision of the principal will evaluate the existing collection and the curriculum needs and will consult reputable, professionally prepared selection aids and other appropriate sources. For the purpose of this procedure, the term “media” includes all materials considered part of the library collection, plus all nonprint instructional materials housed in resource centers and classrooms.
- (b) Recommendations for purchase will be solicited from staff and students.
- (c) Gift materials shall be judged by the district’s instructional materials objectives and selection criteria and shall be accepted or rejected by those criteria.
- (d) Selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.

(2) Instructional Materials

- (a) Instructional materials committees may be appointed if determined by the administration to be appropriate at the time that adoption areas are determined. Appropriate subject area and instruction level will be included in each committee if that procedure is employed.
- (b) The general criteria for materials selection shall be followed by the committees.
- (c) The committee shall present its recommendation(s) to the superintendent.

- (d) The superintendent shall submit the committee's recommendation(s) to the Board.

2. Objections to Instructional Materials

Any resident of the district may raise objection to instructional materials used in the district's educational program despite the fact that the individuals selecting such materials were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material.

- a. The district official or staff member receiving a complaint regarding instructional materials shall try to resolve the issue informally. The materials shall remain in use unless removed through the procedure in section 3. f. (3) of this regulation.
- (1) The district official or staff member initially receiving a complaint shall explain to the complainant the district's selection procedure, criteria and qualifications of those persons selecting the material.

The district official or staff member initially receiving a complaint shall explain to his/her best ability the particular place the objectionable material occupies in the education program and its intended educational usefulness, or refer the complaining party to someone who can identify and explain the use of the material.

- (2) In the event that the person making an objection to material is not satisfied with the initial explanation, the person raising the questions should be referred to someone designated by the principal. If, after private counseling, the complainant desires to file a formal complaint, the person to whom the complainant has been referred will assist in filling out a Reconsideration Request Form in full.
- (3) The individual receiving the initial complaint shall advise the principal of the initial contact no later than the end of the following school day, whether or not the complainant has apparently been satisfied by the initial contact. A written record of the contact shall be maintained by the principal.

3. Request for Reconsideration

- a. Any resident or employee of the district may formally challenge the appropriateness of instructional materials used in the district's educational program. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process.
- b. All school offices will keep on hand and make available Reconsideration Request Forms. All formal objections to instructional materials must be made on this form.
- c. The Reconsideration Request Form shall be signed by the complainant and filed with the superintendent.
- d. Within five business days of the filing of the form, the superintendent or person so designated by the superintendent shall file the material in question with the reconsideration committee. The committee shall recommend disposition to the superintendent.
- e. Generally, access to challenged material shall not be restricted during the reconsideration process. In unusual circumstances the material may be removed temporarily by following the provisions of Section 3. f. (3) of this regulation.
- f. The Reconsideration Committee.

- (1) The reconsideration committee shall be made up of nine members:
 - (a) [One teacher designated annually by the superintendent;
 - (b) One school librarian designated annually by the superintendent;
 - (c) One member of the administrative staff designated annually by the superintendent;
 - (d) Five members from the community appointed annually by the Board;
 - (e) One student selected annually by the student council.
- (2) The chair of the committee may be an employee or officer of the district. The secretary shall be an employee or officer of the district.
- (3) Special meetings may be called by the superintendent to consider temporary removal of materials in unusual circumstances. Temporary removal shall require a three-fourths vote of the committee.
- (4) The committee shall receive all Reconsideration Request Forms from the superintendent or person designated by the superintendent.
- (5) The procedure for the first meeting following receipt of a Reconsideration Request Form is as follows:
 - (a) Distribute copies of written request form;
 - (b) Give complainant or a group spokesman an opportunity to talk about and expand on the request form;
 - (c) Distribute reputable, professionally prepared reviews of the material when available;
 - (d) Distribute copies of challenged material as available.
- (6) The committee may request that individuals with special knowledge be present to provide information.
- (7) The complainant shall be kept informed by the superintendent concerning the status of the complaint throughout the committee reconsideration process. The complainant and known interested parties shall be given appropriate notice of such meetings.
- (8) The committee shall make its decision in either open or closed session. The committee's final decision will be:
 - (a) To take no removal action;
 - (b) To remove all or part of the challenged material from the total school environment;
 - (c) To limit the educational use of the challenged material. The sole criteria for the final decision is the appropriateness of the material for its intended educational use. The vote on the decision shall be by secret ballot. The written decision and its justification shall be forwarded to the superintendent for appropriate action and to the complainant.
- (9) A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection or use of the material.
- (10) Requests to reconsider materials which have previously been before the committee must receive approval of a majority of the committee members before the materials will again

be considered. Every Reconsideration Request Form shall be acted upon by the committee.

- (11) Committee members directly associated with the selection of the challenged material shall be excused from the committee during the deliberation on such materials. The superintendent may appoint a temporary replacement for the excused committee member, but such replacement shall be of the same general qualifications as that person excused.
- (12) If the complainant is not satisfied with the decision, a request may be made that the matter be placed on the agenda of the next regularly scheduled meeting of the Board.

Reconsideration Request Form for Reevaluation of Instructional Material
(Submit to superintendent)

Book or Other Printed Material If Applicable:

Author _____ Hardcover _____ Paperback _____ Other _____
Title _____ Publisher _____ Date of pub. _____

Digital Media If Applicable:

Title _____ Producer (if known) _____
Type of media (video, etc.) _____

Request initiated by _____ Telephone _____
Address _____ City _____ Zip _____

Person making the request represent self _____ group or organization _____
Name of Group _____

1. To what in the item do you object? (Please be specific, cite pages, frames, etc.)

2. In your opinion what harmful effects upon students might result from use of this item?

3. Do you perceive any instructional value in the use of this item? _____

4. Did you review the entire item? If not, what sections did you review? _____

5. Should the opinion of any additional experts in the field be considered?
____ Yes ____ No Please list suggestions if any: _____

6. What would you like the school to do about this material?
____ Do not use it with my student
____ Withdraw it from use
____ Send it back to the selector or selectors for evaluation
____ Other
7. In place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended? _____
8. Do you wish to make an oral presentation to the Review Committee?
____ Yes ____ No If yes, please call the superintendent's office at _____.

Signature: _____ Date: _____

References:

Exclusions and Exemptions From Instruction

Parents or guardians may request their student be excused from participation in specific learning activities because of religious beliefs by submitting their request in writing to the classroom teacher. This request is to include the name of the child and the specific activity for which the request is being made.

The District will consider requests made for the following specific activities:

1. Sex Education
2. Theory of Evolution
3. Rhythms in Physical Education
4. Pledge of Allegiance to the Flag
5. Halloween Activities
6. Recognized Religious Holidays

The District will exercise the following procedures for each of the above:

1. Sex Education
Students are excused to the library during lecture and discussion on issues dealing with sex education. The student will be held responsible for the physiological information and data of sex education.
2. Theory of Evolution
Students will be excused from participating, however, may be required to substitute the activity with alternative written work.
3. Rhythms
Students will be excused from participating, however, may be required to substitute the activity with alternative written work.
4. Pledge of Allegiance
Students will be required to stand, however, will not be required to salute or recite.
5. Halloween and Religious Holidays
Students will be excused from these activities and will be given alternative activities or time to work in those academic areas which they need additional work. Students will be excused from school on the afternoon of the parties. Parents will be responsible for transportation home.

Parents or guardians may request alternatives to the state required educational programs or activities. The request must be in written form which specifically identifies the state required educational program or activity for which exemption is being requested, specifically addresses a proposed alternative, and the educational advantages which result from the proposed alternative.

The District shall evaluate the proposed alternative as to consistency and coordination with the student's educational progress and career goals. The proposal will be evaluated by the building principal, parents or guardians, counselor and other staff as may be required by the building principal. The building principal shall make a formal recommendation to the Superintendent which will include, but not be limited to, the

following: 1. Written request from parent or guardian. 2. Written summary of evaluation concerning the student's educational progress and career goals. 3. Written plan to provide the alternative. 4. Budget analysis of any additional costs which may be necessary in order to provide the alternative.

The Superintendent will, within five working days, approve or disapprove the alternative. If disapproved, the committee may reconvene and determine other alternatives or may request the alternative be placed on the next Board agenda for discussion.

The Board decision shall be final and binding on all parties.

END OF POLICY

Legal Reference(s):

OAR 581-22-415

Use of Feature Films/Videos

The Board recognizes the showing of commercially produced and rated feature films and videos may have a legitimate purpose in a school's educational program. Since the content of these feature films customarily is designed for general audience viewing, the Board feels certain precautions should be taken to ensure the showing of a particular film is consistent with the educational values espoused by the district.

Films/videos rated G or PG may be shown as part of the school program. Films/videos rated PG-13 may be shown in grades 7-8 with prior building principal approval and written parental permission. Films and videos rated R may be shown to students in grades 11 and 12 with prior building principal approval and written parental permission.

END OF POLICY

Legal Reference(s):

ORS 332.107

LIBRARY MATERIALS SELECTION AND ADOPTION

All types of materials for school libraries will be recommended for purchase by the professional personnel of the library and approved by the Superintendent or his/her designee. Consultation will take place with the administration, faculty, or parents, as found desirable.

All materials selected will be consistent with the stated principles of selection which apply to all instructional and library materials.

Additionally, in maintaining and augmenting school library collections, persons responsible for selection of materials will strive:

1. to meet the needs of the school based on knowledge of the curriculum and the stated needs of administrators and teachers;
2. to meet the needs of individual students, according to both the stated needs of students and general understanding of students' interests;
3. to provide materials of high artistic and literary quality;
4. to provide a balanced collection, with a fair proportion of each type of material selected to meet the needs of the curriculum, the students, and professional staff at all levels;
5. to provide a wide range of materials with diversity of appeal and different points of view.

In order to maintain a current and highly usable collection of materials, the media specialist will provide for continuing renewal of the collection, not only by addition of up-to-date materials, but by the judicious elimination of materials which no longer meet needs or find use.

Gifts to the library may be accepted if they meet the criteria established for the selection of all instructional materials.

END OF POLICY

Legal Reference:

OAR 581-22-710

Cross References:

Policy KLB - Library Material Objections

Policy ILB-AR - Reconsideration of the Use of Instructional Material

Adopted 8/75
Revised 12/10/90

Special Interest Materials

In general, supplementary printed materials from commercial, political, religious, or other non-school sources should have the approval of the principal before being used in the schools. This approval may be given to materials that are of obvious educational quality, supplement and enrich text and reference book materials for definite school courses, and are timely.

Advertising materials of commercial, political, or religious nature should not be displayed or distributed in the schools or on the school grounds. Students may not be used as agents for distributing non-school materials to the homes without the approval of the principal.

Teachers may use special aids such as models, films, slides, pictures, charts, and exhibits for educational purposes with the express approval of the principal although these materials may bear the name of a commercial business firm that provided the aid.

Educational films and all video rentals secured from or through commercial sources will be approved by the principal prior to their use in the schools.

All copyright law regulating the use of such material will be strictly adhered to.

END OF POLICY

Legal Reference(s):

ORS 331.072
ORS 336.620
OAR 581-22-710

COMPUTER INSTRUCTION

Recognizing that computers are playing an increasingly important role in American life, Lowell School District endorses the infusion of computers into the curriculum. Students will learn to use computers:

1. as machines to learn about literacy, operation and maintenance, and computer technology;
2. as machines to learn with simulations and as a learning tool.

The District is committed to providing students equal access to computers, regardless of race, ethnicity, economic status, gender or handicap.

END OF POLICY

Cross Reference:

CODE: IIBG

INSTRUCTIONAL TECHNOLOGY

In addition to instructional materials and audio-visual materials, an increasing field of technological aids and equipment are becoming integral parts of instructional programs. Computers, telecommunications equipment and laser technology all have a variety of applications across the curricula.

To ensure that both staff and students have access to appropriate and up-to-date technology, the Board may create and/or appoint a computer/technology planning committee. This committee shall assess the technological needs of the instructional program, research and review materials and equipment and make recommendations to the Superintendent for consideration by the Board.

Any such committee should develop training procedures and programs for both staff and students. Such programs should emphasize classroom applications of the specific technologies and provide staff and students access to the materials and equipment. The committee should also monitor and evaluate the actual usage of all instructional technology.

When budgeting for computers and related technology, the committee should also include funds for training programs.

In all its technological purchases, training programs and applications, the District should seek to further its basic instructional goals.

END OF POLICY

Legal References:

OAR 581-21-211
Copyrights, Title 17, U.S. Code (West 1982)

Cross Reference:

CODE: IIBC

Adopted 8/9/93

Electronic Communications System

The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The district's system will be used to provide statewide, national and global communications opportunities for staff and students.

The superintendent will ensure administrative regulations are in place for the use of the district's system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Government Standards and Practices Commission and will include a complaint procedure for reporting violations.

The superintendent will also establish administrative regulations for use of the district's electronic communications system to comply with copyright law.

Failure to abide by district policy and administrative regulations governing use of the district's system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

ORS 30.765	ORS 167.090	OAR 581-021-0050
ORS 133.739	ORS 167.095	OAR 581-021-0055
ORS 163.435	ORS Chapter 192	OAR 584-020-0040
ORS 164.345	ORS 332.107	OAR 584-020-0041
ORS 164.365	ORS 336.222	
ORS 167.060	ORS 339.250	
ORS 167.065	ORS 339.260	
ORS 167.070	ORS 339.270	
ORS 167.080		
ORS 167.087		

Children's Internet Protection Act, 47 U.S.C. Sections 254 (h) and (l) (2008); 47 CFR Section 54.520 (2001).
Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2000).
Oregon Attorney General's Public Records and Meetings Manual, pp. 24-26, Appendix H, Department of Justice (2001).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.
Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).
Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928.
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).
Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).
No Child Left Behind Act of 2001, P.L. 107-110, Title II, Section 2441.

Electronic Communications System

Definitions

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA) means a specific technology that blocks or filters Internet access to visual depictions that are:
 - a. Obscene, as that term is defined in Section 1460 of Title 18, United States Code;
 - b. Child pornography, as that term is defined in Section 2256 of Title 18, United States Code; or
 - c. Harmful to minors.
2. “Harmful to minors” as defined by CIPA means any picture, image, graphic image file or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act; sexual contact” as defined by CIPA have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor” as defined by CIPA means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in district schools.
5. “Inappropriate matter” as defined by the district means material that is inconsistent with general public education purposes, the district’s mission and goals.¹

General District Responsibilities

The district will:

1. Designate staff as necessary to ensure coordination and maintenance of the district’s electronic communications system which includes all district computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the district’s system including copies of district policy and administrative regulations. Staff will provide similar training to authorized system users;

¹As inappropriate matter is not defined in the CIPA or regulations, districts should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.

3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the district's system;
4. Use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
5. Install and use desktop and/or server virus detection and removal software;
6. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
7. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
8. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, chat rooms and other forms of direct electronic communication;
9. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
10. Determine which users and sites accessible as part of the district's system are most applicable to the curricular needs of the district and may restrict user access, accordingly;
11. Determine which users will be provided access to the district's e-mail system;
12. Program its computers to display a message reinforcing key elements of the district's Electronic Communications System policy and regulation when accessed for use;
13. Notify appropriate system users that:
 - a. The district retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the district's information system are the district's property and are to be used for authorized purposes only. Use of district equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those

authorized to use the district's system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;

- b. Files and other information, including e-mail, sent or received, generated or stored on district servers are not private and may be subject to monitoring. By using the district's system, individuals consent to have that use monitored by authorized district personnel. The district reserves the right to access and disclose, as appropriate, all information and data contained on district computers and district-owned e-mail system;
- c. The district may establish a retention schedule for the removal of e-mail;
- d. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
- e. Information and data entered or stored on the district's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the district. "Deleted" or "purged" data from district computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the district;
- f. The district may set quotas for system disk usage. The district may allow system users to increase their quota by submitting a written request to the supervising teacher or system coordinator stating the need for the increase;
- g. Passwords used on the district's system are the property of the district and must be provided to their supervisor or designated district personnel, as appropriate. Passwords that have not been provided to the district are prohibited;
- h. Transmission of any materials regarding political campaigns is prohibited.

14. Ensure all student, staff and non-school system users complete and sign an agreement to abide by the district's electronic communications policy and administrative regulations. All such agreements will be maintained on file in the school office.

15. Notify users of known copyright infringing activities and deny access to or remove the material.

System Access

1. Access to the district's system is authorized to:

Board members, district employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and district volunteers, district contractors or other members of the public as authorized by the system coordinator or district administrators consistent with the district's policy governing use of district equipment and materials.

2. Students, staff and Board members may be permitted to use the district's system to conduct business related to the management or instructional needs of the district or to conduct research related to education. Personal use of district computers including Internet and e-mail access by students and Board members is strictly prohibited. Personal use of district computers including Internet access and e-mail by staff is restricted. Any personal use by staff is limited to such uses as deemed permissible under the Oregon Government Standards and Practices Commission (GSPC) guidance (e.g., occasional use to type a social letter to a friend or family member, preparation of application materials for another position in the district, or computer games which may serve to improve the

individual's keyboard proficiency and software component familiarity). Such use is restricted to the employee's own time.

General Use Prohibitions/Guidelines/Etiquette

Operation of the district's system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the district's system.

1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the district's system for:
 - (1) Unauthorized solicitation of funds;
 - (2) Distribution of chain letters;
 - (3) Unauthorized sale or purchase of merchandise and services;
 - (4) Collection of signatures;
 - (5) Membership drives;
 - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
 - (1) Harmful to minors;
 - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
 - (3) A product or service not permitted to minors by law;
 - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
 - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
 - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the district's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;

- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator or teacher and consistent with applicable Board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the district's system, unless authorized by the system coordinator or teacher and with prior parent approval;
- i. Attempts to use the district's name in external communication forums such as chat rooms without prior district authorization;
- j. Attempts to use another individual's account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been given access.

2. Guidelines/Etiquette

System users will:

- a. Adhere to the same standards for communicating online that are expected in the classroom and consistent with Board policy and administrative regulations;
- b. Respect other people's time and cyberspace. Use real-time conference features such as talk/chat/Internet relay chat only as approved by the supervising teacher or system coordinator. Avoid downloading excessively large files. Remain on the system long enough to get needed information then exit the system. Act as though every byte sent costs somebody time and money, because it does;
- c. Take pride in communications. Check spelling and grammar;
- d. Respect the privacy of others. Do not read the mail or files of others without their permission;
- e. Cite all quotes, references and sources;
- f. Adhere to guidelines for managing and composing effective e-mail messages:
 - (1) One subject per message - avoid covering various issues in a single e-mail message;
 - (2) Use a descriptive heading;
 - (3) Be concise - keep message short and to the point;
 - (4) Write short sentences;
 - (5) Use bulleted lists to break up complicated text;
 - (6) Conclude message with actions required and target dates;
 - (7) Remove e-mail in accordance with established guidelines;
 - (8) Remember, there is no expected right to privacy when using e-mail. Others may read or access mail;
 - (9) Always sign messages;
 - (10) Always acknowledge receipt of a document or file.
- g. Protect password confidentiality. Passwords are the property of the district and are not to be shared with others. Using another user's account or password or allowing such access by another may be permitted with supervising teacher or system coordinator approval only. No system user may use a password on the district's computers, e-mail system or Internet access which is unknown to the district;
- h. Communicate only with such users and/or sites as may be authorized by the district;

- i. Be forgiving of the mistakes of others and share your knowledge. Practice good mentoring techniques;
- j. Report violations of the district's policy and administrative regulation or security problems to the supervising teacher, system coordinator or administrator, as appropriate.]

Complaints

Complaints regarding use of the district's Electronic Communications System may be made to the teacher, principal, employee's supervisor or system coordinator. The district's established complaint procedure will be used for complaints concerning violations of the district's Electronic Communications System policy and/or administrative regulation. See Board policy KL and accompanying administrative regulation.

Violations/Consequences

1. Students
 - a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of district system access up to and including permanent loss of privileges.
 - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established district procedures.
2. Staff
 - a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
 - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by OAR 584-020-0041.
 - d. Violations of ORS 244.040 will be reported to GSPC.
3. Others
 - a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
 - b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

Telephone/Membership/Other Charges

1. The district assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage of the district's system.
2. Any disputes or problems regarding phone services for home users of the district's system are strictly between the system user and his/her local phone company and/or long distance service provider.

Information Content/Third Party Supplied Information

1. System users and parents of student system users are advised that use of the district's system may provide access to materials that may be considered objectionable and inconsistent with the district's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the district's system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the district.
3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the district's system. These individuals and agencies are not affiliated with the district. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The district makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. District staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
4. The district does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

Date

RE: Computer/Technology Use Contracts

Dear Parents/Guardians:

Lowell School District policy requires students, parents and faculty to review and sign the Computer Use Contract in order for students to utilize technology in our schools. However, we also recognize that this form is cumbersome, exhaustive and in need of significant revision. Thus, we are currently in the process of revising the form to a single page, kid-friendly (and parent friendly!) format.

In addition to the need for this change, we are also aware that there are children whose parents have not yet signed and agreed to the terms in the Computer Use Contract. In order to get these children up and running on technology, I am asking parents whose child does not currently have a signed contract on file, consider signing and returning this letter as permission for the student to use technology within the following guidelines:

- Technology use for instructional purposes only.
- All use of computers and technology will be under the supervision of district personnel (teacher, administrator or educational assistant).
- Use will be appropriate for school and will follow the school-wide rules.
- Behavior or use outside of these parameters may result in disciplinary action in accordance with district policy.

We honestly appreciate the constructive feedback we have received from parents and students on this matter and hope that you'll find our new form more appropriate and user-friendly.

Sincerely,

Christina Cox
Principal

Student: _____

Grade: _____

Parent Signature: _____

Date: _____



Computer Use Agreement Form

Lowell School District

Lowell achieves educational excellence for all through pride, communication, and respect for all in a fun and safe environment.

Lowell School District policy requires students, parents and faculty to review and sign the Computer Agreement Form annually in order for students to utilize technology in our schools. This form is a brief outline of the expectations of individuals utilizing the district's network and associated technology. More detailed guidelines, expectations and definitions are outlined in the District's Technology Use Policy and may be obtained by request.

Please sign and return this form as permission for the student to use technology within the following guidelines:

- Technology use for instructional purposes only.
- All use of computers and technology will be under the supervision of district personnel (teacher, administrator or educational assistant).
- Use will be appropriate for school and will follow the school-wide rules.
- Behavior or use outside of these parameters may result in disciplinary action in accordance with district policy.



Signatures Page

Computer Use Agreement Form

Lowell School District

Lowell achieves educational excellence for all through pride, communication, and respect for all in a fun and safe environment.

Student Name: _____ Grade/Classroom Teacher: _____

Name of Parent/Guardian completing form (please print): _____

Daytime contact phone number for parent/guardian completing form: _____

I have read, understand and agree to the guidelines outlined in this document. I also understand that a more detailed explanation of expectations can be found in the parent-student handbook and that I may obtain a complete copy of Lowell School District's Technology Policy (IIBGA-AR) by request at the district office.

Signatures

Parent

Date

Student

Date

Teacher

WEB PAGES

The district encourages the publication of web pages to foster creativity and communication and to provide students a place to demonstrate what they have learned.

All web pages must comply with IIBGB-AR - Web-Page Guidelines.

Failure to comply with this policy and applicable administrative regulations will result in discipline, including suspension of district Internet privileges and/or referral to law enforcement, if appropriate.

District Web Site

The district's web site provides a resource for obtaining information about the district and for informing patrons about classroom activities and Board policies. Requests for publication of information on the district web site should be directed to the webmaster. District administrators (transportation supervisor, food service director, business manager, etc.) may publish web pages as part of the district's web site. Personal information, not related to education, will not be permitted.

Staff Web Pages

Staff may create web pages to use in class activities or to provide a resource for other staff members. Staff web pages must reflect the educational goals and objectives of the district.

Staff members linking outside sites to the district server are responsible for checking all material and links prior to submission.

Individual Student Web Pages

Students may, with staff sponsorship, create web pages for publication on the district's web site that are primarily academic, educational and research oriented.

Student work may be published, with parent permission, only if related to a class project or other school activity. Such work shall not reveal personally identifiable information or prohibited directory information.

Student-created web pages reflect the individual and do not represent the district. Concerns about the content of any page created by a student should be directed to the building principal.

Student web pages may be removed at the end of the school year unless special arrangements are made.

Clubs and Organizations

Web pages published by clubs and organizations may provide information about extracurricular and other school-authorized activities, as well as general information relating to the district.

Others

The district may allow other organizations, e.g., parent-teacher groups, booster clubs, etc. to publish web pages.

END OF POLICY

Code: IIBGB

WEB PACES -(cont' d.)

Legal References:

ORS 332.107

Family Educational Rights and Privacy Act, sec. 438, 20 U.S.C. sec. 1232g (1988)

Copyrights, Title 17, as amended, United States Code

Cross Reference:

Policy IIGBA - Electronic Communications System

Adopted 5/10/99

WEB - SITE GUIDELINES

All web pages must follow district guidelines and be approved by the building principal and/or webmaster prior to publication.

Content

All web pages must:

1. Contain name, address and district e-mail address of the author. Student web pages shall use the sponsoring staff member;
2. Be grammatically correct with no spelling errors. Spell checking and proofreading are required;
3. Contain current and accurate information;
4. Include a copyright statement, if appropriate;
5. Use district templates;
6. Contain a created or modified date and the name or initials of the person responsible;
7. Identify district affiliation and contain a link to return to the district's home page.

Links to other than district sites are subject to approval by the webmaster. All links should be checked regularly and revised as necessary.

Use of web pages for financial gain is prohibited.

Standards

Web-page authors shall:

1. Comply with Board policies, administrative regulations, these guidelines and copyright laws;
2. Respect the rights of others;
3. Maintain the privacy of others;
4. Use web sites for academic, educational and research purposes only;
5. Use conventions of standard English or other languages.

WEB PAGE GUIDELINES -(cont'd.)

Web-page authors shall not:

1. Display abusive, harassing, libelous, obscene, offensive, profane, pornographic, threatening, sexually explicit or illegal material;
2. Use web site for commercial, purchasing or illegal purposes.

Disclaimer

The following disclaimer will be published on all web pages:

The accuracy and quality of information cannot be guaranteed. The district will not be responsible for any information that may be lost, damaged or unavailable due to technical or other difficulties.

OR

The district has made every reasonable attempt to ensure that the district's web pages are educationally sound and do not contain links to any questionable material or anything that can be deemed in violation of the district's electronic communications policy.

Student Safeguards

1. Web page documents may include only the first name and the initial of the student's last name.
2. Documents may not include a student's phone number, address, names of other family members or names of friends.
3. Published e-mail addresses are restricted to staff members or to a general group e-mail address where mail is forwarded to a staff member.
4. Decisions on publishing student pictures will be made by the supervising teacher, after checking with the school office to determine if the student's parents have objected to such publication.

Maintenance

Maintenance of web pages, including the timely update of information and periodic checks of links, is the responsibility of the author. Web pages not up to date may be removed by the webmaster.

The district reserves the right to remove web pages, and if necessary, access to user accounts, without prior notice, if the content is unacceptable.

Privacy

There shall be no expectation of privacy for information stored on or transmitted with district equipment. The district [webmaster] may review web pages to maintain system integrity and to monitor appropriate use of district equipment. Illegal activities will be reported to the appropriate authorities.

WEB PAGE GUIDELINES - (cont'd~)

PERMISSION

____ I give my permission to allow my student to construct and publish an Internet web page or have his/her work included in a web page

____ I do not give permission for my student's work to be published on the district web page.

____ I do not give permission for my student's photograph to be published on the district web page.

Parent Name (print) _____

Signature _____

Name of Student _____

Date _____

Sponsoring Teacher Name (print) _____

Signature _____ Date _____

Field Trips

Field trips are considered an extension of the curriculum and must be treated as such. Student participation in the field trip experience is considered essential in order that full benefits be recognized and received by the student. Student participation is not to be considered the same as extra-curricular activities. All students normally eligible to participate in regular classroom activities will be permitted to participate in any and all field trips classified as an extension of normal classroom instruction.

The major criteria for determining if a field trip is an extension of the academic program is as follows:

1. The planned activity is an introduction to a regular program of instruction.
2. The planned activity is an integral part of the normal instructional program.
3. The planned activity is a culminating activity which has emerged directly from previous instruction.
4. There are activities planned which will result in some form of academic grade earned by the student.

There are rare occasions when a student, before the field trip, has exhibited behavior which indicated his/her inability to function in a less structured environment associated with the very nature of a field trip. In this situation, the following criteria will be used to determine his/her eligibility for participation:

- Any student receiving two or more referrals within an eight week period prior to the next scheduled field trip becomes ineligible for participation.

It is recognized that some students may cause a disruption to the academic endeavors of the students actively involved in the field trip. Should this occur, the matter then becomes a discipline problem and normal disciplinary procedures are to be initiated by the teacher and administration upon returning from the field trip.

It is also recognized that students on field trips represent their school and community. All students are to act in an orderly manner and socially accepted behavior is expected at all times. Students who violate these basic tenets of behavior must have a parent/guardian accompany the student on the next schedule trip.

Should disruptive behavior persist during the parent-accompanied field trip, the student will be excluded from field trips for the remainder of the year. Parents will be notified, by phone or mail, of exclusion from future field trips. The final decision, after full investigation, will be the responsibility of the building administrator.

Any student officially classified as emotionally handicapped may be excluded from field trips if in the opinion of the IEP team, he/she may be of imminent danger to his/her self or others. This should be indicated on the IEP.

Students will not be excluded from field trips because of academic failure. There is a sharp distinction between behavior problems which may disrupt the academic achievement of the remainder of the class and academic failure which has no direct bearing on the academic achievement of the student's peers.

Field trips which are an adjunct to a planned program are encouraged. Permission of the parent/guardian for the student to make the trip must be secured prior to the trip. The carrier of the group must have the approval of the school administration. Plans for field trips out-of-state and/or which extend overnight must be submitted to the appropriate building principal sixty (60) days in advance of the requested date of departure.

Transportation of students for all school related activities will be limited to the boundaries of the State of Oregon. Requests for out-of-state activities must be made to the appropriate building principal and placed on the agenda for Board consideration. (See time requirements above.) Each request will be evaluated on the basis of individual merit.

END OF POLICY

Legal Reference(s):

OAR 581-022-1020
ORS 332.107
ORS 336.183
ORS 339.155

SENIOR TRIPS

The district recognizes senior trips as an extension of the school experience. District-sponsored senior trips may be authorized.

In-state senior trips require approval by the building principal. Requests for in or out-of-state or foreign travel shall be submitted to the superintendent for approval.

Students participating in senior trips will be subject to the student code of conduct. Violations will result in appropriate disciplinary action and may include referral to law enforcement.

Private groups and organizations may be permitted to use district facilities and equipment during nonschool time to promote senior trips on the same basis as facilities and equipment are provided to others.

Advertising, including the distribution of materials, will be allowed during the school day.

Private groups and organizations may not use the district name their in anyway to promote

The superintendent will develop administrative regulations for district- sponsored senior trips, including the approval process, procedures to be used in case of accident or illness and student conduct violations.

END OF POLICY

Legal References:

ORS332.105
ORS332.107
ORS336.183
ORS339.155

OAR 581-022-1020

Gross References:

Policy KG - Community Use of District Facilities
Policy KJA - Materials Distribution

Community Resource Persons/Speakers

One goal of education is to prepare students to participate constructively in a democratic, pluralistic society; a society in which many differing opinions are held and differing causes are espoused. It is important that students develop an understanding of divergent ideas. It is also important that they develop judgment, a capacity to discern the difference between fact and opinion and to weigh arguments, slogans, and appeals. Books, films, and other media are valuable for giving students exposure to many differing ideas, but for effective learning it is also useful to invite appropriate persons not on the District educational staff to speak to or to meet with groups of students as part of the educational process.

No overall standard can be established which will automatically exclude, as a resource, the person whose views or manner of presenting them may obstruct the educational process or endanger the health and safety of students and staff. The Board establishes the following guidelines, however, in an effort to uphold students' freedom to learn while also recognizing obligations which the exercise of freedom entails.

1. The teacher/sponsor and school building administrator are expected to exercise judgment and to investigate fully those proposed resource persons about whom questions may arise.
2. Teachers/sponsors should encourage the use of resource persons representing various approaches or points of view on a given topic in order to afford students a more comprehensive understanding of it.
3. An appropriate record will be made of each resource person utilized and of his/her presentation.
4. The ideas presented and the resource person invited to present them will have a demonstrable relation to the curricular or co-curricular activity in which the participating students are involved.
5. The teacher/sponsor responsible for inviting the resource person, or any member of the school administration, has the right and duty to interrupt or suspend any proceedings if the conduct of the resource person is judged to be in poor taste or endangering the health and safety of students and staff. Examples of inappropriate conduct are:
 - a. Profanity, vulgarity and lewd comments.
 - b. Smoking while speaking or consulting with students.

END OF POLICY

Legal Reference(s):

ORS 332.107
Equal Access Act, 20 U.S.C. Sections 4071-4074.
Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990).

Volunteers

Citizens who voluntarily contribute their time and talents to the improvement and enrichment of the schools' instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in the schools to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

Recruitment, utilization, coordination and training of volunteers is the responsibility of administration or designee and will be carried out as directed or delegated by the superintendent. Every effort should be made to utilize volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

Volunteers will receive no remuneration for tasks and will ordinarily be recruited for an identified and specific purpose.

Any person authorized by the district for volunteer service into a position having direct contact with students will be required to undergo a criminal records check.

Nonexempt employees¹ may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services² as the employee's regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.³

END OF POLICY

Legal Reference(s):

ORS Chapter 243
ORS 326.607
ORS 332.107
OAR 839-010-0005
Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sections 206 and 207.

¹ There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50% of the employee's time.

² Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

³ Districts may need legal counsel on the use of nonexempt employees in extracurricular activity positions such as coaching and as advisors for cheerleading and other district-sponsored activities for FLSA district impact.

Volunteers

The district supports the utilization of community volunteers to augment and supplement the district's regular instructional program. Volunteers may be selected subject to the following process.

Recruitment

Finding a volunteer who is suitable to the required task is essential. A positive and proactive recruiting program may involve, but not be limited to: retired staff, parents, Parent Teacher Association, advisory committees, local businesses, civic clubs and churches.

Qualifications

Volunteers will demonstrate the following personal attributes: a sense of responsibility, enthusiasm, good listening skills, skills commensurate with a specific district need, ability to follow directions and comply with board policies, and an understanding of confidentiality requirements.

Screening

The process of determining the suitability of a volunteer will include the following:

1. A criminal records check;
2. Completion of an interview designed to match skills with district needs; and,
3. Completion of the Volunteer Packet.

Training

The amount and type of training the volunteer receives will depend upon his/her past experience, the particular needs of the volunteer and the amount of skill required to do the job. At a minimum, training of volunteers should include:

1. Information on how the district functions and is organized;
2. Orientation on the specific skills needed to do the job;
3. Confidentiality requirements;
4. Board policies, administrative regulations, school rules and routines;
5. The role of the volunteer; and,
6. The District's supervisory structure for the volunteer program.

Nonexempt Employee Volunteers

Nonexempt district employees may not volunteer to perform services on behalf of the district unless they are considered "bona fide volunteers". An employee is a bona fide volunteer if:

1. The employee's services are offered freely and without pressure or coercion, direct or implied, from the district; and,
2. The employee does not engage in the same or similar type of volunteer services as he/she performs in his/her regular job.

As provided by law, nonexempt employees will not be permitted to volunteer to perform their regular work duties or the same type of duties off the clock and without compensation. The requirements of the Fair Labor Standards Act (FLSA) cannot be waived by the employee or the district.

GUIDANCE PROGRAM

The Lowell School District recognizes that all students are individuals with unique needs and strengths. Based upon these needs, the Guidance and Counseling Program shall involve the entire school staff. The program shall permit and encourage students to function in a manner satisfactory to self, family and community.

The counseling and guidance program should provide learning experiences for students that develop values and attitudes that enhance interpersonal relationships and responsible individual behavior.

District-Wide Goals

1. The student is able to make appropriate decisions and use problem-solving skills.
2. The student is able to use the skills involved in self-exploration and self-discovery to examine personal feeling, values, interests and aptitudes.
3. The student is able to function effectively in relationships with others.
4. The student is able to accept increased responsibility for his own actions.
5. The student is able to understand the opportunities and alternatives available in the educational program.
6. The student is able to set tentative career goals.
7. The student is able to utilize the resources available in the school and community.

END OF POLICY

Legal References:

ORS 40.245
OAR 581.22-606
OAR 581-22-702

Adopted 3/13/78
Revised 12/10/90

Academic Achievement

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

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

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

1. Parents will be informed regularly, at least four times a year, of their student's progress in school;
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade;
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;
5. When no grades are given but the student is evaluated in terms of progress, the school staff also will provide a realistic appraisal of the student's standing in relation to his/her peers;
6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.
7. In courses/programs for which progress is based solely on a proficiency model the following will apply:
 - a. Teachers will provide students with multiple opportunities to demonstrate mastery of each standard.
 - b. Grades will be based on individual, not group achievement.
 - c. Final grades will be determined by reviewing the body of documented evidence relative to mastery of the standards.
8. As courses/programs using the proficiency model are developed, the superintendent or designee will ensure administrative rules related to this policy are in place.

END OF POLICY

Legal Reference(s):

ORS 107.154	OAR 581-021-0022
ORS 329.485	OAR 581-022-1660
ORS 339.260	OAR 581-022-1670

STUDENT PROGRESS REPORTS TO PARENTS

The Board believes it is essential that parents be regularly and fully informed of their children's progress in school.

The school will report a pupil's progress to the student and to his/her parent or guardian. The report will be clear, concise, and accurate, and will provide a basis of understanding among teacher, parents, and students for the benefit of the individual student. The Board directs the administration to develop progress report forms or cards in accordance with this policy.

END OF POLICY

Legal References:

ORS 339.260
OAR 581-22-602

Adopted 12/10/90

HOMework

The term "homework" refers to an assignment to be prepared outside of class or during a period of supervised study in class. The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student.

Homework is a learning activity which should increase in complexity with the maturity of the student. Teachers should make meaningful assignments, the purposes of which should be clearly understood by both the teacher and the student.

The information for any homework assignment should be clear and specific so that the student can complete the assignment. Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in such use.

END OF POLICY

Class Rankings

In the interest of encouraging and recognizing outstanding academic achievement, a valedictorian and a salutatorian will be selected for each graduating class.

The district's valedictorian and salutatorian may be permitted to speak as part of the district's planned graduation program at the discretion of the building principal or designee. All speeches must be reviewed and approved in advance by the building principal or designee. Titles and Privileges granted to students designated as valedictorian or salutatorian may be revoked for violation of Board policy, administrative regulation or school rule.

The valedictorian and salutatorian will be selected according to the following procedure:

1. The valedictorian will be the student with the highest grade point average as computed at the end of seven semesters of high school work;
2. The salutatorian will be the student with the second highest grade point average as computed at the end of seven semesters of high school work;
3. In case of a tie for valedictorian, co-valedictorians will be honored;
4. In case of a tie for salutatorian, co-salutatorians will be honored;
5. Foreign exchange students will not be considered in computing class rank and, therefore, will not be eligible for any academic honors;
6. To be eligible for valedictorian or salutatorian honors, a student must be enrolled at Lowell High School prior to and continuously following the 10th school day of the student's senior year.

END OF POLICY

Legal Reference(s):

ORS 332.107

Retention Policy

The Board is dedicated to the best total and continuous development of each student enrolled in the Lowell Public Schools. In general, the District believes that it is best for a student to be placed in the grade level best suited by reason of age, ability, maturity and achievement. Some students may benefit from staying another year in the same grade – particularly in kindergarten through grade three. Seldom should retention occur after the third grade.

If it's felt that retention would benefit the student, the following procedure should be followed:

1. Parent Conferences.....November
 - A. All parents/guardians of children in grades K through 8th will have a conference in November.
 - B. "At Risk" students will be identified by the classroom teacher and a referral made to the Child Study Team for review. The teacher should inform the committee of the plan of action agreed on by the parent or guardian and the teacher. The Child Study Team will review the needs of the total child and evaluate school resources available.
2. Parent Conferences.....February
 - A. A February conference will be held for parent/guardians of "At Risk" students which were identified in November. The November plan of action will be reviewed by the teacher and parent or guardian and alternatives noted which may help alleviate the continuation of the student's problems. The teacher will inform the Child Study Team of the new plan of action.
 - B. Parent should be made aware that retention is a possibility at this conference.
3. Parent Conferences.....April
 - A. If the teacher feels that retention offers substantial benefits to the student, the following procedure is carried out.
 - a. The District Retention Form is filled out and signed by the parent/guardian.
 - b. The Retention Form is reviewed by the Child Study Team and signed by each committee member present.
 - c. If the parent/guardian does not agree to retention, the proper District Form is signed denying retention.
 - d. All forms will be completed by June 1.

END OF POLICY

Legal Reference(s):

OAR 581-022-1130
OAR 581-022-1670

Promotion and Retention of Students

Grades K-6:

1. Students identified as not making adequate progress may be reviewed by a building team at any time during the school year.
2. The attached forms and others may be used as guides in determining what information to collect to make decisions regarding the student.
3. Plans will be developed for each student for which a need is determined.
4. Parents will be asked to respond in writing to all decisions including retention or denial of retention.

Grades 7-8:

1. A student must pass all required subjects as described in the course syllabus or course catalog.
2. The timeline for consideration and decision for retention is December 10, February 10, April 10 with a final proposal ready on or before June 1.
3. Student grades will be reviewed each quarter. Parents of students earning a failing grade for a quarter will be notified. This notification will include the possibility that students may be retained if they continue to receive failing grades. Parents will also be encouraged to monitor their students' progress via Edline.
4. At the end of each semester student transcripts will be reviewed. A meeting will be held with teachers of failing students. Parents will again be notified of the possibility of retention and be invited to contact the teachers directly or have a meeting with all of the students' teachers.
5. On or before June 1 parents will be notified of the intention to retain a student.
6. Retention decisions may be appealed as described on the IKE policy page.
7. All students will be considered on an individual basis. Meetings for students in special programs or with special needs will include all necessary professionals.
8. The attached forms may be used as guides in determining what information to collect to make a decision to retain.

Grades 9-12:

Student placement in high school will initially be determined by having successfully completed eighth grade or the number of credits previously earned. Grade determination will be as follows:

- Grade 9—successful completion of grade 8
- Grade 10—4 earned credits
- Grade 11—11 earned credits
- Grade 12—18 earned credits

Students not eligible for promotion may submit a plan by which they will make-up credits. Once the student has completed the plan their grade level will be changed accordingly.

All exceptions to the policy and rules will be addressed by the administration.

END OF POLICY

Legal Reference:

OAR 581-022-1130

OAR 581-022-1670

CODE: IKEA

MAKE-UP OPPORTUNITIES

The District accepts the premise that assignments given to students are a vital and intrinsic part of the educational process and that students should turn in all assignments to the teacher on the date due.

It is realized that often students are absent from school for various reasons and may not be able to meet the deadlines as established and set by the classroom teacher.

It is also understood that teachers should have the opportunity to exercise professional discretion regarding possible extensions of time for students to submit work, realizing that a wide variety of expectations exist between grades and among courses at the departmental levels. Teachers are not required to accept make-up work for unexcused absences.

END OF POLICY

Cross Reference:

Policy IKEB - Late Work

Adopted 4/10/89
Revised 6/10/91

LATE WORK

The District accepts the premise that assignments given to students are a vital and intrinsic part of the educational process and that students should turn in assignments on the date established by the classroom teacher.

Students who do not complete and submit the assignments for grading on the date established by the classroom teacher, shall not receive full credit. The classroom teacher shall notify all students of their established classroom expectations and consequences for late work.

END OF POLICY

Cross Reference:

Policy IKEA - Make-Up Opportunities

Adopted 4/10/89
Revised 6/10/91

Graduation Requirements

The Board will establish graduation requirements for the awarding of a high school diploma, modified diploma, extended diploma and alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years upon the student's request and, if required, if the student's parent or guardian consents.

Diploma

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

1. Three credits of mathematics;
2. Four credits of English (one unit in written comprehension);
3. Two credits of science;
4. Three credits of social sciences;
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career and technical education, the arts or second language.

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in OAR 581-022-1131.

The district may award a diploma to a student who does not satisfy above math and English requirements if the student has exceeded the academic content standards for or displays proficiency in mathematics or English, as demonstrated on Oregon state assessments.

Students first enrolled in grade 9 during the 2008-09 or 2009-10 school year will need to complete three credits of science, three credits in the arts, career/technical education or a second language (in any one or combination thereof) and six credits of electives. Students first enrolled in grade 9 during the 2010-11 school year must complete their math credits at the Algebra I level and higher.

To receive a diploma or modified diploma, in addition to credit requirements, as outlined in OAR 581-022-1130 and OAR 581-022-1134, respectively, a student must:

8. Demonstrate proficiency in the essential skills¹;
9. Develop an education plan and build an education profile;
10. Demonstrate extended application through a collection of evidence;
11. Participate in career-related learning experiences.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in the Essential Skill of Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year are:

12. On track to meet all other graduation requirements; and
13. Unable to demonstrate proficiency in the Essential Skills in English.

The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year:

14. Are on track to meet all other graduation requirements;
15. Are unable to demonstrate proficiency in the Essential Skills in English;
16. Have been enrolled in a U.S. school for five years or less; and
17. Receives at least a level 3 (Intermediate) on the English Language Proficiency Assessment (ELPA).

The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

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

¹This graduation requirement applies to students who receive a high school diploma on or after Sept 1, 2011, as adopted by the State Board of Education. Each student shall demonstrate proficiency in essential skills adopted by the State Board of Education as provided in OAR 581-022-0615. Proficiency is required in reading in 2012, writing in 2013, and apply math in 2014.

The requirements for a student who began grade nine during the 2005-06 school year and who attended school during the 2006-07, 2007-08 and 2008-09 school years are the same, except for needing 3 credits in English and 2 credits in math and a total of 22 credits, if the student graduates prior to July 1, 2010.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards established by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. On or after July 1, 2009, a modified diploma may only be awarded to a student who meets the eligibility criteria below:

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

For a student who entered grade nine before July 1, 2007, the student's team shall decide whether the student must meet the unit of credit requirements set by the State Board of Education or the credit requirements specified by the district for a modified diploma at the time the student entered grade nine.

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

20. Three credits in English;
21. Two credits in mathematics;
22. Two credits in science;
23. Two credits in social sciences;
24. One credit in health;
25. One credit in physical education; and
26. One credit in career technology, the arts or a second language.

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

27. For a student on an IEP, any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct, or measured outcome of an assessment. This means that IEP or school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.

28. For a student not on an IEP, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed; and in the year in which the student is being assessed and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a 504 Plan may not receive a modified OAKS assessment.

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

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

Extended Diploma

Beginning in the 2009-10 school year, an extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

29. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
- a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education; and
 - g. One credit of the arts or a second language.
30. Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
31. Have a documented history of a medical condition that creates a barrier to achievements; and
32. Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or
33. Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, modified diploma or extended diploma if the students meet minimum credit requirements established by the district. Alternative certificates will be awarded based on individual student needs and achievement. A student who receives a modified diploma, extended diploma or alternative certificate will have the option of participating in a high school graduation ceremony with the student's class.

Other District Responsibilities

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

The district may not deny a student, who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history.

The district may award a modified diploma or extended diploma to a student only upon the written consent of the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or extended diploma is awarded. This requirement does not apply to a student who is emancipated or has reached the age of 18 at the time the modified diploma or extended diploma is awarded.

Beginning in grade five, the district will annually provide information on the availability of a modified diploma, an extended diploma, and an alternative certificate and the requirement for the diplomas and certificate to the parents or guardians of a student taking an alternate assessment.

A student who received a modified diploma, extended diploma or alternative certificate will have the option of participating in a high school graduation ceremony with the student's class.

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

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

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

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

The district will issue a high school diploma, upon request, to a person who served in the Armed Forces², as specified in Oregon law, if the person was discharged or released under honorable conditions and has received either a General Educational Development, a post-secondary degree or has received a minimum score on the Armed Services Vocational Aptitude Battery.

END OF POLICY

Legal Reference(s):

ORS 329.095	OAR 581-021-0071	OAR 581-002-1135
ORS 329.451	OAR 581-022-0615	OAR 581-022-1210
ORS 332.107	OAR 581-022-0617	OAR 581-022-1215
ORS 332.114	OAR 581-022-1130	OAR 581-022-1350
ORS 338.115	OAR 581-022-1131	
ORS 339.115	OAR 581-022-1133	
ORS 339.505	OAR 581-022-1134	
ORS 343.295		

TEST ADMINISTRATION MANUAL, APPENDIX L-REQUIREMENTS FOR ASSESSMENT OF ESSENTIAL SKILLS.

²The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
 - a. World War I;
 - b. World War II;
 - c. The Korean Conflict; or
 - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
 - a. Operation Urgent Fury (Grenada);
 - b. Operation Just Cause (Panama);
 - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
 - d. Operation Restore Hope (Somalia);
 - e. Operation Enduring Freedom (Afghanistan); or
 - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.

Graduation Requirements

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits depending upon when the student first enrolled as a freshman according to the following table:

Subject	Student graduates on or after July 1, 2009, and first enrolled in grade nine before 2008-09* (Graduates of 2010 and 2011)	Student first enrolled in grade nine during 2008-09 or 2009-10 school year (Graduates of 2012 and 2013)	Student first enrolled in grade nine during 2010-11 school year or first enrolled in grade nine in any subsequent years (Graduates of 2014 and beyond)
English	4 (one unit in written comprehension)	4 (one unit in written comprehension)	4 (one unit in written comprehension)
Math	3	3	3 (at Algebra I level and higher)
Science	2	3	3
Social Studies	3	3	3
Health	1	1	1
PE	1	1	1
Career Technical Ed, The Arts or Second Language (in any one or combination thereof)	1	3	3
Electives	9	6	6
Total credits required to graduate:	24	24	24
Essential Skills required:		Enrolled in grade nine during 2008-09 school year (Graduates of 2012): Read and comprehend a variety of text.	Enrolled in grade nine during 2010-11 school year (Graduates of 2014): Read and comprehend a variety of text, write clearly and accurately, apply math.
		Enrolled in grade nine during 2009-10 school year (Graduates of 2013): Read and comprehend a variety of text, write clearly and accurately.	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of

			Education.
Other graduation requirements:	Develop an education plan and build an education profile	Develop an education plan and build an education profile	Develop an education plan and build an education profile
	Demonstrate extended application through a collection of evidence	Demonstrate extended application through a collection of evidence	Demonstrate extended application through a collection of evidence
	Participate in career-related learning experiences	Participate in career-related learning experiences	Participate in career-related learning experiences
* The requirements for a student who began grade nine during the 2005-06 school year and who attended school during the 2006-07, 2007-08 and 2008-09 school years are the same, except for needing 3 credits in English and 2 credits in math and a total of 22 credits, if the student graduates prior to July 1, 2010.			

The district shall offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in OAR 581-022-1131.

The district may award a diploma to a student who does not satisfy the above math and English requirements if the student has met or exceeded the academic content standards for or displays proficiency in mathematics or English, as demonstrated on Oregon state assessments.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards for a high school diploma even with reasonable modifications and accommodations. On or after July 1, 2009, a modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

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

For a student who entered grade nine before July 1, 2007, the student's team shall decide whether the student must meet the unit of credit requirements set by the State Board of Education or the credit requirements specified by the district for a modified diploma at the time the student entered grade nine.

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

Subject	Modified Diploma requirements
English	3
Math	2
Science	2
Social Studies	2
Health	1
PE	1
Career Technical Ed, The Arts or Second Language	1
Electives	12

Total credits required for modified diploma:	24	
Essential Skills required:	Enrolled in grade nine during 2008-09 school year (Graduates of 2010): Read and comprehend a variety of text.	Enrolled in grade nine during 2010-11 school year (Graduates of 2014): Read and comprehend a variety of text, write clearly and accurately, apply math.
	Enrolled in grade nine during 2009-10 school year (Graduates of 2013): Read and comprehend a variety of text, write clearly and accurately.	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	Develop an education plan and build an education profile.	
	Demonstrate extended application through a collection of evidence.	

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

1. For a student on an IEP, any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct, or measured outcome of an assessment. This means that IEP or school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.
2. For a student not on an IEP, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a 504 Plan may not receive a modified OAKS assessment.

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

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

Extended Diploma

Beginning in the 2009-2010 school year, an extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

3. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education;
 - g. One credit of the arts or a second language.
4. Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
5. Have a documented history of a medical condition that creates a barrier to achievements; and
6. Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or
7. Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, modified diploma or extended diploma if the students meet minimum credit requirements established by the district. Alternative certificates will be awarded based on individual student needs and achievement.

Early Graduation

A student who wishes to graduate from high school in less time than the ordinary grade 9-12 sequence may request permission to complete graduation requirements on an altered schedule. The student and his/her parents will consult with high school guidance personnel to develop a graduation plan. Their intention to accomplish this plan will be stated in writing to the superintendent.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years upon the student's request and if the student's parent or guardian consents, if required.

Students who have successfully completed the junior year with fewer than the required credits for graduation and are then accepted at accredited colleges may receive their high school diplomas if, at the completed of the first semester, they have successfully fulfilled the districts minimum diploma.

END OF POLICY

Legal Reference(s):

ORS 329.465
ORS 339.030

OAR 581-022-0102(18)
OAR 581-022-1130
OAR 581-022-1210
OAR 581-022-1350

HB 2606 (2007)
HB 2848 (2007)

Graduation Exercises

Because the Board believes that completion of the requirements for a diploma, a modified diploma, extended diploma or alternative certificate from the public schools is an achievement that improves the community as well as the individual, the Board wishes to recognize that achievement in a publicly celebrated graduation exercise.

Accordingly, appropriate graduation programs may be planned by the District on the date selected by the Board.

The district's valedictorian(s), salutatorian(s) or others at the discretion of the principal or designee may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the principal or designee.

All students in good standing who have successfully completed the requirements for a senior high school diploma, a modified diploma, extended diploma or alternate certificate may participate in graduation exercises.

END OF POLICY

Legal Reference(s):

ORS 329.035
ORS 329.451
ORS 329.465
ORS 332.105
ORS 332.107
ORS 332.114
ORS 339.115
ORS 339.505
ORS 343.295

OAR 581-021-0071
OAR 581-022-1130
OAR 581-022-1350

31 OR. ATTY. GEN. OP. 428 (1964)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Kay v. David Douglas Sch. Dist. No. 40, 1987; *cert. den.*, 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Credit for Proficiency

The district may grant credit toward graduation to students whose work experience, prior or alternative education or community service program provides sufficient evidence of proficiency in a particular subject area. Before granting credit, the district may require a student to pass a competency or skills assessment, to provide samples of work or other documentation/evidence of learning, or to complete any combination of the above to satisfaction of the superintendent. The Board directs the superintendent to develop an administrative regulation that establishes criteria for granting proficiency credit.

END OF POLICY

Legal Reference(s):

ORS 329.885
ORS 332.107

ORS 336.177
ORS 336.615 - 336.665

OAR 581-022-0102
OAR 581-022-1130
OAR 581-022-1131
OAR 581-022-1140
OAR 581-022-1350
OAR 581-023-0008

Assessment Program

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of Oregon Administrative Rules (OAR) 581-022-0606, 581-022-1210 and 581-022-1670. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and to identify students who meet or exceed the performance standards adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
2. Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
3. Assessments by individual teachers;
4. Optional schoolwide and grade levelwide assessments, as recommended by the superintendent and as approved by the Board.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title I moneys that have been identified as in need of improvement, corrective action or restructuring by ODE will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

The superintendent shall ensure a periodic review and evaluation of the district’s assessment program is conducted.

END OF POLICY

Legal Reference(s):

ORS 40.245	ORS 659.870	OAR 581-022-1210
ORS 326.565	OAR 581-021-0030	OAR 581-022-1510
ORS 326.575	OAR 581-022-0606	OAR 581-022-1670
ORS 329.485	OAR 581-022-0610	
ORS 336.187	OAR 581-022-1140	

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

No Child Left Behind Act of 2001, 20 U.S.C. §§ 6311-6322 (2006).

Appraisal and Improvement of Educational Programs

The district, cooperatively with local district staff and advisory groups, will regularly seek to determine effectiveness of educational programs. All programs will be subject to systematic review based on the curriculum improvement cycle for the purpose of assessing their quality in terms of stated objectives. A system for conducting self-evaluations that includes a review of test results and other evaluative information will be established.

District administration, with the input of staff, students, parents and the local community, will be responsible for a self-evaluation and development and implementation of a written improvement plan for the district and each school that meets the requirements of applicable Oregon Revised Statutes and Oregon Administrative Rules.

Advisory committees, consisting of curriculum task forces and/or district curriculum council may be used to assist in the self-evaluation review and development of the district improvement plan, as recommended by the superintendent and approved by the Board.

District administrative staff will determine which program needs have highest priority and the decision, based on documentation, will affect program development or reconstruction.

Within budget limitations, the district will provide funds for program revision and improvement. Program revisions and improvement may include, but not be limited to, realignment of curriculum, staff development and reallocation of staff and other special academic programs.

The superintendent will annually review and report test results and district improvement plan progress to the community. The district's review plan will be revised and updated on a biennial basis, made available for public inspection and submitted to the Oregon Department of Education upon request.

END OF POLICY

Legal Reference(s):

ORS 329.095
ORS 329.155
OAR 581-022-0606
OAR 581-022-1020
OAR 581-022-1130
OAR 581-022-1210
OAR 581-022-1340

Student Achievement Program

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the district. Student achievement will be defined by the district and includes, but is not be limited to, assessment results, student attendance and drop out rates and diploma attainment.

The superintendent will ensure development and implementation of a comprehensive, collaborative planning process that engages the school community in the district's continuous student achievement improvement program efforts.

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

The Board will, in striving for continuous improvement of student achievement, annually review district and individual school data on student achievement, prioritize, allocate and realign resources as necessary.

The superintendent will ensure administrative regulations are in place as needed to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 329.095	OAR 581-022-1020
	OAR 581-022-1030
	OAR 581-022-1130

Student Achievement Program

The district's comprehensive student achievement program planning efforts will be guided by the following key actions:

1. The superintendent will convene a student achievement improvement committee consisting of board members, administrators, staff, parents, students and other community stakeholders. The purpose of the committee will be to:
 - a. Establish a clear vision of student achievement as the top priority of the district;
 - b. Define student achievement and identify specific state and local performance benchmarks and district goals based on self-evaluation data;
 - c. Develop an action plan clearly linked to specific benchmarks and goals for improving student achievement performance. The plan will be reflected in school and district improvement plans;
 - d. Develop strategies for annually monitoring, reviewing and revising, as necessary, the action plan and school and district improvement plans;
 - e. Report student achievement performance results annually to the school community.
2. Self-evaluation data needed to assess student achievement performance progress, set benchmarks, establish goals and develop action plans will be compiled and disaggregated annually at the district and building level. Data may include, but will not be limited to:
 - a. Numbers of district students who take statewide assessment tests, who meet, fail to meet or who exceed state and local standards; levels of achievement by building, grade level, class and growth in performance;
 - b. Results on district tests and other assessments, including the Scholastic Aptitude Test (SAT), American College Test (ACT), etc.;
 - c. Grade point average (GPA) results by class, grade level and school;
 - d. Percentage of students enrolled in, and completion rates, for advanced courses at the [elementary,] middle and high school levels;
 - e. Drop-out and completion rates by building, grade level, class and district;
 - f. Post secondary enrollment, including community colleges, trade/apprenticeship programs and military enlistments;
 - g. Student, teacher and community demographics;
 - h. Student behavioral/disciplinary referral/attendance data, and participation in cocurricular and extracurricular activities as an indicator of student success in school;
 - i. Previous school and district improvement plan results to determine which components were successful, which were not and degree to which specific strategies were implemented;
 - j. Survey results of stakeholder satisfaction.

3. District-identified benchmarks and goals for the improvement of student achievement will reflect needs of school subpopulations, be clearly stated, measurable and based on Oregon Department of Education (ODE) guidelines (Quintile Method, Progress Toward Meeting Standards Methods, Individual Aggregate Method, Benchmark Aggregate Method or Composite Method) or other methods as deemed appropriate by the district;
4. The district's action plan to meet identified, specific benchmarks and goals for the improvement of student achievement is subject to superintendent review and Board approval. The plan will include, but not be limited to:
 - a. Short- and long-term professional development to provide teachers with the knowledge and skills necessary to assure students make progress in meeting local and statewide academic content standards and district goals;
 - b. Steps to assure a safe educational environment conducive to learning;
 - c. Identification of local efficiencies and resources (e.g., private and public partnerships, targeting of state and federal funds, ESD efficiency reviews, etc.);
 - d. Steps to assure that all students have access to the educational opportunities necessary for them to meet the high standards of the state and district;
 - e. Recommendations for allocation and realignment of district resources to support student achievement improvement efforts. For example:
 - (1) Curriculum revision to ensure K-12 alignment with state and local academic content standards;
 - (2) Establishment of appropriate educational alternatives for students who exceed academic content standards, for students who are not meeting academic content standards and accommodations for students with special needs. Such alternatives may include before or after school and summer school tutoring, remediation or enrichment activities and programs;
 - (3) Staffing needs, assignments and reassignment;
 - (4) Instructional materials needs;
 - (5) Fully and equitably integrate technology in curriculum with the primary focus on achieving identified benchmarks and goals.
 - f. Strategies to develop collaborative relationships with community businesses and child-centered organizations with a focus on consensus building for the improvement of student achievement as a community priority.
5. Accountability to assure the district's action plan is implemented will be a shared responsibility of staff, administrators and the Board. Minimally, the superintendent will ensure:
 - a. Specific administrative responsibility for implementing action plan strategies and assuring that the activity takes place in the manner described is assigned, monitored and evaluated;
 - b. Data analysis results are included as an essential component of the teacher goal setting and evaluation process and as a basis for staff development;
 - c. Public recognition of student achievement and staff efforts is provided;
 - d. Specific recommendations are developed for visible change for lack of success;

- e. Principals at the building level compile all necessary disaggregated data for the district's self-evaluation, to enable an in-depth assessment of student achievement and comprehensive recommendations to meet identified benchmarks and goals;
- f. Student performance results on identified benchmarks and goals are annually reported to the community in conjunction with state assessment results, district and school improvement plan progress and the district's status in relation to Oregon Administrative Rules, Division 022 standards as required by the ODE;
- g. Communications strategies are developed and implemented for keeping stakeholders informed, including specific activities for providing information on student achievement improvement progress and feedback through surveys, forums and other similar methods.

POLITICAL FIGURES IN THE SCHOOL

It is the policy of Lowell School District to support the participation of major political figures in a variety of school events. Such events include, but not limited to, dedications, award assemblies, commencement and curricular innovations such as mock conventions.

If such events should occur during a campaign year the candidate would be expected to refrain from using issues/materials related to that campaign.

Political candidates may be allowed to speak to classes or clubs during the school day, if in the judgement of the administration the presentation is a desirable supplement to the instructional program. If such presentation is permitted, any other recognized candidate for the same office will, upon request, be allowed equal time.

Each candidate, whether or not they are the incumbent, will be expected to adhere to the rules and procedures established by the building principal and any other related District policies governing outside resource persons and/or controversial speakers.

END OF POLICY

Adopted 11/24/86

Animals in District Facilities

Permission is to be obtained from the principal before animals are brought into the school. Animals must be adequately cared for and appropriately secured. Only the teacher or students designated by the teacher are to handle the animals.

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made for their care.

Animals may not be transported on a school bus.

Animals serving the disabled would be an exception to this policy.

END OF POLICY

Legal Reference(s):

ORS 336.067
ORS 346.620

OAR 581-053-0010
OAR 581-053-0015
OAR 581-053-0545(4)(c)(V)

OAR 581-053-0550(5)(u)

Americans with Disabilities Act of 1990, 104 Stat. 327, 42 U.S.C. § 12101 et seq. (2006).
28 CFR §§ 35.104, 35.136 (2006).

Animals in District Facilities

Please provide the following information about the service animal.

1. Parent/Staff and/or emergency contact information: _____

2. Type of service animal (breed, age, and history): _____

3. Insurance company insuring the service animal: _____
Attached proof of insurance: ☐ Received ☐ Not Received
4. Agent name and address: _____
5. Phone number: _____
6. Proof of current and proper vaccinations: ☐ Received ☐ Not Received
7. Documentation of Public Access Test (PAT): ☐ Received ☐ Not Received
8. Name of trainer or organization who administered the PAT: _____

9. Address of trainer or organization: _____
10. Phone number of trainer or organization: _____
11. List and attach any letters or other documentation from medical providers or other service providers regarding the student's/staff's need for the service animal: _____
☐ Received ☐ Not Received
12. Has the student/staff member requesting use of the animal been trained as the animal's handler? ☐ Yes ☐ No
If no, who will act as the trained handler for the animal during the school/work day? _____
13. Is the student/staff able to independently care for the service animal's needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.) ☐ Yes ☐ No
14. Describe the manner in which the service animal will meet the student's/staff's individual needs:

Animal Dissection

District students in grades K through 12 may refuse to dissect any vertebrate or invertebrate animal. In addition, the student's parents may refuse to allow the student to dissect the animal.

The district shall allow the student to participate in an alternative dissection exercise to demonstrate competency in the coursework. This exercise may include videos, DVDs, CD-Roms, films, computer programs, models, books, clay modeling or transparencies.

A teacher may not discriminate against or lower the grade of a student for not participating in the dissection exercise.

The district shall notify students who have dissection as part of their coursework and the parents of those students about the provisions of this policy.

END OF POLICY

Legal Reference(s):

ORS 332.107
SB 383 (Chapter 460), effective
July 1, 2005

Reluctant Learner

The Lowell School District believes all children can learn. This policy is designed to work with the student and their family when the student has the apparent ability but because of unknown reason(s) is not being successful. The intent of this policy is to do everything possible to set in motion interventions that will make the educational progress successful for the student.

Definition: A reluctant learner is a student who shows an unwillingness to learn and whose academic achievement and academic potential is not a close match. Failure of two or more classes or subjects would be an example.

Procedures:

1. Early intervention and documentation of concerns by the teacher.
 - a. Parent contact
 - b. Alternative teaching techniques/methods
2. File review by the teacher, counselor or case manager
3. Formal discussion with staff about concerns and possible interventions
4. Intervention plan developed with team, parent and student.
5. Review of the plan after two but no more than four weeks to analyze success and to make any adjustments needed for the plan.

Consequences: A plan that does not result in positive movement towards educational achievement in the regular educational process will result in the need for alternative modes of education and possible expulsion proceedings based on the student and families involvement.

END OF POLICY

Student Policies, Goals and Objectives

Through its student policies, the Board seeks to advance these goals:

1. To enhance equal educational opportunities for all students.
2. To promote regular attendance.
3. To ensure that the constitutional rights of all students as citizens in a democracy have practical meaning and application.
4. To develop, in students, a sense of personal responsibility for their actions.
5. To assure student safety, health and welfare.
6. To deal justly and constructively with all students in matters of discipline.
7. To help all students feel that they are valued as individual persons in the school environment.

END OF POLICY

Legal Reference(s):

ORS 326.710
ORS 326.715
ORS 326.720

Equal Educational Opportunities

Equal educational opportunity and treatment shall be assured all students legally enrolled in Lowell School District No. 71. No student shall be limited or excluded from participation in any educational program, activity, or benefit on the basis of race, national origin, religion, sex, age, disability, or marital status. Exceptions shall be only as provided in OAR 581-21-046 (1)(c) which allows for separation of students by sex within physical education classes during body contact activities.

Continuous effort will be devoted to providing equal educational opportunities to all students and to the elimination and prevention of discrimination.

Discrimination, as used in this policy, means any educational disadvantage or limitation against any student of this District on the basis of race, national origin, religion, sex, age, disability or marital status.

END OF POLICY

Legal Reference(s):

ORS 326.715
ORS 326.720
OAR 581-21-045
OAR 581-21-046
OAR 581-22-505

Harassment

The Board is committed to providing a positive and productive learning environment and prohibits hazing, harassment, intimidation, menacing or bullying by students, staff or third parties.

“District” includes district facilities, district premises and non-district property if there is any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where an employee is engaged in district business.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, cultural background or geographic location.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official bus stop, and that has the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment.

The Board is also committed to the elimination of sexual harassment in district schools and activities. Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. The employee’s submission to the conduct or communication is made a term or condition of employment;

2. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting a student or employment or assignment;
3. The conduct or communication is so severe, pervasive or persistent that it has the purpose or effect of unreasonably interfering with a student's educational performance or an individual's work performance; or
4. The conduct or communication creates an intimidating, hostile or offensive working environment.

Examples of harassment may include, but not be limited to, intimidation (physical, verbal, written) jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Harassment by Board members, employees, parents, students, vendors and others doing business with the district is prohibited. Employees or students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal or expulsion. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Administrators and supervisors are responsible for their conduct and for their employees' conduct and will be proactive in making the district's policy known by staff and in taking other steps to stop harassment by subordinates when observed or brought to their attention, including warning or disciplining the offending employee. Any employee who has knowledge of conduct in violation of this policy or feels he/she is a victim of harassment must immediately report his/her concerns to the building principal, their supervisor or superintendent who have overall responsibility for all investigations. Complaints involving violations of this policy by the superintendent shall be filed directly with the Board chair.

The superintendent will establish a process of reporting for those employees experiencing or observing acts of harassment. There will be no retaliation by the district against any person who, in good faith, reports harassment. False charges shall also be considered a serious offense and will result in disciplinary action or other appropriate sanctions.

END OF POLICY

Legal Reference(s):

ORS 243.706	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	
ORS 342.850	ORS 659A.030	

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).

Harassment Complaint Procedure

Building principals and the superintendent have responsibility for investigations concerning harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

Step 1 Any harassment information (complaints, rumors, etc.) shall be presented to the building principal, supervisor or superintendent. Complaints against the building principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of my complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to tile complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal much be filed within 10 working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.

Step 4 If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chair.

Civil rights complaints related to employment may be filed directly with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Civil rights complaints related to educational programs and services may be made directly to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the building principal, compliance officer or superintendent.

Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Attendance

Goals of attendance requirements are to:

1. Contribute to the academic success of students;
2. Inform parents about their students' class attendance or nonattendance;
3. Place the responsibility for attendance in the hands of students and their parents;
4. Aid students in making decisions and accepting the responsibilities and consequences resulting from those decisions;
5. Stress that punctual and regular attendance is a learned function necessary in coping with life;
6. Stress attendance may impact grades and credit;
7. Meet Oregon graduation requirements.

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

The Board directs the superintendent to develop rules and regulations which meet these objectives and to publish those rules and regulations annually for students and their parents.

END OF POLICY

Legal Reference(s):

ORS 336.010	OAR 581-021-0050
ORS 339.020	OAR 581-022-1130
ORS 339.030	HB 3197 (2011)
ORS 339.055	
ORS 339.065	
ORS 339.260	

Compulsory Attendance

Except when exempt by Oregon law, all students ages 7-18 who have not completed the 12th grade are required to attend school full time on a regular basis at the designated school within the attendance area.

Persons having legal control of a student age 7-18 who has not completed the 12th grade are required to have the student attend school. Under the superintendent's direction and supervision, attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. Violation is a Class C violation and is punishable by a citation up to \$180.

The district will develop procedures for issuing a citation.

In addition, a parent who is not supervising their student by requiring school attendance may also be in violation of ORS 163.577(1)(c). Failing to supervise a child is a Class A violation and punishable by a fine up to \$720.

Exemptions From Compulsory School Attendance

In the following cases, students shall not be required to attend public school full time:

1. Students being taught in a private or parochial school in courses of study usually taught in grades 1-12 in the public schools and in attendance for a period equivalent to that required of students attending public schools;
2. Students proving to the district's satisfaction that they have acquired the courses of study taught in grades 1-12 in the public schools;
3. Students being taught by a parent or private teacher the courses of study usually taught in grades 1-12 in the public school for a period equivalent to that required of students attending public schools;
 - a. Before students are taught by a parent or private teacher, the parent or teacher must notify the education service district (ESD) superintendent in writing at least 10 calendar days prior to the intended date of withdrawal each school year or at least 10 calendar days prior to the beginning of each school year. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of notification in writing and inform the school district superintendent of the student's residence within 90 calendar days of receipt of the notification. Notification must be received and acknowledged before a student is withdrawn from school and thereafter before the start of each school year;
 - b. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10;

- (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
 - (2) If the student never attended public or private school, the first examination shall be administered prior to the end of third grade;
 - (3) Procedures for home-schooled students with disabilities are set out in OAR 581-021-0029.
 - c. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
 - d. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Department of Education;
 - e. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
 - f. All costs for the test instrument, administration and scoring are the responsibility of the parent;
 - g. In the event the superintendent finds that the student is not showing satisfactory educational progress or continues to show a declining score, the superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and may:
 - (1) Allow the child to continue under the supervision of a licensed teacher selected by the parent at the expense of the parent, and require the child be given an additional examination one year after administration of the last examination;
 - (2) Allow the child to continue under the supervision of a parent or private teacher and require the child be given an additional examination one year after administration of the last examination;
 - (3) Order the parent to send the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.
4. Students excluded from attendance as provided by law;
5. An exemption may be granted to the parent of any student 16 or 17 years of age who is lawfully employed full time, lawfully employed part time and enrolled in school, or enrolled in a community college or other state registered alternative education program.

END OF POLICY

Legal Reference(s):

ORS 153.018
ORS 163.577
ORS 336.615 - 336.665
ORS 339.010 - 339.090
ORS 339.260
ORS 339.925
ORS 339.990
ORS 807.065
ORS 807.066
ORS 809.410 (40)
OAR 581-021-0026
OAR 581-021-0029
OAR 581-021-0071
OAR 581-021-0077

Compulsory Attendance Notices and Citations

Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:

I. Attendance Supervisor

The attendance supervisor shall:

- A. Determine that the parent or guardian has either failed to enroll his/her student or to maintain the student in regular attendance. Regular attendance shall mean attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session;
- B. Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records. If the student is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student's parole or probation officer of the absence;
- C. Provide written compulsory attendance non-compliance notification to the parent or guardian within 24 hours of verification of the violation;
- D. Serve the notification personally or by certified mail. The notification will be written in the native language of the parent or guardian;
- E. Ensure such notification includes a statement that the student must appear on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year;
- F. Provide a copy of the notice and pertinent attendance records to the superintendent or designee at the time notice is given to the parent or guardian;
- G. Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.

II. Superintendent or Designee

The superintendent or designee will:

- A. Review the compulsory attendance non-compliance notice and pertinent student attendance records;
- B. If citation appears warranted prior to issuing the citation, provide written notification to the parent or guardian. The notice will be written in the language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:
 - (1) The student is required to attend school regularly;
 - (2) Failure to send the student to school and to maintain the student in regular attendance is a Class C violation;

- (3) A citation of up to \$180 for violation of compulsory attendance laws may be issued by the superintendent or designee;
- (4) The parent or guardian and student are required to attend a conference with the superintendent or designee. The date, time and place of conference will be specified;
- (5) Failure to attend the conference or failure to send the student to school following the conference may result in the issuance of a citation.

III. Conference

The superintendent or designee will conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee will:

- A. Review Oregon's compulsory attendance law and the student's attendance record;
- B. Determine the reasons for the non-compliance;
- C. Develop a plan for student attendance improvement (contract, etc.);
- D. Refer the parent or guardian and student to other agencies as necessary (i.e., Building Support Team, Youth Services Team, Services to Children and Families, Juvenile Department, etc.);
- E. Discuss the potential consequences for continued compulsory attendance non-compliance, including the potential for the issuance of a citation and the consequences for violation of the Board's student conduct and truancy policies.

IV. Citation

Compulsory attendance non-compliance citations may be issued by the superintendent or designee.

The superintendent or designee shall:

- A. Determine that the parent or guardian has continued to fail to enroll his/her student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;
- B. Contact the clerk of the court for the county and determine which court will hear the case and when;
- C. Ensure official representing the district will be available to present evidence of the violation at the time and date specified;
- D. Determine whether the local court's interpretation of ORS 339.925 requires the student be named as defendant. Complete form accordingly;
- E. Complete "Uniform Compulsory Attendance Citation and Complaint" form as follows:
 - (1) Specify appropriate court, district, circuit, municipal or justice as appropriate;
 - (2) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;
 - (3) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;
 - (4) Provide all pertinent offense information, including the period of time during which the absences occurred and bail;
 - (5) Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;

- (6) Provide all pertinent student information including the grade, date of birth, length of time in the school district and parent(s) name(s). The Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism;
- (7) Provide date superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;
- (8) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;
- (9) Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;
- (10) Personally serve (not mail) the citation;
- (11) Complete time and date citation was issued, name, title and signature of district official serving the citation;
- (12) Ensure that the parent or guardian is served with the goldenrod (bottom) copy;
- (13) Ensure the white and yellow copies are sent to the appropriate court, immediately after the citation is served;
- (14) Ensure the pink copy is retained by the district. Additional information may be maintained on the back of the pink copy, including the dates the attendance supervisor's and the superintendent's or designee's notifications were sent, dates of contact with parents or guardians and names of school staff who have been involved with the issue;
- (15) Consult with district's attorney to assist in these procedures as necessary.

F. Maintain student attendance records in accordance with applicable education records

LOWELL SCHOOL DISTRICT
65 S. Pioneer Street
Lowell, Oregon 97452
Phone: (541) 937-2124

******* ATTENDANCE SUPERVISOR'S NONENROLLMENT NOTICE *******

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____
(Parent/Guardian)

A determination has been made that your student, (_____) , has not enrolled in school and has not been exempted from compulsory attendance in school, under provisions of ORS 339.030.

In accordance with Oregon law, you are hereby notified that you must enroll your student at _____ School no later than the next school day following receipt of this notice and maintain your student in regular attendance for the remainder of the school year.

Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.

If you have questions, please contact the Superintendent at 937-2124.

Sincerely,

Attendance Supervisor

cc: Principal/Superintendent

LOWELL SCHOOL DISTRICT
65 S. Pioneer Street
Lowell, Oregon 97452
Phone: (541) 937-2124

***** ATTENDANCE SUPERVISOR'S IRREGULAR ATTENDANCE NOTICE *****

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____
(Parent/Guardian)

A determination has been made that your student, (_____) , is not maintaining regular attendance as required by ORS 339.065.

Regular attendance is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period school is in session.

According to school attendance records, your student has had unexcused absences from school on the following dates:

You are hereby notified that you must send your student to school no later than the next school day following receipt of this notice and maintain your student in regular attendance for the remainder of the school year.

Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.

If you have questions, please contact the Superintendent at 937-2124.

Sincerely,

Attendance Supervisor

cc: Principal/Superintendent

LOWELL SCHOOL DISTRICT
65 S. Pioneer Street
Lowell, Oregon 97452
Phone: (541) 937-2124

***** ATTENDANCE SUPERVISOR'S NONENROLLMENT NOTICE *****

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____
(Parent/Guardian)

A determination has been made that your student, (_____) , has not enrolled in school and has not been exempted from compulsory attendance in school, under provisions of ORS 339.030.

In accordance with Oregon law, you are hereby notified that you must enroll your student at _____ School no later than the next school day following receipt of this notice and maintain your student in regular attendance for the remainder of the school year.

Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.

If you have questions, please contact the Superintendent at 937-2124.

Sincerely,

Attendance Supervisor

cc: Principal/Superintendent

LOWELL SCHOOL DISTRICT
65 S. Pioneer Street
Lowell, Oregon 97452
Phone: (541) 937-2124

SUPERINTENDENT'S NOTICE OF COMPULSORY ATTENDANCE NON-COMPLIANCE

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____
(Parent/Guardian)

According to school district records, you were notified by the district's attendance supervisor on _____ that your student _____ has [failed to enroll in school] [failed to maintain regular school attendance] as required by Oregon compulsory attendance laws.

Your student was required to appear in school no later than the next school day following your receipt of that notice and maintain regular attendance for the remainder of the school year. School district records indicate your student continues to be absent from school.

The superintendent or designee may take action that will cause you to receive a citation for your continued violation of Oregon's compulsory attendance law. A student is required to regularly attend a full-time school. Failure to send the student to school and to maintain the student in regular attendance is a Class C violation. A citation for such compulsory attendance violations may result in a court fine. In accordance with law, you and your student are required to attend a conference with _____ on _____ at _____ to discuss:

1. Oregon's compulsory attendance law and your student's attendance record;
2. The reasons for your non-compliance;
3. The development of a plan for improvement;
4. Resources available to help your student be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;
5. Any questions you may have concerning the potential consequences for continued non-compliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies.

Failure to attend this conference or failure to send your student to school and to maintain your student in regular school attendance following this conference will result in the issuance of a citation to you, as provided by law.

If you have questions, please contact the Superintendent at 937-2124.

Sincerely,

Superintendent
cc: Parole/Probation Officer

Age of Entrance/Early Entrance

At the time of initial enrollment, parents or guardians must verify the student's age by presentation of a birth certificate, hospital record, baptismal certificate, or other verifiable official documents.

A student may be enrolled in first grade if his/her sixth birthday occurs on or before September 1, as established by law. In addition, a student whose sixth birthday occurs after that date may be admitted to the first grade if he/she:

- Is a first grade student transferring from a public school in another district, or from a private school;
- Completed a successful year in a public kindergarten the previous year and would be continuing his/her formal education.

A student will be enrolled in kindergarten if he/she is five years old on or before September 1, or is a kindergarten student transferring from a public school in another district.

Exemptions for early entry to kindergarten will be made based on an analysis by qualified professional staff of the student's functioning. To be in compliance with the law, the District will employ standardized instruments administered and interpreted by professional educators specially trained to understand and evaluate student growth and development. Parents will be required to pay the cost of the special testing involved.

The examiner will present all the testing data to the building principal with recommendations for the disposition of the decision. The principal, after reviewing all the data supplied by the evaluator, will make the decision on early kindergarten entrance based on the available information. An appeal of the principal's decision may be made to the Superintendent.

END OF POLICY

Legal Reference(s):

ORS 327.006

ORS 336.095

ORS 339.115

ORS 343.395

Student Placement – Kindergarten/First Grade

Students entering the Lowell School District at the kindergarten or first grade level must be able to demonstrate basic school readiness skills before entry.

Basic school readiness encompasses the whole child and includes social, emotional, physical and intellectual maturity. Students lacking or deficient in one or more of the skills may have delayed admission imposed. Students with deficiencies in any one of these areas will find formal schooling difficult and failure sometimes occurs. It is the intent of the Lowell School District to diminish or reduce the possibility of student failure by requiring the following:

1. Kindergarten students should be five years of age by September 1 for admission. First grade students entering school for the first time should be six years of age by September 1.
2. The District will screen each entering kindergarten student for readiness. First grade students entering school for the first time will also be screened.
3. Screening for new kindergarten and entering first grade students will begin in May preceding the year of enrollment.
4. Parent who wish for their child to be screened and/or tested for early admission to kindergarten or first grade must request this in writing by June 1 of the preceding year.
5. Students being considered for school placement who do not meet the September 1 admission birthdate may be required to take testing beyond the regular screening. This testing for readiness and cognitive ability will be administered by a qualified professional. A Child Study Team, composed of at least one administrator, two primary grade teachers, and the school psychologist, will review the test results and decide if the child should enter kindergarten or first grade early.
6. The medical office assistant and other support staff may be consulted in making readiness decisions.
7. Kindergarten and new first grade students shown to be borderline on screening or testing may be reevaluated during in-service week or the first week of the school year.
8. Parents will be contacted immediately if a delayed admission is recommended or required.
9. Parents registering new kindergarten or first grade students need to understand that placement is tentative until screening and/or testing is completed.
10. Kindergarten and first grade early admission requests that are denied by the Child Study Team may be appealed by a parent to the Superintendent and if the request is denied again, the parent can appeal to the Board of Directors.

Code: **JEC**
Adopted: 12/10/90
Revised: 8/9/93
Revised: 11/27/06

School Admissions

The Lowell School District is committed to providing an educational program for all students living in the District. The Board believes all students ages 5 through 18, or special education students up to age 21, living in the District who have not completed twelve years of education should attend school regularly and be included in the available educational programs.

State law required students to be age six on or before September 1 to enter first grade; and age five on or before September 1 to enter kindergarten.

All new students must register in the office. Registration requirements include proof of the student's birthdate (a birth certificate, a hospital record, or a baptismal record) and immunization records as required by law. Students admitted to any grade must show evidence of completing the prior school years.

Students enrolled in the District shall comply with Oregon laws related to age, residence, health and immunization.

Students located in the District shall not be excluded from admission solely because the student does not have a fixed place of residence or solely because the student is not under the supervision of a parent.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 339.115
ORS 336.092	ORS 339.125
ORS 339.010	ORS 339.133
ORS 339.020	ORS 339.134
ORS 339.030	ORS 433.267

OAR 581-022-0705

Illegal Immigration and Immigration Reform Act of 1996, I U.S.C. Sections 1101, 1221, 1252, 1324, 1363, 1367.
McKinney-Vento Homeless Education Assistance Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.

Admission of Resident Students

School –age students who live within the district attendance area may attend school without paying tuition.

1. Residents over age 19 who have a diploma may be admitted with the approval of the superintendent and upon payment of tuition at the rate established by the Board. Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year;
2. The Board shall admit otherwise eligible students who have not yet attained 21 years of age prior to the beginning of the current school year if they are receiving special education services or if they have not earned a diploma. These students may attend school without paying tuition for the remainder of the school year;
3. Students with disabilities voluntarily placed outside the home by their parent may continue to attend the school the student was attending prior to the placement as a district resident when the student's parent and school staff can demonstrate it is in the student's best interest;
4. The Board may, based on district criteria, deny regular school admission to students who have become residents and who are under expulsion from another school district for reasons other than a weapons policy violation;
5. The Board may deny for at least one calendar year from the date of the expulsion regular school admission to students who have become residents and who are under expulsion from another district for a weapons policy violation;
6. The Board may, based on district criteria, provide alternative programs of instruction to students expelled for a weapons policy violation.

END OF POLICY

Legal Reference(s):

ORS 109.056	ORS 339.133
ORS 327.006	ORS 339.134
ORS 339.115	ORS 433.267

Staff/Student/Parent Relations

The Board encourages parents to be involved in their student's school affairs and, unless otherwise ordered by the courts, an order of sole custody to one parent shall not deprive the other parent access to the student's education records.

The parent having sole custody will be contacted before such records are released to a noncustodial parent. Only if the parent having sole custody presents a court document to the contrary will the noncustodial parent be denied access to the records.

Otherwise, the noncustodial parent may receive and inspect the student's education records and consult with school staff concerning the student's welfare and education to the same extent as provided the parent having sole custody.

Noncustodial parents will not be granted visitation or telephone access to the student during the school day nor will a student be released to the noncustodial parent without written permission of the parent having sole custody.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

ORS 107.154
ORS 109.056

ORS 163.245 - 163.257

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2008).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. By written consent of the affected school boards. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. By written consent from the school board for the district in which the school is located as provided by Board policy. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
3. By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys;
4. If a juvenile court determines it is in the student’s best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may, based on district criteria, deny regular school admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent by Affected Boards

The Board reserves the right to accept/reject nonresident students based upon the availability of space, resources, personnel, appropriate programs and a positive review of education records.

The Board may consider situations such as:

1. Students with unusual academic needs or abilities that can be met more readily by school services available in a nonresident district;
2. Students living in remote areas whose school transportation can be met more conveniently and efficiently by the nonresident district;
3. Students with unusual disciplinary or emotional problems who would have a greater ability to succeed in the environment of the nonresident district;

4. Students whose parents move from the district during a school year; and
5. Students whose parents are employed within the nonresident district.

Consent of Board for the District in which the School is Located

Annually, by March 1, the Board shall establish the number of students to whom consent will be given for the upcoming school year. The Board may choose to limit consent based on school, grade or the combination of both. The Board may decide not to give consent to any person under this process.

The Board may not deny consent or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, terms of individual education program, income level, proficiency in the English language or athletic ability.

Applications for consent shall be submitted no later than April 1, prior to the year of requested consent.

If the number of students seeking consent exceeds the number of students the Board has determined will be given consent, consent will be based on an equitable lottery selection process.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

By May 1, the district shall provide written notification of attendance to the district of the student's legal residence.

END OF POLICY

Legal Reference(s):

<u>ORS 109.056</u>	<u>ORS 339.141</u>	HB 3681 (2011)
<u>ORS 327.006</u>	<u>ORS 339.250</u>	
<u>ORS 329.485</u>	<u>ORS 343.221</u>	
<u>ORS 335.090</u>	<u>ORS 433.267</u>	
<u>ORS 339.115 - 339.133</u>		

Letter Opinions, Office of the OR Attorney General (March 15, April 18, June 30 1988).
OR. DEP'T OF EDUC., ODE EXECUTIVE MEMORANDA 23-1988-89, 42-1994-95.

Admission of Nonresident Students

By January 15th of each year, the principals will establish an approximate number of nonresident students their respective buildings can accommodate for the following school year.

The amount of tuition will be established by July 1 of each year. Nonresident students will not be admitted without tuition, with the exception of students who become “resident pupils” by written consent of affected school boards, written consent of the district board for the district the school is located and foreign exchange students attending district schools on a J-1 Visa.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

A written appeal for a denied request may be made to the Board whose decision, based upon review, will be final.

Consent by Affected Boards and Tuitioned Students

1. The petition for admission must go through the principal’s office.
2. Student education records will be obtained and reviewed.
3. Initial admission and annual renewal must be approved by the superintendent.
4. Approved requests will result in a mutual tuition agreement between the parties. A mutual agreement signed by both affected boards (form following) will be filed with the business office for billing and payment control if student is tuitioned.
5. The business manager shall prepare semester bills for all tuitioned students, and any student whose tuition remains unpaid 15 days after presentation of bills shall be excluded; the superintendent may grant additional time for payment should circumstances warrant it.
6. Students will not be subject to the superintendent’s annual review after the sophomore year.

Consent of Board for the District in which the School is Located

1. By March 1, the Board shall establish the number of students, if any, that will be given admission for the following school year under this process.
2. Nonresident students must make application no later than April 1, for admission in the following school year. Applications must be submitted to the district office.

3. If the number of applications exceeds the number of admissions to be given, an equitable lottery process will be used to determine admission. This lottery process may give priority to applicants who currently have siblings enrolled in the district. Priority cannot be given over an intradistrict transfer request. If the district determines that admission will not be given to any students under this process there is no district obligation to give admission to siblings.
4. Once the student has been given admission, the student is considered a resident for all educational programs and remains a resident of the district until the student:
 - a. Graduates from high school;
 - b. Is no longer required to be admitted to the school district under ORS 339.115; or
 - c. Enrolls in a school in a different district.
5. By May 1, prior to the next school year, the district shall provide written notification of the student receiving admission, to the district where the student's legal residence is located.

Exchange Students

Lowell School District will accept exchange students from other nations who reside within the boundaries of the District as participants in an official exchange program. Exchange students must comply with immunization requirements set forth in state law. Once admitted, exchange students become subject to all District policies and regulations governing students.

END OF POLICY

Legal Reference(s):

ORS 433.267

Homeless Students

Homeless students in the district will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

A liaison for students in homeless situations will be designated by the district to carry out duties as required by law.

The district will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the district school in the attendance area in which the student is actually living or to the student's school of origin as requested by the parent and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent, or in the case of an unaccompanied student, the district's liaison for homeless students.

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

END OF POLICY

Legal Reference(s):

ORS 109.056	ORS 339.115	OAR 581-021-0045
ORS 294.100	ORS 339.133	OAR 581-021-0046
ORS 327.006	ORS 433.267	

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.

No Child Left Behind Act of 2001, P.L. 107-110, Title 1, Section 1115.

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Letter Opinions, Office of the Attorney General (March 15, April 18, June 30, 1988).

Oregon Department of Education, Memos #23-1988-89, #42-1994-95.

Homeless Students

Definitions

1. “Enrollment” means attending classes and participating fully in school activities.
2. “School of origin” means the school that the student attended when permanently housed or the school where last enrolled.
3. “Homeless student” means individuals who lack a fixed, regular and adequate nighttime residence and includes:
 - a. Students who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster placement;
 - b. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - c. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and
 - d. Migratory students who qualify as homeless because the students are living in circumstances described in a.-c.
4. “Unaccompanied student” includes a student not in the physical custody of a parent or guardian.

Assignment to School

The district shall, according to the student’s best interest, continue the student’s education in the school of origin for the duration of homelessness, or enroll the student in a district school in the attendance area in which the homeless student is actually living on the same basis as other district students.

In determining the best interest of the student, the district shall:

1. To the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student’s parent or guardian;
2. Provide a written explanation, including a statement regarding the right to appeal, if the district sends a homeless student to a school other than the school of origin or a school requested by the parent or guardian;
3. In the case of an unaccompanied student, ensure that the district’s liaison helps in placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal placement and enrollment decisions.

Enrollment

The district shall immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment, such as academic records, medical records, proof of residency or other documentation.

The district shall immediately contact the school last attended to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the district shall immediately refer the parent or guardian to the district's liaison, who will help in obtaining necessary immunizations or records.

Records

Any records ordinarily maintained by the district, including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs, shall be maintained so that the records are available, in a timely fashion, when a homeless student enters a new school or school district consistent with state and federal law.

Enrollment Disputes

If a dispute arises over school selection or enrollment, the student shall be immediately admitted to the school requested, pending resolution of the dispute.

The parent or guardian of the student shall be provided with a written explanation of the district's decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the district's discrimination complaint procedure.

The student, parent or guardian shall be referred to the district's liaison, who shall ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the district's liaison shall ensure the student is immediately enrolled in school pending the resolution of the dispute.

Services

Each homeless student shall be provided services comparable to services offered to other students, including the following:

1. Transportation services;
2. Education services for which the student is eligible, such as:
 - a. Title I¹
 - b. Special education;
 - c. Programs for students with limited English proficiency;
 - d. Professional technical programs;
 - e. Talented and gifted programs.
3. School nutrition programs.

¹ All homeless students are automatically eligible for Title I services, regardless of their current academic performance.

Coordination

The district shall coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

District Liaison

The district's liaison shall ensure that:

1. Homeless students are identified;
2. Homeless students enroll in and have a full and equal opportunity to succeed in district schools;
3. Homeless families and students receive educational services for which they are eligible, and referrals to health-care services, dental services, mental health services and other appropriate services;
4. Parents of homeless students are informed of the educational and related opportunities available to the students and are provided with meaningful opportunities to participate in the education of their students;
5. Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters and soup kitchens);
6. Enrollment disputes are mediated;
7. The parent of a homeless student, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected;
8. School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

The district's liaison shall coordinate and collaborate with the state coordinator, community and school personnel responsible for the provision of education and related services to homeless students.

Interdistrict Transfers

ORS 339.005 through 155 generally prescribes that students will attend the schools within the public school district in which their parents reside and that said public school district is charged with providing an appropriate educational program for resident students on a tuition-free basis. School districts are permitted to admit non-resident students on a tuition fee basis. School districts may also enter into agreements with other districts to admit each other's students per ORS 339.133 (6) which states: persons whose legal residence is not within the district but who attend school in the district with the written consent of the affected district school boards shall be considered to be residents of the district in which the person attends school for purposes of the receipt by that district of Basic School Support fund moneys for the person."

Transfers In From Other Districts

The Lowell School District may admit non-resident students on the following basis:

1. Payment of tuition – non-resident students wishing to attend Lowell Schools may be admitted subject to payment of tuition by the sending district or the student's family. Tuition will be the actual cost of the program in which the student wishes to participate or the estimated average per pupil expenditure for the year of proposed attendance per applicable ORS. Each request will be considered on a case-by-case basis. The student's grades, attendance and personal behavior must meet the district's standards in order to be admitted and for continuing enrollment.
2. Mutual exchange agreement – non-resident students wishing to attend Lowell Schools may be admitted on a tuition-free basis if there is a written agreement with the sending district mutually agreeing to a one-for-one exchange of transfer students.
3. School related transportation is the responsibility of the parent for all students transferring into the district. Transfer students may be permitted to ride district buses on existing routes and to/from existing bus stops provided there is adequate space on the bus. Such riding privileges are subject to the district's bus rules and discipline code

Transfers Out To Other Districts

The Lowell School District may release resident students to attend school in another public school district on the following basis:

1. Payment of tuition – resident students wishing to attend school in another district may do so upon payment of the required tuition by the student's family. Lowell School District may elect to pay the tuition only in extraordinary circumstances in which the student requires special education or alternative programming or services that are not practical for the district to provide.

2. Mutual exchange agreement – resident students wishing to attend school in another public school district may be released subject to a mutual one-for-one exchange agreement between Lowell School District and the district to which the student wishes to transfer. The following procedures will apply:
 - a. It is expected that the net of transfers out will equal transfers in.
 - b. All transfers out of district will be for a single school year. It will be necessary to request a renewal of the release on an annual basis.
 - c. In the event the number of students wishing to transfer out exceeds the number of students wishing to transfer in, a “waiting list” will be developed based upon the date the written transfer request is received.
 - d. Renewal of prior year transfer approval where the corresponding prior year exchanged student is no longer enrolled in Lowell School District will cause a hold on the top of the waiting list until an additional exchanged student is enrolled.
 - e. The required one-for-one exchange may be temporarily waived for extraordinary circumstances such as a medically verified health and/or well-being condition of the student or in the event the student’s family moves into Lowell School District during the student’s junior or senior year of high school.
3. School related transportation is the responsibility of the parent for all students transferring out of district. Transfer students may be permitted to ride district buses on existing routes and to/from existing bus stops provided there is adequate space on the bus. Such riding privileges are subject to the district’s bus rules and discipline code.

END OF POLICY

Legal References:
ORS 339.115
ORS 339.133

Transcript Evaluation

The district recognizes the importance of transcript evaluation to determine the value of credits earned, number of years of school attendance and placement for students transferring to district schools from other public, Department of Defense Education Activity (DoDEA) private or alternative schools, including those who have been receiving home-school based courses, online or other distant learning methods.

Transfer credits and attendance may be accepted or rejected at the discretion of the district consistent with Oregon Administrative Rules. Validation of credit may be required.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 326.565

OAR 581-021-0210

OAR 581-021-220

10 U.S.C. §§ 1209, 1211 (2010).

32 U.S.C. § 502(f) (2010).

Transcript Evaluation Procedures

The principal or designee will conduct an evaluation of transfer student transcripts and other documentation as may be required to: determine the value of course credits earned; acceptance or rejection of credit and grades; the number of years of school attendance or equivalent; and subsequent placement of students in district schools.

Awarding of Credits

1. Students, including dependants of an active duty or deployed member in the uniformed service of the United States, transferring from a standard Oregon public school, ~~or~~ another state's standard school, or Department of Defense Education Activity (DoDEA) school will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.
2. Students transferring from another district's approved alternative education program or a private alternative education program registered with the Oregon Department of Education (ODE) or other state's department of education will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.
3. Students transferring from an alternative education program not registered as provided above, may receive credit for those courses that have the same or substantially similar course content and hours of instruction as existing district courses consistent with OAR 581-022-1131.
4. Students transferring from an accredited private school will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.

Credits earned for classes of a sectarian nature will not be accepted. Students may be required to submit course descriptions, or other documentation as may be deemed necessary, to determine whether a course is primarily sectarian in nature.

5. Students transferring from a nonaccredited private school may receive credit for those courses that have the same or substantially similar course content and hours of instruction as existing district courses consistent with OAR 581-022-1131.
6. Students transferring from a home-school based courses under ORS 339.035, online or other distance learning may receive credit for previously completed course work and attendance by:
 - a. Successfully passing an appropriate challenge exam;
 - b. Providing portfolio/work sample evidence which demonstrates equivalent knowledge or skill;

- c. Providing documentation of prior learning activities or experiences (e.g., certification of training, hours of instruction, letters, etc.).

Credit approval will be granted only when the student has demonstrated by clear and convincing evidence that he/she has achieved the same level of knowledge or skill as would have been accomplished by successful completion of the district course(s) for which credit has been requested consistent with OAR 581-022-1131.

7. Students may be required to submit course descriptions or other documentation as deemed necessary, including hours of instruction, to assist district officials in determining credit and attendance to be accepted. Such information may be gathered by phone.

Validation of Credit

1. The district may, at its discretion, require validation of credit from students transferring from nonaccredited schools and nonregistered alternative programs, by requiring that the student complete an assessment or provide equivalent portfolio/work sample evidence consistent with OAR 581-022-1131.
2. The district may conditionally accept credit from students transferring from nonaccredited schools and nonregistered alternative programs consistent with OAR 581-022-1131. Students not meeting course requirements at the four week mark, may be required to undergo further written or oral assessment.
3. Students unable to validate credit will be scheduled/rescheduled at the appropriate grade/course level and the credit(s) in question denied.

Grade-Level Placement

Students will be placed in the grade level or course best suited to their needs, based on the district's evaluation of the student's transcript and/or other documentation, assessment, portfolio/work sample evidence, etc. as may be required by the district.

If the student is unable to provide appropriate documentation, the principal or designee will make the grade level determination based upon district-administered assessment(s) as deemed appropriate.

Grades/GPA Academic Awards

1. Students transferring from the following programs may receive, subject to procedures established by the district, the grades/GPA value earned from the student's previous school(s), program(s) for purposes of determining a student's cumulative GPA, academic recognition and awards (e.g., Top 10, valedictorian, salutatorian, etc.):
 - a. Standard Oregon schools, other states' standardized schools, or Department of Defense Education Activity (DoDEA) schools;
 - b. Another district's approved alternative program;
 - c. A private alternative program registered with ODE or another state's department of education;
 - d. An accredited private school.

The district may include other schools and programs such as nonaccredited, nonregistered and home-school based courses, online or other distant learning methods as deemed appropriate.

Appeals

Transcript evaluation decisions may be appealed to the superintendent.

Student Absences and Excuses

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

1. Illness of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Field trips and school-approved activities;
5. Medical (dental) appointments. Confirmation of appointments may be required;
6. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.

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

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

END OF POLICY

Legal Reference(s):

ORS 109.056	OAR 581-021-0046
ORS 332.107	OAR 581-021-0050
ORS 339.030	OAR 581-023-0006(11)
ORS 339.055	HB 3197 (2011)
ORS 339.065	
ORS 339.420	

Truancy

Truancy is defined as absence from school without permissions.

The District believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

With these beliefs in mind, the District will establish procedures that foster a partnership with parents in the early detection of truancy, related counseling and appropriate consequences. These procedures will be outlined in the student handbook.

END OF POLICY

Legal Reference(s):

ORS 339.040-090
ORS 339.240
ORS 339.250

OAR 581-021-0050 to -0075

Student Dismissal Precautions

No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the Superintendent or designee.

A student will not be released to any person without the approval of parent/guardian.

END OF POLICY

Student Attendance Accounting

The Superintendent and administrative staff will develop procedures for assuring that accurate student attendance records will be maintained, submitting a necessary reports, and reporting attendance to parents in a timely manner.

The Superintendent will designate an employee to serve as attendance officer for the District.

END OF POLICY

Legal reference:

OAR 581-22-717

Released Time for Students

Students may be released from school to engage in private instruction with the approval of the Superintendent, provided that the student's parent/guardian assumes all responsibility for transportation and all liability during the student's absence from school.

END OF POLICY

Legal Reference(s):

ORS 339.030 (2)
ORS 339.030 (5)
ORS 339.035

Open/Closed Campus

The elementary school is closed from the time of arrival until classes are dismissed at the end of the school day. No student is to leave at any time, for any reason, with the following exceptions:

1. A specific need verified by parent and approved by the building administrator.
2. Students who have written authorization on file which allows the student to go home for lunch.

The high school is an open campus and students are allowed to leave campus during the scheduled lunch period. The campus is closed at all other times with the follow exceptions:

1. A specific need verified by the parent and approved by the administrator.
2. Students who have approved work release privileges.

Students who leave school grounds without authorized permission are considered truant.

END OF POLICY

Legal Reference(s):

ORS 332.107

Student Rights and Responsibilities

The Board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

1. Civil rights – including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions which the student believes injure his/her rights.
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy in respect to the student's school record.

Students have the right to know the standards of behavior that are expected of them as well as to know the consequences of misbehavior.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through information distributed annually.

END OF POLICY

Legal Reference(s):

ORS 332.061	ORS 339.240	OAR 581-021-0045
ORS 332.072	ORS 339.250	OAR 581-021-0046
ORS 337.150	ORS 659.850	OAR 581-021-0050 to 00075
ORS 339.155	ORS 659.865	OAR 581-022-1140

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).

Student Government

The Student Councils have been designed to provide students with an opportunity to participate in school affairs. Council members are elected to their positions in accordance with rules established in the Student Constitution.

END OF POLICY

Student Conduct

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the District's written rules, pursue the prescribed course of study, submit to the lawful authority of District staff and conduct themselves in an orderly manner at school during the school day or during school-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one's actions and maintain a productive learning climate. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A student code of conduct, developed under the leadership of the District administration, and in cooperation with staff, will be made available to parent and students and enforced. Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Additionally, students may be denied participation in extracurricular activities. Title and/or privileges granted to students may also be revoked, e.g., valedictorian, salutatorian, student body, class or club office positions, prom, etc. A referral to law enforcement may also be made.

END OF POLICY

Legal Reference(s):

ORS 339.240
ORS 339.250
ORS 339.260
ORS 659.150

OAR 581-021-0050 to 0075

Hazelwood School District v. Kuhlmeier, 108 S. Ct. 562 (1988).

Bethel School District No. 403 et al v. Fraser, 106 S. Ct. 3159 (1986).

Leslie Shorb v. Donald L. Grotting and Powers School District No. 1, Case OOCV-255 (Coos County Circuit Court) (June 1, 2000).

William Ferguson v. Phoenix Talent School District #4 of Jackson County, Oregon, Case No. 00-3133-E-4(2) (Jackson County Circuit Court) (October 5, 2000).

Student Dress and Grooming

The Board encourages students to dress appropriately for classroom and school activities, however, responsibility for dress and grooming rests primarily with students and their parents. Parents and students are expected to exercise good judgment and taste in dress and grooming. The Board is aware that styles of dress and grooming change, therefore, the Board will review specific standards set forth in the student handbook on an annual basis.

The following general guidelines include:

1. A student's dress and grooming shall not disrupt or interfere with the classroom learning environment.
2. A student's dress and grooming shall not constitute a health or safety hazard to the student concerned or to other students.

Students participating in extracurricular activities do so by choice, and as such, may be required by the coach or advisor to wear specific attire and may be restricted to certain types of grooming.

END OF POLICY

Legal Reference(s):

ORS 333.240
ORS 339.250

OAR 581-021-0050 to 0075

Care of District Property by Students

It is each student's responsibility to show respect for all District property. Any student who willfully damages or defaces District property will be disciplined.

The Board declares its intent to hold students and their parents responsible for loss or damage of District property. Notice of the District's intent will be provided annually in the student handbook.

END OF POLICY

Legal Reference(s):

ORS 339.250
ORS 339.260
ORS 339.270
ORS 30.765

OAR 581-021-0050 to 0075

Student Conduct on Buses

Students who ride buses to and from school or school-sponsored activities will be notified of the rules and regulations governing their conduct on buses as well as of the consequences for violation of those rules.

END OF POLICY

Legal Reference(s):

OAR 581-021-0050 to 0075
OAR 581-053-0010

Underground Student Publications

Any publication sponsored or in any way funded by the school shall be known as a school publication as opposed to a student publication.

Libelous, profane, or obscene matter is prohibited from all publications.

END OF POLICY

Legal Reference(s):

ORS 339.240
ORS 339.250

OAR 581-021-0050
OAR 581-021-0055

Code: **JFCE**
Adopted: 8/75
Revised: 4/83

Secret Societies

The formation of secret or Greek letter societies is forbidden. The administration reserves the right to accept or reject any new organization seeking to be recognized at Lowell schools.

END OF POLICY

Personal Communication Devices

Student possession or use of personal communication devices on district property, in district facilities during the school day and while the student is in attendance at school-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the building principal and approved by the superintendent.

A “personal communication device” is a device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor of the device. These devices include, but are not limited to, walkie talkies, either long- or short-range portable radios, portable scanning devices, cellular telephones and pagers, personal digital assistants (PDAs), laptop computers and similar devices with wireless capability.

At no time will any device be allowed which provides for a wireless, unfiltered connection to the Internet.

Cellular telephones and pagers shall be turned off during instructional or class time, or at any other time where such use of the device would cause a disruption of school activities. Cellular telephones which have the capability to take “photographs” or “moving pictures” shall not be used for such purposes while on district property or while a student is engaged in school-sponsored activities, unless as expressly authorized in advance by the building principal or designee. Laptop computers and PDAs brought to school will be restricted to classroom or instructional-related activities only. The district will not be liable for personal communication devices brought to district property and school-sponsored activities.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with prior building principal or designee approval or when use is provided for in a student’s individualized education program (IEP).

Students are subject to disciplinary action up to and including expulsion for using a personal communication device in any manner that is academically dishonest, illegal or violates the terms of this policy. A referral to law enforcement officials may also be made. Personal communication devices brought to district property or used in violation of this policy are subject to confiscation and will be released to the student’s parent or property owner, as appropriate.

The superintendent shall ensure that the Board’s policy and any subsequent school rules developed by building administrators are reviewed and approved in advance to ensure consistency with this policy and that pertinent provisions of policy and rules are communicated to students and parents through building handbooks and other means.

END OF POLICY

Legal Reference(s):

ORS 332.107

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Personal Communication Devices

Students may use and possess personal communication devices on district grounds subject to the following:

1. Personal communication devices shall not be used in a manner that disrupts the educational process, school programs or activities, or in a manner that violates law, Board policy, administrative regulation or school rules;
2. Unless as authorized in advance by the building principal or designee for health or safety reasons, or in the event of an emergency situation that involves imminent physical danger, devices shall be turned on and operated only before and after the regular school day. Personal communication devices may be used during the student's lunch break. They may not be used at any time in the proximity of any class, school activity or event that may be in session or in progress during those times;
3. At no time will any personal communication device which allows for a wireless, unfiltered connection to the Internet be allowed to be used for such purposes while on district property or while the student is engaged in school-sponsored activities;
4. Cellular telephones which have the capability to take "photographs" or "moving pictures" shall not be used for such purposes while on district property or at school-sponsored events unless as expressly authorized in advance by the building principal or designee;
5. The district shall not be responsible for loss, theft or damage to personal communication devices brought to district property or school-sponsored events;
6. Personal communication devices must not be displayed in plain view during prohibited times of use;
7. Personal communication devices such as Palm Pilots, personal digital assistants (PDAs) and laptop computers, may be used as electronic study aids during the school day if provided as a part of a student's individualized education plan (IEP), or if permission is received from the student's teacher;
8. The use of personal communication devices in any way to send or receive messages, data or information that would pose a threat to academic integrity, contribute to or constitute academic dishonesty is strictly prohibited;
9. The use of personal communication devices in any manner that would violate the confidentiality or privacy rights of another individual is strictly prohibited;
10. Students shall comply with any additional school rules as established by the building principal and classroom rules as approved by the building principal concerning the appropriate use of personal communication devices;

11. Personal communication devices used in violation of law, Board policy, administrative regulation or approved school rules will be confiscated, turned in to the school office and returned to the student or parent following parent notification, conference, detention, suspension, expulsion and/or referral to law enforcement officials as appropriate.
12. All student, staff and non-school system users will complete and sign an agreement to abide by the district's Electronic Communications System and Personal Communication Devices policies and administrative regulations. All such agreements will be maintained on file in the school office.

Hazing/Harassment/Intimidation/Menacing/Bullying/ Cyberbullying – Student

The Board is committed to providing a positive and productive learning environment. Hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying by students is strictly prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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

The superintendent is responsible for ensuring that this policy is implemented.

Definitions

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

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, martial status, familial status, source of income or disability.

“Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Students and staff will refrain from using personal communication devices or district equipment to harass or stalk another.

“Retaliation” means hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying or retaliation.

“Menacing” includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

Reporting

The Superintendent will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation or bullying and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the superintendent who has overall responsibility for all investigations. Any student who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, menaced or bullied and acts of being cyberbullied in violation of this policy shall immediately report his/her concerns to the superintendent who has overall responsibility for all investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

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

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken. The complainant may request that the superintendent review the actions taken in the initial investigation, in accordance with district complaint procedures.

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

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school and district's Web site, and school and district office and the development of administrative regulations, including reporting and investigative procedures. Complaint procedures, as established by the district, shall be followed.

END OF POLICY

Legal Reference(s):

ORS 163.190	OAR 581-021-0045
ORS 166.065	OAR 581-021-0046
ORS 166.155 - 166.165	OAR 581-021-0055
ORS 332.072	OAR 581-022-1140
ORS 332.107	
ORS 339.240	HB 2599 (2009)
ORS 339.250	
ORS 339.254	
ORS 339.260	
ORS 339.351 - 339.364	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying Complaint Procedures – Student

The Superintendent has responsibility for investigations concerning hazing, harassment, intimidation, bullying or menacing and acts of cyberbullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

- Step 1 Any hazing, harassment, intimidation, bullying or menacing and acts of cyberbullying information (complaints, rumors, etc.) shall be presented to the superintendent. Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.
- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all hazing, harassment, intimidation, bullying or menacing and acts of cyberbullying complaints and documentation will be maintained as a confidential file in the district office.

Tobacco Use by Students

The following guidelines will govern possession, use, distribution and sale of tobacco products or violation of the district's prohibition of tobacco promotional items, including clothing, bags, hats, and other personal items by students on district property or at school-sponsored activities.

Violations will result in the following:

- 1st offense – conference with parents/guardians
- 2nd offense – out-of-school suspension, up to one day
- 3rd offense – out-of-school suspension, up to three days
- 4th offense – possible expulsion; due process procedures shall be followed

At any grade or offense level, as either an alternative to, or as a part of discipline, school or community service and/or attendance and successful completion of cessation and/or tobacco, education classes or behavior modification plans may be assigned at the discretion of the building principal or designee. Attendance at such classes not offered by the district will be voluntary and any associated costs are the sole responsibility of the student and his/her parent/guardian. A referral to law enforcement and/or local public health and/or tobacco coalition may be made.

The district's policy regarding tobacco use by students will be communicated through available means including student/parent and staff handbooks, newsletters, and signs at appropriate locations. Disciplinary consequences will be included in the notifications as appropriate.

Use of Tobacco, Alcohol or Drugs

Student substance abuse, possession, use, distribution or sale of tobacco, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near district grounds or while participating in school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near district grounds, disciplinary action will follow according to district procedures and extracurricular code if applicable and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on district grounds, at school sponsored activities or otherwise while the student was under the jurisdiction of the school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student shall be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health-care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco, alcohol or unlawful drugs are prohibited on district grounds, at school-sponsored activities and in district vehicles.

Any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine, as provided by ORS 167.400.

Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco-burning device, to a person under 18 years of age commits a Class A violation and is subject to a court-imposed fine, as provided by ORS 163.575.

An unlawful drug is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulations.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district property is a Class A felony, as provided by ORS 475.999.

END OF POLICY

Legal Reference(s):

ORS 153.018
ORS 161.605
ORS 161.625
ORS 163.575
ORS 167.400
ORS 332.107
ORS 336.067
ORS 336.222
ORS 336.227
ORS 339.240
ORS 339.250
ORS 339.865
ORS 431.840
ORS 431.845
ORS 433.835 - 433.990
ORS Chapter 475

OAR 581-021-0050 to -0075
OAR 581-022-0413
OAR 581-053-0015
OAR 581-053-0545 (4)(c)(R,S,T)
OAR 581-053-0550 (5)(t,u,v)
OAR 584-020-0040

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2001).
Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084.
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Weapons in the Schools

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).

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

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

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

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

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

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator. Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

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

Students found to have violated the district's zero-tolerance weapons policy shall be expelled for a period of not less than one year. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

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

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

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

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

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

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 339.250	OAR 581-021-0050 to -0075
ORS 166.210 - 166.370	ORS 339.260	OAR 581-053-0010(5)
ORS 166.382	ORS 339.315	OAR 581-053-0015(7)(k)
ORS 332.107	ORS 339.327	OAR 581-053-0545(4)(c),(w)
ORS 339.115	ORS 809.060	OAR 581-053-0550(5)(v)
ORS 339.240	ORS 809.260	

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Laser Pens

The use or possession of laser pens on District property or at a District sponsored event is prohibited without prior building administrator approval.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 339.250

OAR 531-021-0065
OAR 581-021-0070

Education of the Handicapped Act of 1975, as amended, 20 U.S.C., sections 1400-1427, (West 1988), as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990) as amended P.L. 105-17 [P.L. 94-142 is well-known “short” reference to this federal legislation.]

Threats of Violence

The Board is committed to promoting healthy relationships and a safe learning environment. To this end, student threats of harm to self or others, threatening behavior or acts of violence, including threats to severely damage school property, shall not be tolerated on district property or at activities under the jurisdiction of the district.

Students shall be instructed of the responsibility to inform a teacher, counselor or administrator regarding any information or knowledge relevant to conduct prohibited by this policy. Parents and others will be encouraged to report such information to the district. Staff shall immediately notify an administrator of any threat, threatening behavior or act of violence he/she has knowledge of, has witnessed or received. All reports will be promptly investigated.

Students found in violation of this policy shall be subject to discipline up to and including expulsion. A referral to law enforcement shall be made for any infraction involving a student bringing, possessing, concealing or using a weapon or destructive device as prohibited by state and federal law and Board policy.

The principal shall, in determining appropriate disciplinary action, consider:

1. Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property;
2. Placing the student in a setting where the behavior will receive immediate attention from a administrator, counselor, licensed mental health professional or others;
3. Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting.

The principal shall ensure notification is provided to:

4. The parent of any student in violation of this policy and the disciplinary action imposed;
5. The parent of a student when the student's name appears on a targeted list that threatens violence or harm to the students on the list or when threats of violence or harm to the student are made by another student;
6. Any school employee whose name appears on a targeted list threatening violence or harm to the district employee and when threats of violence or harm are made by a student or others.

Notification to the above shall be attempted by telephone or in person within 12 hours of discovery of a targeted list or learning of a threat. Regardless, a written follow-up notification shall be sent within 24 hours of discovery of a targeted list or learning of a threat.

The principal will provide necessary information regarding threats of violence to law enforcement, child protective services and health-care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, he/she may provide such information to other school officials, including teachers, within the district or other districts who have a legitimate educational interest in the student(s) consistent with state and federal education records laws and district policies.

The district may enter into contracts with licensed mental health professionals to perform student evaluations. Funds for evaluations or other disciplinary options as may be required by law and this policy shall be provided by the district.

END OF POLICY

Legal Reference(s):

ORS 161.015	OAR 581-021-0050 to -0075
ORS 166.210 - 166.370	OAR 581-053-0010(5)
ORS 332.107	OAR 581-053-0015(7)(k)
ORS 339.115	OAR 581-053-0545(4)(c),(w)
ORS 339.240	OAR 581-053-0550(5)(v)
ORS 339.250	
ORS 339.260	
ORS 339.327	
ORS 809.060	
ORS 809.260	

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2008).

Pregnant and Parenting Students

A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all District-sponsored activities unless physically unable. The District shall ensure that pregnant and parenting students receive special services as temporarily necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law.

No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood.

The District shall, in considering and obtaining special services for pregnant and parenting students:

1. Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;
2. Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;
3. Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students;
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and parenting students when their educational needs cannot be met by the regularly provided school program.

The superintendent will ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

ORS 109.520
ORS 336.640

OAR 581-021-0046

Married Students

Married students residing in the District are considered to be of legal age and are urged to complete requirements for their high school diploma. They may participate in school activities under the same terms and conditions as other students.

END OF POLICY

Legal Reference(s):

ORS 109.520
ORS 659.150

Student Searches and Interrogations

Searches

The Board seeks to assure a climate in the schools that is appropriate for institutions of learning and which assures the safety and welfare of personnel and students. To assist the Board in attaining these goals, school officials may search the person and the personal property, including that property or facility provided by the school, and seize any property deemed injurious or detrimental to the safety and welfare of students and personnel if school officials have reason to believe that an illegal act or a violation of school rules and regulations is being committed or is about to be committed.

The superintendent will develop procedures for implementation of this policy in a manner assuring that the rights of the individual are balanced with the larger needs of the school, following these basic procedures:

1. A search of a student's person may be conducted where there is reasonable suspicion to believe that the particular student is concealing evidence of an illegal act or school violation;
2. Illegal items (firearms, weapons, narcotics, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by district officials and turned over to the proper authorities;
3. Items that may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession;
4. General search of district properties including but not limited to lockers or desks may occur at any time and items belonging to the district or which are unlawful may be seized. Students will be notified that searches of district property have occurred and will be notified of any items seized;
5. At the time district equipment is assigned to students for their use, students will be informed of conditions for the use of such equipment and of the intent of district personnel to conduct routine searches.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the superintendent.

Interrogations

When law enforcement or a recognized law enforcement agency (i.e. juvenile, fire marshal, etc.) is called or law enforcement arrives on campus to question a student(s) the staff is to cooperate with law enforcement. Unless prohibited by law, the superintendent or superintendent's designee will attempt to contact parents or guardians. All attempts to contact parents or guardians will be documented.

If custody and/or arrest is made, law enforcement is to contact the parent/guardian. On the principal/superintendent may speak with the parents/guardians. All other staff is not to talk to parents/guardians or other concerned individuals that are not agents of the court.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-021-0050 to -0075](#)

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Student Searches

I. Definitions

- A. “Reasonable suspicion” means sufficient knowledge possessed by the district official at the time the official makes or authorizes the search which would lead a reasonable person to believe that a search of a particular student or place will likely turn up evidence of a violation of law, Board policy, administrative regulation or school rule. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.
 - 1. “Past experience” may provide the district official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
 - 2. “Credible information from another person” may include information which the district official reasonably believes to be true provided by another district employee, a student, a law enforcement or other government official or some other person.
- B. “Reasonable in scope” means that the manner and extent of the search are reasonably related to the objectives of the search, limited to the particular student or students most likely to be involved in the infraction and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

II. Routine Inspection of District Property Assigned to Students

- A. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the district, remain in the possession of the district and are under the control of the building principal.
- B. Students may use district-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
- C. Students shall be provided notification that district-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
 - 1. Ensure that no item which is prohibited on district premises is present;
 - 2. Ensure maintenance of proper sanitation;
 - 3. Ensure mechanical condition and safety;
 - 4. Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the district.

III. Voluntary Consent

When a district official has reasonable suspicion to believe that evidence of a violation of law, Board policy, administrative regulation or school rule is present in a particular district-owned storage area assigned to a student, or the clothing or the personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the evidence sought. Before making a search,

the official should ordinarily ask for the student's voluntary consent by requesting the student to empty the contents of the storage area, clothing or personal property. If the student refuses consent, the official may search for the evidence evaluating student and staff safety and the least intrusive search methods. The official may elect to contact the student's parents or, after consulting with the superintendent, contact law enforcement officials to assist with the search.

IV. Emergency/Dangerous Circumstance

- A. Where a district official has knowledge which would lead a reasonable person to believe that either an emergency or dangerous circumstance exists and that it is necessary to act to protect the safety of any person or property, the official may make a search to the extent necessary to relieve the emergency or dangerous circumstance.
- B. In responding to such an emergency or dangerous circumstance, the actions of the official shall be reasonably effective and no more intrusive than necessary.

V. Search for Evidence of a Violation

- A. A search may be conducted of a district-owned storage area assigned to a student, an individual student or the personal property of a student. Personal property of a student includes, but is not limited to wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
- B. All searches shall be based on reasonable suspicion and shall be reasonable in scope. A "strip search," requiring a student to remove clothing down to the student's underwear or including underwear is prohibited by the district.
- C. Searches will generally be conducted by a building administrator or by other school personnel only as authorized by the building administrator. In certain circumstances a building administrator may be assisted by a law enforcement official(s).
- D. The student will generally be permitted to be present during a search of a district-owned storage area assigned to the student or during a search of the student's personal property. The student's presence is not required, however.
- E. Search of a student's clothing will be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket or other such outerware garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
- F. Searches of a student's outer clothing will be conducted by a district official of the same sex as the student whenever possible.
- G. Where the object of the search may be felt by a "pat down" of clothing or personal property, the district official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
- H. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student, whenever possible.
- I. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.

VI. Discipline

- A. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:

1. Seizure of the material:
 - a. Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the district as deemed appropriate by the building principal;
 - b. Stolen property will be returned to its rightful owner;
 - c. Unclaimed property may be disposed of in accordance with Board policy DN, Disposal of District Property.
2. Discipline up to and including expulsion and notification of law enforcement officials as appropriate or as otherwise required by law or Board policy.
- B. Any incident involving discipline of a student as a result of a routine inspection of district storage areas made available for student use or other searches of a student or the student's personal property will be documented as required below.

VII. Documentation

- A. Building administrators shall document all searches.
- B. Documentation shall consist of the following:
 1. Name, age and sex of student;
 2. Time and location of search;
 3. Justification for search and nature of the reasonable suspicion;
 4. Type/Scope of search (what was searched);
 5. Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
 6. Name of the witness to the search;
 7. Name of the district official.
- C. Documentation will be maintained as a part of the student's education records and retained in accordance with applicable Oregon Administrative Rules governing records' retention.

VII. Notice

- A. Notice of the Board's policy and pertinent provisions of this regulation will be provided to staff, students and their parent(s) annually, through such means as staff and student/parent handbooks.

IX. Cooperation with Law Enforcement Officials

- A. Building administrators will meet with law enforcement officials annually to review:
 1. Official contact protocols;
 2. Applicable Board policies and administrative regulations;
 3. Circumstances in which the district will generally be requesting local law enforcement involvement in suspected crimes;
 4. Handling of searches and evidence of suspected crimes when involving law enforcement officials.

STUDENT SEARCH FORM

1. Name, age and sex of student: _____

2. Date, time and location of search: _____

3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, his/her person or property or property assigned by the district for student use would turn up evidence of a violation of law, Board policy, administrative regulation or school rule or which possession or use of is prohibited by law, policy, regulation or rule? Explain.

4. Describe exactly what was searched: _____

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Explain.

6. Name of the witness and title/position to the search: _____

7. Name of district official and title/position conducting the search: _____

Student Complaints

It is the District's philosophy that students have an inherent right to express their personal grievances. The school has a responsibility to address those expressed grievances following procedures established by each building principal and explained in the student handbook.

END OF POLICY

Legal Reference(s):

ORS 332.107

Student Discipline

Discipline in the District is based upon a philosophy designed to produce behavioral changes that will enable students to develop the self-discipline necessary to function successfully in their educational and social environments.

The major objectives of the school discipline program are to teach the following fundamental concepts for living:

- Understanding and respect for individual rights, dignity and safety;
- Understanding and respect for the law, district policies, procedures, rules and regulations;
- Understanding of and respect for public and private property rights.

The Board seeks to assure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The superintendent will develop rules, procedures and standards whereby those students who disrupt the educational setting or who endanger the safety of others will receive corrective counseling and be subject to disciplinary sanctions.

A student whose conduct is seriously detrimental to the school's best interests may be suspended or expelled in accordance with administrative procedures and rules established by the superintendent. Such rules and procedures will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 332.061
ORS 332.072
ORS 332.107
ORS 339.115
ORS 339.240 – 339.270
OAR 581-021-0050 to 0075

District Discipline Procedure

I. Classroom:

- A. The teacher will warn the student and attempt to solve the problem.
- B. The teacher will make parental contact (by phone if possible).

The counselor may be consulted to solicit assistance and possible recommendations.

All teacher actions must be documented. If disruptive behavior continues, the teacher should refer the student to the office. Administrative disciplinary action will not be initiated unless the above procedures have been followed.

II. Non-Classroom

- A. Teachers, classified staff and other adults may refer students for inappropriate behavior on or around school grounds or at school sponsored activities.
- B. The administration may investigate the incident further or, depending on the severity of the situation, institute disciplinary procedures.

III. Administration

Through the first, second or third referral the administrator, at his/her discretion, may use any single or combination of the following procedures: warning, probation, detention, compensatory service requirement, parent conference or suspension.

The following are general consequences for each referral:

A. First Referral

The student will receive a verbal warning from the principal. The incident will be followed by written communication (or phone call) from the principal to the parents/guardian of the student. The communication will inform the parents/guardian of the incident and the school's policy for second and third referrals, should they become necessary.

B. Second Referral

A letter (or phone call) will inform the parents/guardian of the second incident. The administrator may administer any one or combination of the following options:

1. Administrator-Parent-Student-Teacher Conference
2. Suspension (see options and alternatives listed under "suspension☺)
3. Required compensatory service
4. Detention

In-School Suspension Rules:

1. No communication with other students
2. No sleeping
3. Study during assigned times
4. Students must remain in their seats unless given permission to do otherwise
5. No chewing or eating of any kind other than during lunch period
6. No radio, etc.
7. Students will be expected to be cooperative and respectful at all times
8. The student will not write on or damage any part of the room
9. The student will be checked out at the end of the day
10. Students will be given a restroom break in the morning and in the afternoon at a time when other students are not in the halls. He/she must not talk to anyone while in the hall with the exception of teacher.

Any violation of the above rules will result in a three-day suspension from school.

Saturday School Rules:

1. Students will be in the room before 8:00 a.m. and until release by the supervisor
2. Students will sign in and sign out
3. The students will bring sufficient work to keep them busy. (Teachers may assign special packages.)
4. Completed work will be turned in to the supervisor as students check out
5. Students will study silently during the entire time
6. Late arrival or any disruption will result in immediate removal and reinstatement of a three-day suspension
7. Students will be allowed one restroom break at which time they will sign out and sign in
8. No radios, etc.
9. No chewing or eating of any kind
10. Students will not write on or damage any part of the room
11. Transportation to and from Saturday School will be the responsibility of the parents/guardian
12. Students agreeing to Saturday School must attend or the suspension is increased to five days

END OF POLICY

Legal Reference(s):
ORS 339.250

STUDENT PROBATION

An administrator may place a student on probation as a disciplinary action. It should be communicated the the parent, the referring teacher, and the student that the next referral or disciplinary incident will result in a suspension or expulsion hearing.

Probation may be used in conjunction with other disciplinary action such as detention.

END OF POLICY

Legal Refereneces:

ORS 339.240 (2)
339.250
OAR 581-21-050
581-21-055
581-21-060

Adopted 1/11/88

SUSPENSION

All students in our schools deserve reasonable safeguards in all matters affecting their school lives. To ensure these, school officials may find it occasionally necessary to discipline a student or even to remove the student from the formal learning environment for a period of time. Teachers and administrators need discretionary powers in invoking disciplinary actions and procedures in order to maintain a climate conducive to learning and to protect life and property. In this regard, students have the following rights and responsibilities:

I. Rights

- A. Disciplinary decisions should not be arbitrary. Instead, all decisions affecting students will be based on careful and reasoned investigation of the facts and the consistent application of rules and regulations.
- B. All students shall be notified of school rules and procedures by which discipline may be invoked.
- C. Students who are subject to suspension shall have a right to a hearing with the administrator.

II. Responsibilities

- A. Students shall comply with the rules for governing schools, pursue the prescribed course of study, and submit to the lawful authority of teachers or school officials.
- B. The following types of conduct shall make the student subject to discipline, suspension, or expulsion:
 - 1. Disruption of school - Any conduct that substantially disrupts a school function or is likely to be so is forbidden.
 - 2. Damage or destruction of school property - A student shall not cause or attempt to cause damage to school property, steal or attempt to steal school property.
 - 3. Damage or destruction of private property - A student shall not cause or attempt to cause damage to private property, steal or attempt to steal private property either on the school ground, or during a school activity, function, or school event off school ground.
 - 4. Threats or assault to a school employee, another student, or other person not employed by the school - A student shall not intentionally do bodily injury to any person or threaten any person.
 - 5. Bringing weapons and dangerous instruments to school - A student shall not knowingly possess, handle or transmit any object that would reasonably be considered a weapon.

(continued)

SUSPENSION (cont'd.)

6. The above conduct will subject the student to school imposed discipline if it occurs:
 - a. On the school grounds during and immediately before or immediately after school hours.
 - b. On the school ground at any other time when the school is being used by a school group.
 - c. Off the school grounds at any school activity, function, or event.
 - d. Deliberate damage to school property will result in disciplinary action no matter where it occurs.

SUSPENSION PROCEDURES

On days that a student has served out-of-school suspension, a student may not be allowed to attend school functions. Students who choose or are given the Saturday School, In-School, or Work-Buy-Back options described below may continue to attend school functions.

When a student is suspended or chooses a suspension alternative, school officials will adhere to the procedures listed below:

1. Notification of suspension shall be given to parents/guardian by telephone and by certified letter with return receipt request, or by hand-delivered letter immediately upon decision to suspend. Such notification will include details pertaining to the advisability of a conference with the principal or designate. Included in the letter of notification will be a statement of the processes of appeal.
2. The parents/guardian will be informed of suspension alternatives available.
3. If contact with the parents/guardian cannot be made, the student will begin in-school suspension until further disciplinary measures can be initiated.
4. After parent/guardian notification of suspension, the student may be sent home unless the administration feels it is advisable to hold the student until the end of the school day.
5. Parents should request a conference with the principal, the vice-principal, or, if neither of them is available, with a representative of the Superintendent at the earliest possible time.
6. Efforts will be made to determine additional steps that could be taken by the school, the counselor, the student, and the parents/guardian to assist the student.

ALTERNATIVES TO SUSPENSION

Unless an administrator feels that the out-of-school suspension is the only

(continued)

SUSPENSION (cont'd)

appropriate consequence for a particular student's misbehavior, students and parents will be given the following alternatives. However, if there is ANY disciplinary problem in a alternative program, the student will revert back to the standard at-home suspension.

1. Saturday School

The student and his parent/guardian must arrive at 8:00 AM (Not a minute later!) The parent will sign in his child who will engage in silent supervised study until 12:00 PM, at which time the parent will return and sign his child out of Saturday School. Any deviations from this time schedule will revert the student back to a standard suspension. Excuses from the student or parent for whatever reason will not be accepted.

2. Work Buy-Back Program

The student and parent will be given the option to have the student work for such organizations as the City of Lowell, The Lowell Grange, the School, The Fire Department, or another civic organization. Each hour that the student works will allow the student back in school two hours earlier. One school day spent working reinstates the student if the suspension is of the standard 3-day duration.

It should be noted that severe disciplinary problems may result in immediate suspension and a possible expulsion hearing. If there are persistent behavioral problems, a student may be suspended pending an expulsion hearing.

The following rules will be strictly adhered to. Any violation will result in returning the student to a standard 3 day out-of-school suspension.

In-School Suspension Rules

1. No communication with other students.
2. No sleeping.
3. Study during assigned times.
4. Students must remain in their seats unless given permission to do otherwise.
5. No chewing or eating of any kind, other than during lunch period.
6. No radios, etc.
7. Students will be expected to be cooperative and respectful at all times.
8. The student will not write on or damage any part of the room or equipment in the room.
9. The student will be checked out at the end of the day.
10. Students will be given a restroom break in the morning and in the afternoon at a time when other students are not in the halls. Students must not talk to anyone while in the hall with the exception of teachers.

(continued)

SUSPENSION (cont'd)

- assign special packets.
4. Completed work will be turned in to the supervisor as students check out.
 5. Students will study silently during the entire time.
 6. Late arrival or any disruption, regardless of excuse, will result in immediate removal and reinstatement of the standard 3 day suspension.
 7. Students will be allowed one restroom break at which time they will sign out and sign in.
 8. No radios, etc.
 9. No chewing or eating of any kind.
 10. Students will not write on or damage any part of the room or equipment in the room.
 11. Transportation to and from Saturday School will be the responsibility of the parents/guardian as will ensuring that the student arrives in time to be signed in before 8:00 AM.
 12. Students agreeing to Saturday School must attend or their suspension will be increased to five days.

END OF POLICY

Legal Reference:

ORS 339.250

Discipline of Students with Disabilities

When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

1. The student is receiving IEP services;
2. For the student not yet identified as a student with a disability, the district had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the district may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when the removal is for more than 10 consecutive school days, or the removal is for more than 10 cumulative school days and constitutes a pattern of removals. When considering whether to order a disciplinary change of placement the district may consider any unique circumstances on a case-by-case basis. Any decision to initiate a disciplinary change in placement requires a determination of whether the conduct leading to the disciplinary removal was caused by, or was substantially related to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

The district will provide educational services to a student who is suspended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

END OF POLICY

Legal Reference(s):

<u>ORS 326.565</u>	<u>OAR 581-015-2400</u>
<u>ORS 326.575</u>	<u>OAR 581-015-2405</u>
<u>ORS 336.187</u>	<u>OAR 581-015-2410</u>
<u>ORS 339.240</u>	<u>OAR 581-015-2415</u>
<u>ORS 339.250</u>	<u>OAR 581-015-2420</u>
<u>ORS 339.252</u>	<u>OAR 581-015-2425</u>
<u>ORS 339.260</u>	<u>OAR 581-015-2430</u>
<u>ORS 343.177</u>	<u>OAR 581-015-2435</u>
	<u>OAR 581-015-2440</u>

Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1415 (k) (2006).

Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.507 and § 300.508(a)-(c); §§ 300.510 - 300.514; §§ 300.530 - 300.536.

Discipline of Students with Disabilities

Definition

1. The district applies the following definitions when considering disciplinary action:
 - a. “Behavioral intervention plan” means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
 - b. “Current educational placement” means the type of educational placement of the student as described in the student’s “annual determination of placement” document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.
 - c. “Disciplinary removal” means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (1) Removals by other agencies;
 - (2) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);
 - (3) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s IEP, and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (4) Bus suspensions, unless the student’s IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.
2. “Functional behavioral assessment” means an individualized assessment of the student that results in a team hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.
3. “Suspension” means any disciplinary removal other than expulsion.

Disciplinary Change of Placement

1. Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when:
 - a. The removal is for more than 10 consecutive school days; or
 - b. The removal is for more than 10 cumulative school days and constitutes a pattern of removals.

2. The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

Manifestation Determination

1. Within 10 days of any decision to initiate a disciplinary change in placement of a student with a disability, the district convenes a manifestation determination meeting.
2. The district follows all required special education procedures for determining whether a student's conduct that led to a disciplinary removal from school was caused by, or had a substantial relationship to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

Disciplinary Removals for up to 10 School Days

1. The district may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
2. During disciplinary removals for up to 10 school days:
 - a. The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
 - b. The district is not required to determine whether the student's behavior resulting in the disciplinary removal is a manifestation of the student's disability.
 - c. The district counts days of suspension for the purposes of procedural safeguards as follows:
 - (1) Suspensions of a half day or less will be counted as a half day; and
 - (2) Suspensions of more than a half day will be counted as a whole day;
 - (3) If a student moves from another district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.

Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal

1. The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
2. In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, school personnel will consider, on a case by case basis:
 - a. Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

- b. Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
3. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
 - a. Continue to participate in the general education curriculum;
 - b. Progress toward achieving the goals in the student's IEP; and
 - c. The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
4. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.

Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances

1. The district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
2. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - a. "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.
 - b. "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - c. "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction or ODE or a district.
 - d. "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 - e. "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length.
 - f. "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

3. On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.
4. Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:
 - a. Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - b. Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.

Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior

1. The district may request an expedited due process hearing to obtain an administrative law judge's order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.
2. The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.

Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

1. Is determined by the student's IEP; and
2. Enables the student to:
 - a. Continue to participate in the general curriculum, although in another setting;
 - b. Progress toward achieving the goals in the student's IEP; and
 - c. Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

Placement Pending Appeal

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

Conduct and Outcome of a Manifestation Determination

1. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
2. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
 - a. The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - b. The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's failure to implement the IEP.
3. If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
4. Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
5. When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

- a. The district will not proceed with a disciplinary removal for more than 10 days.
- b. The district conducts a functional behavioral assessment and develops a behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.
- c. The district may review and revise the student's IEP and placement through normal IEP and placement processes.
- d. The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
- e. If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district may appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

6. When behavior is not a manifestation of disability.

If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:

- a. Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
- b. Give the parent(s) prior written notice of any proposed change in placement;
- c. Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
- d. Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

Protections for Students not yet Eligible for Special Education

1. The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.
2. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - a. The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - b. The student's parent(s) requested a special education evaluation of the student; or
 - c. The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's special education director or other district supervisory personnel.
3. The district is not presumed to have knowledge of a disability if:
 - a. The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - b. The student has been evaluated and found not eligible for special education services.
4. If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - a. If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - b. Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.

- c. Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
- d. The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.

Expulsion

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service or by certified mail at least ten days prior to the scheduled hearing. Notice will include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and,
 - f. The right to representation.
2. The superintendent or designee will act as hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney or parent. The district's attorney may be present;
5. The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the district;
7. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time;
8. The hearings officer or the student may make a record of the hearing;

9. The hearings officer's decision is final; however, this decision may be appealed to the Board. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents of students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;
10. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative education programs have been made.

END OF POLICY

Legal Reference(s):

ORS 192.660	OAR 581-021-0050
ORS 332.061	OAR 581-021-0070
ORS 336.615 – 336.665	
ORS 339.115	
ORS 339.240	
ORS 339.250	
ORS 339.260	

ALTERNATIVE EDUCATIONAL PROGRAMS FOLLOWING EXPULSION

Prior to any student expulsion, the District will document to the parent/guardian of that student the appropriate educational alternatives. Such alternative programs will be instructional, or instructional combined with counseling.

The proposal of potential alternatives will be hand delivered or sent by certified mail to assure that the parent/guardian has received it prior to the time of actual expulsion.

Appropriate programs may be either public or private (non-sectarian). Programs may be provided by the District as a separate school, evening classes, or tutorial instruction. Homebound instruction could be considered as an appropriate alternative.

The District is obligated to pay for the alternative program at an amount that is at least equivalent to 80% of the District's estimated current average per pupil net operating expenditure. The District is not obligated to provide or pay for transportation provided the program is accessible.

If a student is not successful in the alternative program, there is no obligation to propose or fund a second alternative.

END OF POLICY

Legal References:

ORS 339.240
339.250 - 253
339.260
OAR 581-21-070
581-21-071
581-22-502
581-23-006
581-23-008

Adopted 12/10/90
Revised 8/9/93

CODE: JGFB

RELEASED TIME FOR RELIGIOUS INSTRUCTION

Upon application of the parent/guardian, a student may be excused from school for religious instruction as provided by law.

END OF POLICY

Legal Reference:

ORS 339.420

Adopted 12/10/90

CODE: JHA

STUDENT INSURANCE PROGRAM

Student insurance will be made available to the students of the District, but the District will not pay the premiums. If the parent/guardian elects to purchase insurance for students, it will be the parent's responsibility to pay the premium.

END OF POLICY

Legal Reference:

ORS .072

Adopted 8/75

STUDENT HEALTH SERVICES

Health services shall be provided to students in the school of the District by the school nurse. The school nurse will ensure that staff members are notified of special medical needs of students under their supervision and maintain a systematic program for students to enter school only after proper immunizations.

The District, through the school nurse, shall insure the proper dispensing of medications; take necessary precautions in combating contagious diseases; insure proper first aid for insect stings, fractures, choking, fluid spills, and generally assist parents to guarantee good student health.

END OF POLICY

Legal Reference:

OAR 581-22-705

Physical Examinations of Students

Students in grades 6 through 12 must have a physical examination performed by a physician possessing an unrestricted license to practice medicine, a licensed physician assistant, a certified nurse practitioner or a licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects, prior to participation in extracurricular sports. "Participation," as used in this policy means participation in sports practices and interscholastic sports competition.

Additionally, students who continue to participate in extracurricular sports are required to have a physical examination every two years thereafter. The physical examination is the responsibility of the parents/students and is to be paid for the parents/students.

A completed School Sports Pre-Participation Examination form shall be kept on file at school and shall be reviewed by the coach prior to the start of any sport season. Students shall not participate without signed parental and physician permission.

A student who is subsequently diagnosed with a significant illness or has had a major surgery is required to have a physical examination prior to further participation in extracurricular sports.

END OF POLICY

Legal Reference(s):
ORS 332.107
ORS 336-479
OAR 581-021-0041

OSAA Handbook, Oregon School Activities Association

IMMUNIZATION OF STUDENTS

No student will be allowed to enroll or continue in school attendance without first having presented evidence of compliance with statutes requiring immunization.

The building administrator/designee is authorized to exclude any student from school attendance for noncompliance with the statutes, and will notify the parent/guardian in writing of the reason for the exclusion, stating that the student will continue to be excluded until the student has complied with the requirements. The notice will also inform the parent/guardian that a hearing will be afforded upon request.

The policy is in effect for all students not exempted by religious belief.

END OF POLICY

Legal References:

ORS 433.267

OAR 581-22-705 (1) (b) (c)

Communicable Diseases

The district shall provide reasonable protection for students against the risk of exposure to communicable disease. The district will follow the Oregon Department of Education and the state and local health authorities' rules and regulations pertaining to communicable diseases.

Protection from communicable disease generally shall be through immunization, exclusion or other measures provided for in Oregon Revised Statutes and rules of the county health department. Services generally will not be provided to students excluded under this policy unless otherwise required by law.

Where the district knows that a student is infected by any communicable disease for which the student would not be excluded under this policy, the school involved shall take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of the students.

The district may, for the protection of both the infected student and the exposed student, provide an educational program in an alternative setting. A student shall continue in the alternative setting, if provided, until such time that:

1. The district determines that the student presents no unreasonable risk of infection to the other students and bears no unreasonable risk of opportunistic infections; or
2. The student is ordered to be returned to the classroom by a court or other authority of competent jurisdiction.

The district will include as a part of its emergency procedure plan a description of the actions to be taken by district personnel in the case of pandemic flu outbreak or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of each student's health condition/record to the extent possible consistent with the overall intent of this policy.

END OF POLICY

Legal Reference(s):

ORS 433.255
ORS 433.260

OAR 437-002-0360
OAR 581-022-0705

Communicable Diseases

In accordance with state law, rule and health authority communicable disease guidelines, procedures, as established below, will be followed:

School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A district employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (*) the restriction may be removed by a school nurse. For pediculosis, or head lice (indicated by a double asterisk) (**), the restriction may be removed after the parent provides a signed statement that a recognized treatment has been initiated. School restrictable diseases include, but are not limited to:
 - a. Chicken pox*;
 - b. Cholera;
 - c. Diphtheria;
 - d. Measles;
 - e. Meningococcal disease;
 - f. Mumps*;
 - g. Pediculosis** (head lice);
 - h. Pertussis (whooping cough);
 - i. Plague;
 - j. Rubella (German measles);
 - k. Scabies*;
 - l. Staphylococcal skin infections*;
 - m. Streptococcal infections*;
 - n. Tuberculosis;
 - o. Pandemic flu or other catastrophe.

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;

5. More stringent rules for exclusion from school may be adopted by the local health department or by the district through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3. above, in accordance with OAR 333-019-0015 (2), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease.
8. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Notification

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Department of Human Services, Health Services, and county health department.
2. Employees have a responsibility to report to the district when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate district response. Reportable diseases include, but are not limited to:
 - a. Acquired immunodeficiency syndrome (AIDS);
 - b. Amebiasis;
 - c. Anthrax;
 - d. Botulism;
 - e. Brucellosis;
 - f. Campylobacteriosis;
 - g. Chancroid;
 - h. Chlamydia trachomatis infection of the genital tract;
 - i. Cholera;
 - j. Cryptosporidiosis;
 - k. Diphtheria;
 - l. Escherichia coli 0157-caused illness;
 - m. Food-borne illness;
 - n. Giardiasis;
 - o. Gonococcal infections;
 - p. Haemophilus influenzae-caused invasive disease;
 - q. Hemolytic uremic syndrome;
 - r. Hepatitis (A; B; non-A, non-B and delta);

- s. HIV infection*;
- t. Leprosy;
- u. Leptospirosis;
- v. Listeriosis;
- w. Lyme disease;
- x. Lymphogranuloma venereum;
- y. Malaria;
- z. Measles (Rubeola);
- aa. Meningococcal disease;
- bb. Pelvic inflammatory disease, acute, nongonococcal;
- cc. Pertussis;
- dd. Plague;
- ee. Poliomyelitis;
- ff. Psittacosis;
- gg. Q fever;
- hh. Rabies (human and animal cases);
- ii. Rocky Mountain spotted fever;
- jj. Rubella (including congenital rubella syndrome);
- kk. Salmonellosis (including typhoid fever);
- ll. Shigellosis;
- mm. Syphilis;
- nn. Tetanus;
- oo. Trichinosis;
- pp. Tuberculosis;
- qq. Tularemia;
- rr. Yersiniosis.

*Does not apply to anonymous HIV testing.

4. With consultation and direction from the district's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

Education

1. The school administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1. above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

Equipment and Training

4. The school administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
5. The school administrator or designee shall consult with the district's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

All district personnel will be instructed annually by the school health nurse to use the proper precautions pertaining to blood and body fluid exposure.

Administering Noninjectable Medicines to Students

The district recognizes that administering of medication to students and self-medication may be necessary when the failure to take such medication would jeopardize the health of the student or the student would not be able to attend school if medication was not made available during school hours. Consequently, students may be permitted to take noninjectable prescription or nonprescription medication at school, on a temporary or regular basis.

All requests for the district to administer medication to a student or allow a student to self-medicate shall be made by the parent¹ in writing. Requests shall include the written instructions of the physician for the administration of a prescription medication to a student and the written instructions of the parent for the administration of a prescription or nonprescription medication to the student. A prescription label will be deemed sufficient to meet the requirements for written physician instructions.

The district shall designate school staff authorized to administer medication to students. Training shall be provided as required by law.

The district reserves the right to reject a request to administer prescription or nonprescription medication when such medication is not necessary for the student to remain in school.

This policy and administrative regulation shall not prohibit, in any way, the administration of first aid to students by district employees in accordance with established state law, Board policy and procedure.

The superintendent shall have in place administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and for the implementation of this policy. Regulations will include provisions for student self-medication.

END OF POLICY

Legal Reference(s):

ORS 109.640	ORS 339.870	OAR 581-021-0037
ORS 339.867	ORS 433.800 – 433.830	OAR 581-022-0705
ORS 339.869	ORS 475.005 – 475.285	OAR 166-4141-0010(22)-(24)

¹As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 – 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056.

Administering Injectable Medicines to Students

In order to ensure the health and well-being of district students who require regular injections of medication or who may experience allergic reactions or suffer from hypoglycemia, or diabetes. Epinephrine, glucagon or other medication as prescribed by a physician and allowed under Oregon Law (OAR 851-047-0030) may be administered by means of injection to students by trained staff in situations when a licensed health care professional is not immediately available.

When directed by a physician or other qualified health care professional, students may be allowed to self administer medication. A medical protocol regarding each student who self administers injectable medication will be developed, signed by a physician and kept on file.

All requests for the district to administer injectable medication to a student shall be made by the parent in writing. Requests shall be accompanied by the physician's order for administering epinephrine, glucagon, or other medication as allowed by law. A prescription label will be deemed sufficient to meet the requirements for a physician's order for epinephrine, glucagon or other medication.

The district may designate staff authorized to administer epinephrine and glucagon or other medication as allowed under Oregon law. Training shall be provided as required by law in accordance with approved protocols as established by Oregon Department of Human Services, Health Services. Staff designated to receive training shall also receive bloodborne pathogens training. A current first aid and CPR card will also be required.

Injectable medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district regulations governing administering noninjectable medicines to students.

The superintendent will ensure student health management plans are developed as required by training protocols, maintained on file and pertinent health information is provided to district staff as appropriate. Such plans will include provisions for responding to emergency situations including those occurring during curricular and extracurricular activities held after regular school hours and on or off district property.

END OF POLICY

Legal Reference(s):

[ORS 109.640](#)
[ORS 433.800 - 433.830](#)

[OAR 333-055-0000 to -0035](#)
[OAR 851-047-0030](#)

[OAR 851-047-0040](#)

Administering Noninjectable Medicines to Students

Students may, subject to the provisions of this regulation, have noninjectable prescription or nonprescription medication administered by designated, trained school staff. Self-medication by students may also be permitted in accordance with this regulation.

I. Definitions

- A. "Prescription medication" means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Prescription medication does not include dietary food supplements.
- B. "Nonprescription medication" means only commercially prepared, non-alcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eyes, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.
- C. "Physician" means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, a nurse practitioner with prescriptive authority licensed by the Board of Nursing for the state of Oregon, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon or a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon. "Physician" also may include individuals licensed in the categories set out above by comparable licensing agencies in adjoining states.
- D. "Student self-medication" means a student must be able to administer medication to himself/herself without requiring a trained school staff member to assist in the administration of the medication.
- E. "Age-appropriate guidelines" means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from parent (guardian), building administrator, and in the case of a prescription medication, a physician.
- F. "Training" means the instruction to be provided to designated school staff on the administration of prescription and nonprescription medication, based on requirements set out in guidelines approved by the Oregon Department of

Education, including discussion of applicable district policies, procedures and materials.

II. Designated School Staff Training

- A. The building principal will designate school staff authorized to administer medication to students within individual school buildings and while participating at school-sponsored activities on or off district property. The building principal will ensure building and activity practices and procedures are consistent with the requirements of law, rules and this regulation.
- B. The building principal will ensure the training required by law and Oregon Administrative Rules is provided. Training may be conducted by any physician licensed by the state of Oregon, a nurse licensed by the Board of Nursing of the state of Oregon or by others as deemed appropriate by the district in accordance with training program guidelines recognized by the Oregon Department of Education.
- C. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency response for life-threatening side effects and allergic reactions and student confidentiality. Materials as recommended and/or approved by the Oregon Department of Education will be used.
- D. Training will be provided upon initial assignment to designated school staff authorized to administer medication to students. Subsequent training will be provided as necessary to meet changes in Oregon law, rules, training guidance or as otherwise deemed appropriate by the district.
- E. A copy of the district's policy and administrative regulation will be provided to all school staff authorized to administer medication to students and others, as appropriate.
- F. A statement that the designated school staff member has received the required training, will be signed by the staff member and filed in the district office.

III. Administering Medications to Students

- A. Requests for designated school staff to administer medication to students may be approved by the district as follows:
 - 1. The written instruction from the physician and parent for the administration of the prescription medication to the student including:
 - a. Name of the student;
 - b. Name of the medication;
 - c. Route;
 - d. Dosage;
 - e. Frequency of administration; and
 - f. Other special instruction, if any.

The prescription label will be considered to meet the physician instruction requirement if it contains the information listed in a-f above.

- B. Requests for the district to administer nonprescription medication must be submitted to the school office to include:
 - 1. Written permission and instruction from the parent for the administration of the nonprescription medication to the student including:
 - a. Name of the student;
 - b. Name of the medication;
 - c. Route;
 - d. Dosage;
 - e. Frequency of administration;
 - f. Other special instruction, if any.
- C. Medication is to be submitted in its original container;
- D. Medication is to be brought to and returned from the school by the parent;
- E. It is the parent's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- F. It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- G. In the event a student refuses medication, the parent will be notified immediately. No attempt will be made to administer medication to a student who refuses district-administered medication;
- H. Any error in administration of medication will be reported to the parent immediately and documentation made on the district's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, time, route, etc.
- I. Medication shall not be administered or self-medication allowed until the necessary permission form and written instructions have been submitted as required by the district.

IV. Self-medication

- A. Grades K-7: Self-medication of prescription and nonprescription medication is not allowed except in cases where a student must carry such medication on his/her person and the necessary permission form and written instructions have been submitted as required above.
- B. Grades 8-12: Self-medication of prescription and nonprescription medication may be allowed subject to the following:
 - 1. A parent permission form must be submitted for self-medication of all prescription and nonprescription medications. In the case of prescription medications, permission from the physician is also required. Such permission may be indicated on the prescription label.
 - 2. Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated school staff. A

permission form and written instructions will be required as provided in section 3. a. and b. above;

3. All prescription and nonprescription medication must be kept in its appropriately labeled, original container, as follows:
 - a. Prescription labels must specify the name of the student, name of the medication, dosage, route and frequency or time of administration and any other special instruction;
 - b. Nonprescription medication must have the student's name affixed to the original container.
 4. The student may have in his/her possession only the amount of medication needed for that school day;
 5. Sharing and/or borrowing of medication with another student is strictly prohibited.
- C. Permission to self-medicate may be revoked if the student violates the Board's policy governing Administering Noninjectable Medicines to Students and/or these regulations. Additionally, students may be subject to discipline, up to and including expulsion, as appropriate.
- V. Handling, Storage, Monitoring Medication Supplies
- A. Medication administered by designated school staff must be delivered by the parent to the school in its original container, accompanied by the permission form and written instructions, as required above.
 - B. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated school staff in the presence of another school employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the building principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
 - C. Designated school staff will follow the written instructions of the physician and parent and training guidelines as may be recommended by the Oregon Department of Education for administering all forms of noninjectable medications.
 - D. Medication will be secured as follows:
 1. Nonrefrigerated medications will be stored in a locked cabinet, drawer or box;
 2. Medications requiring refrigeration will be stored in a locked box (to be solely used for the storage of medication) in a refrigerator designated by the school;
 3. Access to medication storage keys will be limited to the building principal and designated school staff.
 - E. Designated school staff will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.

- F. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated school staff are encouraged to notify the parent with this information. However, it remains at all times the responsibility of the parent to ensure that an adequate supply of medication is on hand at the school.

VI. Emergency Response

- A. Designated school staff will notify 911 or other appropriate emergency medical response systems and administer first aid as necessary in the event of life-threatening side effects that result from district-administered medication or from student self-medication. The parent and building principal will be notified immediately.
- B. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent immediately.

VII. Disposal of Medications

- A. Medication not picked up by the parent at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated school staff in a nonrecoverable fashion as follows:
 - 1. Medication in capsule, tablet or liquid form will be flushed;
 - 2. Other medication will be disposed of in accordance with established training procedures.
- B. All medication will be disposed of by designated school staff in the presence of another school employee and documented as per VIII. A., below.

VIII. Documentation and Record Keeping

- A. A medication log will be maintained for each administered medication by the district. The medication log will include, but not be limited to:
 - 1. The medication administered, date, time of administration and name of the person administering the medication;
 - 2. Student refusals of medication;
 - 3. Errors in administration of medication*;
 - 4. Emergency and minor adverse reaction incidents*;
 - 5. Discrepancies in medication supply;
 - 6. Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the school staff involved.

* Designated school staff may note incident by symbol in medication log and attach detailed documentation as necessary.
- B. All records relating to administration of medicines, including permission slips and written instructions, will be maintained in a separate medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR

166-414-0010 (22), (23) and (24).

- C. Student medical files will be kept confidential. Access shall be limited to those designated school staff authorized to administer medication to students, the student and his/her parents. Information may be shared with school staff with a legitimate educational interest in the student or others as may be authorized by the parent in writing.

STUDENT PSYCHOLOGICAL SERVICES

A school psychologist (part-time) is provided for Lowell School District by the Lane Education Service District through resolution. The duties of that position are to:

1. Evaluate students who have been referred for special education and/or psychological testing.
2. Recommend services (special education and/or psychological) for students who qualify or are in need of such services.
3. Provide or recommend counseling to those students who need it.

As part of the related services in a handicapped child's individual education program, Lowell School District may provide psychological services (such as counseling) for qualified handicapped students who clearly need these services before they can benefit from regular or special education.

END OF POLICY

Legal Reference:

OAR 581-15-072

Adopted 1/11/88

PSYCHOLOGICAL TESTING

Psychological testing will be administered in accordance with appropriate statutes. Compliance with these rules will ensure that:

1. No child is placed in a special education program without a full evaluation.
2. Testing is not racially or culturally discriminatory.
3. Tests are provided in the child's native language, unless not feasible to do so.
4. Tests have been validated for the purpose for which they are being used.
5. Tests are administered by trained personnel in conformance with the instruction provided by their publisher.
6. Tests include those designed to assess specific areas of educational need and not merely those designed to produce an IQ.
7. Tests are designed to accurately reflect a child's aptitude or achievement level rather than reflecting the child's impaired sensory, manual, or speaking skills.
8. No single procedure or test is used as the sole criterion for determining an appropriate educational program for the child.
9. Educational evaluation will be made by a multidisciplinary team or group of persons which includes at least one teacher or other specialist who is knowledgeable in the area of suspected disability.
10. The student is assessed in all areas related to suspected disability including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative ability, and motor ability.
11. In evaluating a child suspected of having a specific learning disability, the multidisciplinary team will also include the child's regular teacher, or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a student of that age, a person qualified to conduct individual examinations such as a school psychologist, speech pathologist, or special education teacher, and a person, other than the child's teacher, who has conducted an observation of the child's academic performance in the regular classroom.

An evaluation of each handicapped child shall be conducted at least every three years, and more frequently if the child is not progressing or if the parent or teacher requests evaluation.

No psychological testing will take place before written parental consent is obtained.

Lowell School District may provide for psychological testing in addition to that done by the Educational Service District school psychologist, when either of the following conditions exists:

1. The school psychologist is not available and there is immediate need for testing.
2. The list of students who are in need of testing is very long and it is clear that the school psychologist will not be able to complete all of the testing in a reasonable and necessary amount of time.

END OF POLICY

Legal References:

Adopted 1/11/88

OAR 581-15-039
581-15-071 - 075

SUPERVISION OF STUDENTS

The Board expects all students to be under assigned adult supervision at all times when they are in school, traveling under school auspices, or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency.

During school hours, or while engaging in school-sponsored activities, students will be released only into the custody of parents or other authorized persons.

END OF POLICY

Legal References:

ORS 332.072
332.107

Adopted 12/10/90

STUDENT SKATEBOARD/ROLLERBLADE USE

Due to the inherent dangers both to participant and non-participant, combined with the potential liability assumption, the use of skateboards/rollerblades on District grounds is not allowed. Students will be informed they are not allowed to bring their skateboards/rollerblades to school. Skateboards/rollerblades will be confiscated by school authorities and placed in the principal's office for parents to retrieve.

END OF POLICY

Legal References:

ORS 332.107
ORS 581-21-050

Adopted 8/9/93

Code: **JHFD**
Adopted: 08/1975
Last Revision: 12/10/90
Revised: 3/17/08

Student Vehicle Use

All students who drive cars to school are subject to parking and driving rules developed by the principal.

Parking privileges will be subject to the specific requirements of this policy and any other applicable policy and/or rules of the District. Parking privileges, including driving on district property, may be revoked by the building principal for violations of Board policies, administrative regulations or school rules.

Parking and driving rules will be outlined in the student handbook.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.445
ORS 339.260
ORS 806.060 – 806.080

OAR 581-021-0050

Suspension of Driving Privileges

The superintendent may, under ORS 339.24, make a request to the Oregon Department of Transportation (ODOT) for the suspension of a student's driving privilege or the right to apply for driving privileges on the basis of conduct as provided below:

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

1. The superintendent will meet with parents before submitting a request to the ODOT;
2. The request to the ODOT will be in writing;
3. The student involved is at least 15 years of age;
4. The student has been expelled for bringing a weapon on District property;
5. The student has a drug or alcohol-related offense(s);
6. The student has been suspended or expelled at least twice for any of the following reasons:
 - a. Assaulting or menacing a District employee or another student;
 - b. Willful damage or injury to District property;
 - c. Use of threats, intimidation, harassment or coercion against a District employee or another student.
7. The request to suspend a student's driving privilege or the right to apply for a driving privilege shall not be for more than one year unless the superintendent is filing a second written request. A second request may state suspension of privileges until the student reaches 21 years of age;
8. The student has a right to appeal the superintendent's decision through the District's suspension/expulsion due process procedure.

If driving privileges are suspended, the student may apply to the ODOT for a hardship permit.

Withdrawal

The superintendent may, under ORS 339.257, notify the ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.

Upon receipt of the District's notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with ORS 807.066. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

- More than 10 consecutive school days of unexcused absences; or,
- Fifteen school days total of unexcused absences during a single semester.

Appeals

The student has a right to appeal the superintendent's decision through District procedures.

END OF POLICY

Legal Reference(s):

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

ORS 339.257
ORS 807.065
ORS 806.066
ORS 807.240
ORS 809.410

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

Request for a Suspended Driving Privilege

Name of Student _____

Address of Student _____

Date of Birth _____ ODL Number (if applicable) _____

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

Type of privilege requested for suspension:

_____ Driving privilege _____ Application for driving privilege

Length of suspension requested:

_____ No more than one year

_____ Six months

_____ Six weeks

_____ Other

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

_____ Two years

_____ Until student is 21 years of age

Type of infraction:

_____ Expelled for bringing a weapon on school property.

_____ Suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to district property or for use of threats, intimidation, harassment or coercion against a district employee or another student.

_____ Possessing, using or delivering a controlled substance or alcohol or being under the influence of a controlled substance or alcohol at a school or on school property or at a school-sponsored activity, function or event.

This written request is submitted on by: _____

Name

Title

Date: _____ District: _____

Notice of Withdrawal

Student Name (Print Last, First, Middle): _____

Student Address: _____
City State Zip Code

Date of Birth (MM/DD/YYYY) : _____

Oregon Driver License/ID Number (If Known): _____

Last Day of Attendance (MM/DD/YYYY): _____

I hereby notify the Department of Transportation to suspend the driving privileges of the above named student because the student is considered to have withdrawn from school per ORS 339.257 (2). The policy adopted under ORS 339.257 meets all requirements of the law including: the number of days of unexcused absences; the age of the student; and, a provision allowing the student to appeal this decision.

Name of School District or Private School: _____

Telephone Number: _____

Address: _____
City State Zip Code

Name of Authorized Person (please print): _____

Title: _____

Signature: _____ Date: _____

One copy to DMV, One copy for district files

STK# 300161

Reporting of Suspected Child Abuse

Any district employee who has reasonable cause to believe that any child with whom he/she has come in contact has suffered abuse or neglect, as defined in state law, or that any adult with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, principal or superintendent.

Child abuse by district employees will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the superintendent to receive reports of child abuse by district employees and specify the procedures to be followed upon receipt of a child abuse report. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent takes action on the report, the person who initiated the report must be notified.

Upon request, the district shall provide records of investigations of suspected child abuse by a district employee or former district employee to law enforcement, Department of Human Services or Teachers Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected child abuse by a district employee in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of child abuse is a Class A violation.

The district shall establish written procedures to provide annual training: 1) for district staff in the prevention and identification of child abuse and on the obligations of district employees under ORS 419B.005 as directed by Board policy to report suspected child abuse; 2) for parents and legal guardians of students attending district schools on the prevention, identification of child abuse and the obligation of district employees to report suspected child abuse, separate from district staff training; and 3) designed to prevent child abuse available to students attending district operated schools.

The superintendent shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

OAR 581-022-0711

ORS 339.370
ORS 339.372
ORS 339.375
ORS 339.377
ORS 418.746 to-418.751
ORS 418.990
ORS 419B.005 to-419B.050

Letter Opinion, Office of the OR Attorney General (May 25, 1984)
Letter Opinion, Office of the OR Attorney General (Aug. 18, 1986)
Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009).

Reporting of Suspected Child Abuse

Reporting

Any district employees having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The district employee should also immediately inform his/her supervisor, principal or superintendent.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the child abuse report shall be made by the employee suspecting the child abuse. The written record may be made using the district's child abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The name and position of any witness to the report;
3. A description of how the report was made (i.e., phone or other method);
4. The name of the agency and individual who took the report;
5. The date and time that the report was made; and
6. The names of persons who received a copy of the written report.

The written record of the child abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor and/or superintendent.

When the district receives a report of suspected child abuse by one of its employees, and the [personnel director][superintendent] determines that there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave until the Department of Human services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the district employee. If the Department of Human services or a law enforcement agency is unable to determine whether the child abuse occurred the district may either reinstate the employee or take disciplinary action at the district's discretion.

The written record of each reported incident of child abuse, action taken by the district and any findings as a result of the report shall be maintained by the district.

Definitions

1. Oregon law recognizes these types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;
 - d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. Child means an unmarried person who is under 18 years of age.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a district employee or former district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a district employee or former employee is convicted of a crime listed in ORS 342.143, the district that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

Failure to Comply

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

Cooperation with Investigator

The district staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the administrator's refusal to allow the student interview on school property. If the student is to be interviewed at the school, the principal or representative shall make a conference space available. The principal or representative of the school may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the office and contact the principal or representative. The officer shall sign the student out on a form to be provided by the school;
2. When the subject matter of the interview or investigation is identified to be related to suspected child abuse, district employees shall not notify parents;
3. The principal or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by district/school employees as defined by Oregon law will not be tolerated. All district employees are subject to this policy.

“Sexual conduct” as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Child Abuse.

Any district/school employee who has reasonable cause to believe that another district/school employee or volunteer has engaged in sexual conduct with a student must immediately notify the superintendent. If the complaint is against the superintendent, notification should be made to the board chair.

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses and the district employee who is the subject of the report. The investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the employee that the report has been substantiated and provide information regarding the appeal process.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district employee in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees, parents and students regarding the prevention and identification of sexual conduct. The district will provide to employees at the time of hire

a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374 for all district employees.

END OF POLICY

Legal Reference(s):

ORS 339.370	ORS 339.377
ORS 339.372	ORS 418.746 to-418.751
ORS 339.374	ORS 418.990
ORS 339.375	ORS 419B.005 to-419B.045

Sexual Conduct Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of person allegedly engaging in sexual conduct: _____

Date and place of incident or incidents: _____

Description of sexual conduct: _____

Name of witnesses (if any): _____

Evidence of sexual conduct, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

STUDENT WELFARE-SUICIDE

The Board recognizes that childhood/adolescent suicide and suicidal tendencies are continuing problems within elementary and secondary schools of the nation. Therefore the Board establishes this policy to assist in suicide prevention.

The District shall provide appropriate in-service programs for staff as to proper procedure to follow should any staff person hear students threatening to commit suicide.

The District shall provide crisis intervention for students who exhibit tendencies towards potential suicide through the Lowell Students Assistance Team.

Decisions regarding individual or a group in crisis will only be made through a team approach. No individual staff member will make crisis decisions in isolation.

The Lowell Tragedy Response Team will be involved in dealing with loss and providing a support base for all students and District employees who have experienced personal loss to family, as a witness to tragedy, or tragedy to persons closely associated with the student or employee.

END OF POLICY

Legal Reference

Kelson V. The City of Springfield, 767F.2d
651 (9th CIRC. 1985)

Adopted 8/9/93

CRISIS PREVENTION AND RESPONSE

The Board recognizes that schools are subject to a number of potentially violent events. No school is immune from these events no matter the size or location.

The Board is committed to the prevention of violence against people or property in the schools or at school activities, whether by students, staff or others. While committed to each person's constitutional rights, including due process rights, the Board does not condone lawlessness. The Board knows that schools cannot be sanctuaries but protecting students in an increasingly violent world is a challenge that must be accepted.

The Superintendent shall establish an advisory committee to develop a Crisis Prevention and Response Plan. The committee will review district anti-violence related programs and activities, assess the district's security and safety needs, review Board policies, administrative regulations, response plans and procedures.

The superintendent will develop an administrative regulation that ensures the effective development and implementation of the district's plan.

END OF POLICY

Legal References:

ORS 332.107

OAR 581-022-1420

Adopted: 10/26/98

CRISIS PREVENTION AND RESPONSE

Purpose

The Board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities, and on district grounds, buses or field trips while under school supervision.

I. General Anti-Violence Strategies

- A. The district shall strictly enforce its weapons policy.
- B. The district shall act promptly in investigating all acts of both a formal and informal nature in the area of complaints related to violence, hazing, harassment, intimidation or other menacing acts, and take appropriate disciplinary action against any student, staff member or individual who is found to have violated Board policy, administrative regulation or school rule.
- C. The administration will periodically review violence-related policies and submit revisions as necessary to the Board for review and adoption.
- D. The administration will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in its schools and to aid in the protection of students and staff whose health or welfare may be jeopardized through acts of violence.

II. Specific Anti-Violence Measures

- A. The Superintendent shall establish an advisory committee whose function shall be to review district safety and security procedures and the recommendation of a comprehensive district Crisis Prevention and Response Plan.
 - 1. To effectively review, analyze and make recommendations to the administration about safety, security and crisis prevention and response, the advisory committee shall:
 - a. Review the district's emergency communication network and periodic system testing schedule;
 - b. Identify staff development and training in emergency procedures, crisis intervention and violence response;
 - c. Identify parent and community volunteer training program strategies targeted at violence prevention;

(continued)

- d. Review and analyze the annual building safety and security assessments conducted by the administration;
- e. Identify available anti-violence curriculum such as pro-social skills, conflict resolution, law-related education and good decision making;
- f. Review related policies and administrative regulations including, but not limited to:
 - (1) Staff-student relations;
 - (2) Community relations;
 - (3) News media relations;
 - (4) Public conduct on district property;
 - (5) Security;
 - (6) Relations with government agencies;
 - (7) Classroom interruptions;
 - (8) Weapons;
 - (9) Sexual harassment;
 - (10) Parent relations;
 - (11) Student dress and grooming;
 - (12) Secret societies/gangs;
 - (13) Hazing, harassment, intimidation and menacing;
 - (14) Substance abuse;
 - (15) Search and seizure;
 - (16) Student demonstrations;
 - (17) Emergency closures and drills;
 - (18) Building inspections;
 - (19) Vandalism;
 - (20) The use of video cameras on campus.

- B. Building administrators will conduct a site specific assessment of safety and security and will submit a report to the advisory committee complete with findings and recommendations on anti-violence measures including an analysis of, but not limited to, the following:

- 1. Student conduct and discipline;
- 2. The maintenance of public order on district property;
- 3. The banning of weapons on district property and within school zones;
- 4. Search and seizure;
- 5. Building security and accessibility;
- 6. Coordination with law enforcement agencies and media;
- 7. The implementation of a crisis management team;
- 8. Staff and student training.

(continued)

CODE: JHHA-AR

- C. Students will be trained through approved curriculum to take responsibility for reporting suspicious individual or unusual activities on school grounds, and to practice personal conflict resolution techniques.**
- D. The district shall establish a crisis management team for responding to unforeseen incidents such as bomb threats, shootings or natural disasters.**

Adopted: 10/26/98

STUDENT GIFTS AND SOLICITATIONS

The solicitation of charitable contributions from students will be restricted to drives approved by the Board. Any charitable organization desiring to distribute flyers or other materials to students in connection with fund drives may do so with the approval of the Superintendent.

The Board also expects the solicitation of money for gifts for activity sponsors, teachers, or other individuals to be under school control.

END OF POLICY

Student Fees, Fines and Charges

The Board recognizes the need for student fees to fund certain school activities which are not sufficiently funded by the district.

No student will be denied an education because of his/her inability to pay supplementary fees.

No student, however, is exempt from charges for lost or damaged books, locks, materials, supplies and equipment.

All student fees and charges, both optional and required, will be listed and described annually in the student/parent handbook, or in some other written form, and distributed to each student. Students will be advised of the due dates for such fees and charges as well as of possible penalties for failure to pay them.

In accordance with the law and with Board policy, restrictions and/or penalties may be imposed until such fees, fines or charges are paid.

The district may waive all or a portion of the debt if one of the following conditions are met:

1. The district determines that the student or the parent or guardian of the student is unable to pay the debt;
2. The payment of the debt could impact the health or safety of the student;
3. The cost to notify the student and his/her parents would cost more than the potential total debt collected relating to the notice; or
4. There are mitigating circumstances as determined by the superintendent of the district that preclude the collection of the debt.

Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Prior to collection of debts, the superintendent will ensure that notice has been provided as required by ORS 339.260 and 339.270.

END OF POLICY

Legal Reference(s):

ORS 326.565
ORS 326.575
ORS 339.115
ORS 339.155
ORS 339.260
ORS 339.270

Education/Records/Records of Students with Disabilities

Education records are those records maintained by the district that are directly related to a student.

The district shall maintain confidential education records of students in a manner that conform with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an education agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

The district shall withhold the grade reports, diploma and records of students or former students who owe fees, fines or damages of \$50 or more, and may withhold the grade reports, diploma and records of students or former students who owe less than \$50, until those fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of withholding stating the district's intent to withhold records until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The notice will also state that the district may pursue the matter through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parent cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have a right to:

1. Inspect and review the student's records;
2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;

3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent.
4. File with the U. S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and,
5. Obtain a copy of the district's education records policy.

Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interest.

The district annually notifies parent and adult students of what it considers to be directory information and the disclosure of such.

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years or older or emancipated and the general public.

END OF POLICY

Legal Reference(s):

ORS 30.864	OAR 166-405-001 – 415-0010
ORS 107.154	OAR 581-021-0220 – 021-0430
ORS 326.565	OAR 581-022-1660
ORS 326.575	OAR 581-022-1670
ORS 339.260	
ORS 339.270	
ORS 343.177(3)	

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 – 1427 (2006).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2006); 34 CFR Part 99 (2006).

Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.501 (2006).

Education Records Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his/her status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;
- e. Date of entry in school;
- f. Name of school previously attended;

- g. Courses of study and marks received;
- h. Data documenting a student's progress toward the Certificate of Initial Mastery (CIM) and Certificate of Advanced Mastery (CAM), including, where appropriate, dates of achievement of CIM and CAM;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 CFR Section 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0250 (1)(m) and (p) within 10 days of receiving the request. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

3. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record;
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall comply with a request for access to a student's education record within a reasonable period of time, but in no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220 (6)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record. The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501 (4).

The district may deny a request for a copy or copies of the education record when the district believes that a legitimate cause exists for such a denial, including, but not limited to, a request to copy the education record that would require the education record to be copied off district property or copied by an individual other than district personnel.

Fees for copies of education records may be charged. Any such fees will be established by the superintendent to reasonably reimburse the district for actual costs of making copies of the education records.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

All student education records will be maintained at the school building at which the student is in attendance. The principal or his/her designee shall be the person responsible for maintaining and releasing the education records.

4. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a licensed staff member having the student in class, the student's counselor or other licensed or nonlicensed staff due to special referral or participating in staffings, programming or case review of a specifically named student.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;
- c. The disclosure is to authorized representatives of:

- (1) The Comptroller General of the United States;
- (2) The Secretary of the United States Department of Education;
- (3) State and local educational authorities; or
- (4) The Oregon Secretary of State's Audit Division.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section "financial aid" means any payment of funds provided to an individual that is conditioned on the individual's attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
 - (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The district may disclose information under this section only if:

- (1) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (2) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The disclosure is to accrediting organizations to carry out their accrediting functions;
- g. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student’s parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
- h. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- i. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

As used in this section a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law.

- j. The disclosure is information the district has designated as “directory information”;
- k. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- l. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- m. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

5. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:

- a. The parent(s) or eligible student;
- b. The school official or his/her assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

6. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, he/she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

7. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the district; and
- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

8. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, detention facility or youth care center in which the student was formerly enrolled and shall request the student's education records.

9. Duties and Responsibilities When Transferring Education Records

The district shall, subject to ORS 339.260, transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the school district will use your SSN for record-keeping, research, and reporting purposes only. The school district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes school districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps school districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The school district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

Education Records/Records of Students with Disabilities

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student's records;

2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the district's education records policy.

Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years or older or emancipated and the general public.

END OF POLICY

Legal Reference(s):

ORS 30.864	ORS 339.260	OAR 166-400-0010 to 166-450-0010
ORS 107.154	ORS 339.270	OAR 581-021-0220 to -0430
ORS 326.565	ORS 343.177(3)	OAR 581-022-1660
ORS 326.575		OAR 581-022-1670

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

Directory Information

Directory information means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released. The following categories are designated as directory information. The following directory information may be released to the public through appropriate procedures:

1. Student's name;
2. Student's address;
3. Student's telephone listing;
4. Student's electronic address;
5. Student's photograph;
6. Date and place of birth;
7. Major field of study;
8. Participation in officially recognized sports and activities;
9. Weight and height of athletic team members;
10. Dates of attendance;
11. Degrees or awards received;
12. Most recent previous school or program attended.

Public Notice

The district will give annual public notice to parents of students in attendance and students 18 years of age or emancipated. The notice shall identify the types of information considered to be directory information, the district's option to release such information and the requirement that the district must, by law, release secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or eligible students request the district withhold this information. Such notice will be given prior to release of directory information.

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent, student 18 years of age or emancipated student within 15 days of annual public notice.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

At no point will a student's Social Security Number or student identification number be considered directory information.

END OF POLICY

Legal Reference(s):

ORS 30.864	ORS 336.187	OAR 581-022-1660
ORS 107.154	ORS 339.260	
ORS 326.565		
ORS 326.575	OAR 581-021-0220 to -0430	

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2008).

No Child Left Behind Act of 2001, 20 U.S.C. § 7908 (2006).

Personally Identifiable Information

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parent(s) or other family member;
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number or student ID number;
5. A list of personal characteristics that would make the student's identity easily traceable;
6. Other information that would make the student's identity easily traceable.

Prior Consent to Release

Personally identifiable information will not be released without prior signed and dated consent of the parent, student 18 years or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or eligible student, the district will provide a copy of the disclosed record.

Exceptions to Prior Consent

The district may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the district who have legitimate educational interests;
2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
4. To personnel connected with an audit or evaluation of federal or state education programs or the enforcement of or compliance with federal or state legal requirements of the district;

5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the district;
7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;
10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 years of age or older or emancipated;
12. Because information has been identified as “directory information;”
13. To the courts when legal action is initiated;
14. To a court and state and local juvenile justice agencies.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 336.187](#)
[ORS 339.260](#)

[OAR 581-022-1660](#)

[OAR 581-021-0220 to -0430](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006).

LATERAL TRANSFER

A lateral transfer is defined as a move from one teacher to another within the same grade level after the commencement of the school year.

It is recognized that some students may learn more efficiently, behave more appropriately and develop higher self-esteem under the tutelage of one teacher than perhaps he/she would with another. It is also recognized that personalities of both have a major impact on the academic attainment of the student.

There are times when conflicts may develop between the student and teacher. When this occurs, resolution of this conflict is essential if the student is to attain his/her full potential in the academic arena. It becomes essential that all parties respect the necessity for conflict resolution and cooperatively work toward the common goal of achieving a partnership in the best interest of the child.

In an attempt to avoid the necessity for a lateral transfer, it is required that the following procedures be utilized. The satisfactory disposition of conflict at an early stage is encouraged. The chances of resolution are more readily attainable if potential solutions are initiated early. Parents and guardians are urged to seek amicable conflict resolution as soon as a potential problem is perceived. It is imperative to understand that the steps as outlined below are a prerequisite before a lateral transfer may be considered.

When a parent or guardian perceives a potential problem between teacher and student there must be an attempt made to resolve the problem. Each step below necessitates that the parent or guardian initiate a conference by calling the school to set up an acceptable date and time. The staff members will be available at the convenience of the parent unless the requested date and time is in conflict with required duties or prior commitments. Every effort will be made to accommodate the request as soon as possible. Conference documentation forms will be made available in the office.

1. Schedule an initial meeting between the parent and teacher to address areas of concern.
2. Schedule a second meeting between parent and teacher. Either party may request that the school administrator and other specialists be present.
3. Schedule a third meeting to include parent, both grade level teachers, the guidance counselor and other specialists.

LATERAL TRANSFER (cont'd)

In the event that the above has not been successful in resolving the conflict, a request for lateral transfer may be made by the parent or guardian.

The procedural steps for a lateral transfer are as follows:

1. Complete the Lateral Transfer Request Form provided by the district. The form may be secured from the office.
2. Submit the form to the guidance counselor.
3. The guidance counselor may endorse, deny or make specific recommendations to the administration regarding the request for a lateral transfer. The response must be in writing. This response will be submitted within five working days from the date received by the guidance counselor.
4. The administration will make a final decision within five working days from the date received. A written decision, with explanations regarding acceptance or denial, shall be recorded with a copy sent to the parent within five working days.
5. In the event a request has been denied, the parent may request a meeting with all parties involved (ie; parents, teachers, guidance counselor, principal and superintendent)
6. Parents shall have the right to request (following existing policy and procedures) that this issue be brought before the School Board in executive session.

End of Policy

CODE: JOCA

LEGAL NAMES OF STUDENTS

The District will consider requests to use names other than the student's legal name. However, such requests, if honored, will be cross referenced on all student records and on other District records with the student's legal name.

Legal names will be changed by the District only upon receipt of a copy of a court order.

END OF POLICY

Legal Reference:

OAR 581-22-602

Adopted 8/9/93

LOWELL SCHOOL DISTRICT NO. 71
LATERAL TRANSFER REQUEST FORM

1. STUDENT NAME _____
2. PARENT OR GUARDIAN _____
3. PHONE _____
4. TEACHER _____
5. DID YOU REQUEST THIS TEACHER? ____ YES ____ NO
6. HAVE YOU FOLLOWED THE REQUIRED PREREQUISITE CONFLICT
RESOLUTION PROCEDURES AS OUTLINED IN THE STUDENT/PARENT
HANDBOOK AND DISTRICT POLICY? ____ YES ____ NO
7. LIST DATES YOU MET WITH STAFF TO DISCUSS YOUR CONCERN.

FIRST MEETING _____
SECOND MEETING _____
THIRD MEETING _____
OTHER _____
8. STATE WHY, IN YOUR OPINION, THERE WAS NO SATISFACTORY
RESOLUTION TO YOUR CONCERN.

9. DO YOU BELIEVE THIS CONCERN IS BASICALLY A PERSONALITY
CONFLICT BETWEEN YOUR STUDENT AND THE TEACHER? ____ YES
____ NO
10. PLEASE ATTACH ANY DOCUMENTATION YOU MAY HAVE WHICH SUPPORTS
YOUR PERCEIVED NEED FOR A LATERAL TRANSFER. (ie; conference
documentation forms, written agreements between parents and
teacher, etc.)
11. ADDITIONAL COMMENTS

12. SUBMIT THIS REQUEST TO DISTRICT GUIDANCE COUNSELOR.

office use only

DATE REQUEST RECEIVED BY GUIDANCE COUNSELOR _____
DATE WRITTEN RECOMMENDATION RECEIVED BY ADMINISTRATOR _____
DATE PARENT NOTIFICATION MAILED _____
DATE PARENT REQUEST MADE TO APPEAL TO BOARD _____
DATE OF BOARD MEETING _____
DISPOSITION BY BOARD _____

SAFE SCHOOL ENVIRONMENT

It is the intent of Lowell School District to provide a safe environment for students, staff and school visitors which is free from potential intimidation, physical harm, mental anguish, violent acts and criminal activities. With this premise in mind, the following policies are considered as essential.

DANGEROUS WEAPONS AND FIREARMS

- (1) No person, with the exception of law enforcement officers or those authorized by the District Superintendent, shall have a loaded or unloaded firearm, dangerous weapon, or a replica of a dangerous weapon in his or her possession nor transfer possession of such a weapon to another person on school district property or at school sponsored events that occur off of school property;
- (2) A dangerous weapon is defined as "any weapon, device, instrument, material or substance, animate or inanimate, which under the circumstances in which it is used or threatened to be used is readily capable of causing death or serious injury;"
- (3) Weapons include but are not limited to firearms, knives, metal knuckles, straight razors, explosives, noxious and irritating or poisonous gases, poisons, drugs, or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents, or patrons;
- (4) Any student who has in his or her possession a loaded or unloaded firearm or transfers possession of same to another person is in violation of these policies and will be subject to discipline and will automatically receive an expulsion hearing;
- (5) Any student who has any other dangerous weapon, or a replica of a dangerous weapon in his or her possession will be subject to discipline, including but not limited to suspension and expulsion;
- (6) Any non-student who is found to have in his or her possession a firearm or other dangerous weapon or transfers possession to another on school property or at school sponsored events that occur off of the school campus will be considered to be unlawfully present on the premises and will be subject to prosecution for criminal trespass in the second degree, as provided in ORS 164.245; and

SAFE SCHOOL ENVIRONMENT (CONT'D)

- (7) The appropriate law enforcement agency will be promptly informed of the identity of any person who violates this policy and will be asked to take appropriate legal action.

INTRUDERS AND VISITORS

- (1) Visitors are permitted on school grounds so long as their presence is not for the purpose of disrupting school nor threatening nor intimidating others in school and as long as school officials know of and consent to the visit in advance;
- (2) During a regular school day all visitors are required to first report to the school office to arrange for their visit; and
- (3) Visitors who are in violation of this policy will be considered in violation of the law and subject to prosecution for criminal trespass in the second degree, as provided by ORS 164.245.

VANDALISM AND DESTRUCTION OF SCHOOL PROPERTY

- (1) The District will attempt to recover the actual cost of repair or replacement of school property vandalized or intentionally or recklessly destroyed by any person from that person or the persons's parents, if a student, or, if these attempts are not successful, through legal action;
- (2) Any student found to be guilty of vandalism or intentional or reckless destruction of school property will be subject to discipline up to and including suspension and expulsion;
- (3) The appropriate law enforcement agency will be informed of the identity of any person who violates these policies and will be asked to take appropriate legal action.

GANG ACTIVITIES

- (1) The presence of members of gangs and gang activities on school property or at school sponsored activities that occur off of the campus is likely to cause a substantial disruption or material interference with school and school activities;

SAFE SCHOOL ENVIRONMENT (CONT'D)

- (2) A "gang" is defined as any group of two or more whose purposes include the commission of illegal acts;
- (3) The following activities are prohibited in schools or at school activities: the wearing or displaying of clothing or other objects that are commonly considered evidence of membership in or affiliation with any gang, commission of acts or speech that indicates membership in or affiliation with a gang, or solicitation of others for membership in a gang;
- (4) Any student found to be guilty of violating this policy will be subject to discipline up to and including suspension and expulsion.

COERCION AND ASSAULT OR THREATS

- (1) No student shall assault or threaten to harm another person or use coercion by threats or force to obtain money or other property, or force any person to do any act against the will of that person;
- (2) Assault means intentionally, knowing, or recklessly causing injury to another;
- (3) Any student found to be guilty of violating this policy will be subject to discipline up to and including suspension and expulsion; and
- (4) The appropriate law enforcement agency will be informed of the identity of any person who violates this policy and will be asked to take appropriate legal action.

THEFT

- (1) No student shall steal or attempt to steal school property or private property on school property or during school activities, functions, or event that occurs off of school property;
- (2) Steal means that, with intent to deprive another of property, a person takes or withholds such property from another or extorts or takes property by deception;
- (3) Any student found to be guilty of violating this policy will be subject to discipline up to and including suspension and expulsion; and
- (4) The appropriate law enforcement agency will be informed of the identity of any person who violates this policy and will be asked to take appropriate legal action.

End of Policy

School – Community Relations, Goals and Objectives

The Board's goals for achieving positive school-community relations are:

1. To develop public understanding of all aspects of school operations, to ascertain public attitudes toward issues in education, and to identify the public's educational expectations for their children.
2. To secure adequate financial support for the educational program.
3. To help citizens feel responsibility for the quality of education provided by their schools.
4. To earn the public's confidence with regard to school staff and services.
5. To foster public understanding of the need for constructive change and solicit public advice on achieving our educational goals.
6. To involve citizens in solving educational problems.
7. To promote cooperation between the school and the community and share the leadership for improving community life.

Achieving these objectives requires that the Board and staff, individually and collectively:

1. Express positive attitudes toward the schools in their daily contacts with parents, people of the community, and one another;
2. Make systematic, honest, and continuing efforts to discover what the public thinks and what citizens want to know, interpret school programs, problems, and accomplishments;
3. Develop an active partnership with the community in working toward improvement of the educational program; and
4. Take an active interest in the needs of the total community to find ways to make the community a better place in which to live.

END OF POLICY

Parental Rights

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining district and student needs for educational services, in program development and district operations. To assist the district in this effort, and in accordance with the No Child Left Behind Act of 2001 (NCLBA), the district affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the district to a student, including any district survey containing "covered survey items"¹ as defined by NCLBA;
2. Any instructional material used by the district as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of district students will also, upon request, be permitted to excuse their student from "covered activities"² as defined by NCLBA. The rights provided to parents under this policy,

¹ Covered survey items under NCLBA include one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

² Covered activities requiring notification under NCLBA include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

transfer to the student when the student turns 18 years old, or is an emancipated minor under applicable state law.

The superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in district schools. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

The superintendent shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and district procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

Legal Reference(s):

ORS 332.107

Parental Rights

The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

Definitions

1. “Survey,” as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act;
2. “Covered survey items” means one or more of the following items: political affiliations or beliefs of the student or the student’s family; mental and psychological problems of the student or the student’s family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student’s parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
3. “Covered activities” requiring notification under NCLBA means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control;
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;

6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;
7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

Requests to Inspect Materials

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a school to a student as follows:

1. Requests may be directed to the school office by phone or in person;
2. Requests must be received by the district no later than [five] working days following receipt of notification by the district of its intent to administer or distribute such items;
3. Materials may be reviewed at the school office or mailed by the district;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

Requests to Excuse Student from Covered Activities

A parent may request that his/her student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any district or third party survey;
3. The administration of non-emergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the principal in writing;
2. Received by the district no later than five working days following receipt of notification by the district of its intent to administer or distribute such items.

Student Privacy

The district recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.

Notification

Each principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the school year or at other times during the school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the school year when covered activities are scheduled or expected to be scheduled.

Code: KB
Adopted: 8/75
Revised: 12/10/90
Revised: 10/29/01
Original code KBA

Public Engagement and Communications Program

The Board believes that public education can be improved, resulting in increased instructional benefits for students, by establishment of a policy on public engagement and communications in addressing select issues. This belief includes the following principles:

1. The public engagement and communications program should be a planned, systematic, two-way process of communication between the district and its internal/external publics:
2. The public engagement and communications program should be many- faceted and should include a variety of media to efficiently and effectively inform all citizens of the district;
3. Public engagement and communications, to be effective, must include a planned program with involvement and feedback;
4. Communications must be internal as well as external and must stress the dissemination of factual, objective and realistic data about the district;
5. Public engagement and communications must be dynamic and sensitive to change as determined by events and evaluation of the program.

END OF POLICY

Legal Reference(s):

ORS 332.107

Public Records

“Public record” means any information that:

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

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

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

The Board’s official minutes, its written policies and its financial records will be available at the superintendent’s office for inspection by any citizen desiring to examine them during hours when the superintendent’s office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all means available to keep parents and others of his/her particular school’s community informed about the school’s program and activities.

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

If a copy of a record is requested, the district will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district’s attorney.

Employee and volunteer addresses, electronic addresses, social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. Additionally, the district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay. The response must acknowledge the receipt of the request and one of the following:

1. A statement that the district does not possess, or is not the custodian of, the public record;
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505;
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records;
4. A statement that the district is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the district within a reasonable time;
5. A statement that the district is uncertain whether the district possesses the public record and that the district will search for the record and make an appropriate response as soon as practicable;
6. A statement that state or federal law prohibits the district from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the district.

The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Requests for copies of documents shall be in writing and will be presented to the superintendent's office.

The district shall retain and maintain its public records in accordance with OAR 166, Division 400.

END OF POLICY

Legal Reference(s):

ORS Chapter 192

OAR 137-004-0800(1)

OAR 166-400

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
OR. DEPT OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC RECORD AND MEETINGS MANUAL.

Community Use of School Facilities

It is the policy of the District that school facilities shall be made available under capable and adult supervision, for community activities of an educational, recreational or civic nature. The District reserves the right to grant permission for building use and to deny any and all building use permits at its sole discretion.

Application must be filed on the regular "Facility Use Application" form which may be obtained from the building principal or District office.

Meetings and activities for school purposes shall have precedence over all meeting and activities in the use of classrooms, gymnasiums, school kitchens, athletic fields, and school grounds.

The serving or use of alcoholic beverages within the boundaries of school property is prohibited. Any patron becoming obnoxious or using profane language, or engaging in conduct which is not conducive to an educational atmosphere will be asked to leave. If said person should refuse to comply with such request, any school personnel, including the custodian, people in charge of meetings, or any responsible person, may have the person removed. School authorities may request the presence of police or fire personnel at any meeting.

School facilities may be used by patrons only under the direct management of persons qualified to use and care for any equipment or apparatus contained therein; competent help to handle same shall be provided by those to whom the accommodation is granted. Damage to school facilities or District-owned equipment is the responsibility of the person to whom the accommodation is granted. Failure to clean the facilities after use may result in denial of future requests for use of District-owned facilities or equipment.

Groups using facilities will be classified as listed below with priority for use in the order listed:

Class I – School District Activities

- A. School sponsored activities for students.
- B. School sponsored activities for parents.
- C. School related groups and organizations sponsored by the school.

Class II – Programs Provided to Patrons of District

- A. Adult education classes sponsored by District No. 71.
- B. Parent and/or community organization sponsoring programs for youth of District No. 71 (scouts, summer activities, sports camps, etc.). If the program or organization requires district personnel to open or secure the facility, the program or organization will be charged according to Class III rates.
- C. Community organizations of a civic or service nature.

Class III – Civic and Service Use

- A. Church sponsored activities.
- B. County, city, state and federal agencies.
- C. Local boards, commissions, etc.
- D. Adult or youth education programs sponsored by educational institutions (University of Oregon, Lane Community College, etc.)
- E. Adult groups residing in District No. 71 if no fees are charged to participants.

* Fees for a Class III organization's money raising ventures for the organization's own treasury or for private commercial gain will be charged at Class IV or Class V rates.

Class IV – Miscellaneous (Non-profit Organizations, Out-of-District Groups, Profit-making Education Classes, etc.)

- A. Local non-profit organizations collecting admissions fees or donations.
- B. Out-of-District groups if no fees are charged.
- C. Profit-making organizations if no fees or donations collected.
- D. Adult or youth education classes sponsored by profit making individuals or organizations. (Dance, exercise classes, lectures, real estate classes, etc.)

Class V – Private Interest Groups

- A. Profit-making organizations charging admission fees. (See exceptions for adult and youth education classes, Item D, Class IV.)
 - A deposit of \$50.00 will be required prior to using facilities.

GENERAL RULES

- 1. No one group will be allowed to use the same facility more than three times during a week for the same activity. If the facility is not being used, an exception to this statement could be made by the building principal. If a group is granted use of a facility for more than the stated three days a week, the additional days may be curtailed if another group applies for use of the facility.
- 2. No group will be granted the use of any facility without the presence of a supervisor approved by the building principal. The building principal shall maintain a record of the name and phone number of the supervisor.
- 3. Facilities shall not be used for Class II, III, IV, or V activities unless a Facility Use Request Form has been completed and permission granted by the appropriate building principal.
- 4. The use of alcoholic beverages and illicit drugs on the school premises is illegal.

Use in any form shall be prohibited on the school premises. Smoking will not be permitted except in areas designated by the building principal.

- 5. Equipment and furniture, including pianos, shall be used and moved only with approval of the building principal or his designee and shall not be removed from the premises.

6. Items of equipment such as audiovisual equipment, athletic equipment, chairs, bleachers, etc., will not be loaned nor rented for use off the school premises.
7. Buildings shall be closed at the time the custodians go off duty. The buildings may be used after the normal closing time only if an approved supervisor is present. This supervisor must be a District employee.
8. All school employees who supervise school facilities will be paid by the School District. The School District will be reimbursed by the user.
9. Any organization sponsoring the use of the buildings or grounds shall assume liability for any accidents that may occur upon the grounds or in the building during the times such facilities are in the use under its supervision.
10. The maximum number of people permitted in any school facility shall be restricted to its occupancy as indicated by the Fire Marshal.
11. The District reserves the right to require policy supervision at any event the administration deems necessary and to charge the user for that supervision.
12. All users of District No. 71 facilities must comply with all federal, state and municipal equal opportunity laws and regulations prohibiting discrimination.
13. The building administrator, or designated supervisor, has the right to stop any activity at any time if in his/her judgment there are violations of the rules or if the activity is deemed to be hazardous to personnel, buildings, equipment, etc.
14. School gymnasiums may be used for purposes and activities appropriate to the facilities. Gym shoes are required of participants in all active sports and games. Gym shoes are defined as shoes specifically designed for indoor sports and are not, nor have been, used as general footwear out of doors.
15. The user of outside facilities will be expected to provide for clean up of the grounds. Organizations not providing the necessary clean up will be charged for custodial wages plus payroll costs.

LOWELL SCHOOL DISTRICT NO. 71
USE OF FACILITIES
FEE SCHEDULE 2010/11

Class	I	II	III	IV	V
Classroom	No charge	No charge	\$50.00 Custodial fees Open/Close fee	\$100.00 Custodial fees Open/Close fee Utilities *Set up fee	\$100.00 Custodial fees Open/Close fee Utilities *Set up fee
Library	No charge	No charge	\$50.00 Custodial fees Open/Close fee	\$100.00 Custodial fees Open/Close fee Utilities *Set up fee	\$100.00 Custodial fees Open/Close fee Utilities *Set up fee
Gymnasium	No charge	No charge	\$50.00 Custodial fees Open/Close fee	\$150.00 Custodial fees Open/Close fee Utilities *Set up fee	\$150.00 Custodial fees Open/Close fee Utilities *Set up fee
Playing Field	No charge	No charge	\$50.00 Custodial fees Open/Close fee	\$150.00 Custodial fees Open/Close fee Utilities *Set up fee	\$150.00 Custodial fees Open/Close fee Utilities *Set up fee

All fees will be determined annually by the Board, according to current costs.

*If necessary and may include chairs, tables, sound system and other requested equipment.

END OF POLICY

Public Conduct on District Property

No person on district property will:

1. Injure or threaten to injure another;
2. Damage the property of another or of the district;
3. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place in or upon a school;
4. Violate parking regulations;
5. Drive a vehicle in an unsafe manner;
6. Impede, delay or otherwise interfere with the orderly conduct of the district's educational program or any other activity taking place on district property which has been authorized by the Board, superintendent, principal or other authorized administrator;
7. Enter any portion of district premises at any time for purposes other than those which are lawful and authorized by district officials;
8. Bring, possess, or use a weapon as prohibited by Board policy and state and federal law;
9. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
10. Willfully violate Board policies, administrative regulations or school rules designed to maintain public order on district property.

Persons having no legitimate purpose or business on district property or violating or threatening to violate the above rules may be [issued a trespass citation] [ejected from the premises] and/or referred to law enforcement officials.

END OF POLICY

Legal Reference(s):

ORS 161.015

ORS 166.025

ORS 336.109

ORS 164.245

ORS 166.155 - 166.165

ORS 806.060 - 806.080

ORS 164.25

ORS 166.210 - 166.370

OAR 584-020-0040 (4)(e),(g)

Gun-Free Schools Act of 1994, 20 U.S.C. Section 8921.

Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084.

Gun-Free School Zones Act of 1990, 18 U.S.C. Sections 921(a) (25), (26) and 922(q); as amended by P.L. 104-208, Section 101(f) (1996) and P.L. 103-322, Section 320904 (1994).

Public Gifts to the Schools

All gifts to the schools will become the property of the District.

The superintendent is authorized to accept gifts to the District, and others whom he/she may designate will be authorized to accept gifts for particular schools on behalf of the Board. The donor will be officially thanked in the Board's name and all major gifts will be reported to the Board and publicly announced (unless the donor requests anonymity).

In instances where the superintendent or designee doubts the appropriateness or usefulness of an offered gift, the gift may be declined or the matter may be referred to the Board.

The Board welcomes gifts of books and other materials to school libraries and classrooms provided that they meet the same standards of selection as those applied to the purchase of library and classroom materials.

END OF POLICY

Legal Reference(s):

ORS 294.326
ORS 332.075
ORS 332.107
ORS 332.385

Commercial Advertising/Merchandise Sales

The Board recognizes that district-sponsored commercial advertising and merchandise sales may provide an important source of revenue for its programs and activities. Such sales may be permitted as approved by the superintendent or designee and as provided by this policy.

“Commercial advertising” as used in this policy means use by any person, company, business or corporation, for personal or private gain, of any district media, including but not limited to, school newspaper, yearbook or other printed material, flyer or circular; [radio, television,] video or any other electronic technology; or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services;
2. Cause or induce any other person to purchase any goods or services;
3. Increase demand for any goods or services.

Commercial advertising and merchandise sales approved by the district must be consistent with district mission, goals, Board policies and administrative regulations; promote positive values for district students through proactive educational messages that encourage student achievement and high standards of personal conduct.

The superintendent may consider for approval revenue-enhancing activities that include, but are not limited to, contracts or agreements for:

1. Exclusive advertising and/or rental, sale, lease or use of any product or service throughout the district or at specified locations or times to a person, business or corporation in exchange for goods or services (e.g., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.);
2. Products or services that require the dissemination of advertising to staff, students, parents or others or allow any person, business or corporation to obtain information from staff, students, parents or others for the purposes of market research;
3. The use of district facilities or grounds in exchange for products, services or financial considerations (cell phone towers, etc.);
4. Technology hardware, software, satellite hook-up and/or access in exchange for free or reduced prices and/or fees and/or advertising rights, or agreement to use equipment a certain number of hours of the day, month, etc.;

5. Naming rights to district property in exchange for goods, services or monetary considerations.

The solicitation and sale of travel services to students may be permitted with approval of the superintendent on school property, at activities under the jurisdiction of the district and at interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).

This includes sale of services to students by any person or group that sells, provides, furnishes, contracts for, arranges or advertises travel services.

Contracts shall include a provision allowing the district to terminate the contract if it is determined by the district to have an adverse impact on district programs, services or activities. Revenue derived shall be used for programs, services and/or activities determined by the district.

All contracts considered for approval are subject to the competitive procurement requirements of Board policies DJ - District Purchasing, DJC - Bidding Requirements and the local contract review board's public contracting rules. Competitive procurement as used in this policy includes monetary as well as in-kind contributions (i.e., scoreboards, computers, other equipment or materials).

END OF POLICY

Legal Reference(s):

ORS 279.015 (2)(a)
ORS 332.107
ORS 332.593
ORS 339.880
ORS 646.185

32 Op Atty Gen 209 (1965).
46 Op Atty Gen 239 (1989).

Commercial Advertising/Merchandise Sales

Commercial advertising in district schools may be permitted by the superintendent or designee subject to the following. Schools, with prior approval, may:

1. Publish advertising in any school newspaper, other school periodical, school or district publication, web page or yearbook;
2. Distribute advertising or market research as part of a district-approved curriculum on advertising, marketing or media literacy, etc.;
3. Post signs of school, district or public appreciation for financial or other support from any person, business or corporation for the educational program in any school in the district;
4. Use free educational materials with incidental advertisements;
5. Permit demonstrations of educational materials and equipment;
6. Cooperate with nonprofit community organizations in making or posting announcements or distributing program materials that supplement the school program provided that such cooperation does not interfere with the school program and is consistent with the mission, goals and policies of the district;
7. Utilize films or other educational materials and instructional aids, including newspapers and magazines in either print or electronic form furnished by private sources, when the advertising content is reasonable in the judgment of the superintendent or designee;
8. Permit participation, on a student-option basis, in essay, art, science and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program;
9. Release promotional material for non-school athletic and cultural events through appropriate school departments;
10. Accept limited advertising on extracurricular activity schedules and programs.

Other exceptions may be approved when, in the judgment of the superintendent or designee, students of the district will benefit.

When schools are permitted to participate in commercial ventures as provided by Board policy and this administrative regulation, the following restrictions will apply:

1. There may be no obligation on the part of students or staff to sell products, make purchases or distribute information;
2. No student will be allowed to go door-to-door in soliciting funds or selling products;
3. The use of any advertising for alcohol or tobacco products in district publications or for any other purpose inconsistent with Board policies and administrative regulations is prohibited;
4. If a commission, rebate or other consideration results from the sale of any approved product or service, it will become the property of the district and distributed as directed by the superintendent or designee;
5. Contracts considered for approval are subject to the competitive procurement requirements of Board policies DJ - District Purchasing and DJC - Bidding Requirements and the district's public contracting rules. Competitive procurement as used in this regulation includes monetary as well as in-kind contributions.

No activity which requires staff or students to assist in promoting campaigns (financial, charitable, educational or otherwise) will be permitted without the express permission of the superintendent. It is not the function of the school to be a collection agency for civic, charitable, commercial or other entity projects.

Materials Distribution

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the school administration. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

The administration shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

Legal Reference(s):

ORS 332.107

Opinion of the Attorney General, Vol. , p.

(No. 8204, April 26, 1989)

Visitors to District Facilities

The Board believes that a better understanding of district educational programs and improved relationship between the schools and the community can be fostered through school and classroom visitations by parents and patrons. Such visitations should be encouraged, arranged and permitted within consideration of the educational and extra-curricular programs, the orderly administration of the school, school grounds, classrooms and student safety and welfare. To ensure that no unauthorized persons enter a school, all visitors will report to the school office when entering and will receive authorization to visit elsewhere in the building.

Any unauthorized or disruptive person on school property will be reported to the school administrator(s) and superintendent. The person may be asked to leave and may lose visitation privileges. Police may be called if the situation warrants.

The superintendent or superintendent's designee is directed to maintain guidelines for parents, patrons or other guests to gain or lose access to school sites(s). Students will not be permitted to bring visitors to school without prior approval of the building principal. Parents and visitors are expected to conduct themselves in a respectful and professional manner or lose the privilege to visit campus.

END OF POLICY

Legal Reference(s):

ORS 164.245
ORS 164.255
ORS 166.025
ORS 166.155 – 166.165
ORS 332.107

Visitors to District Facilities

The district is responsible for supervision and administration of district property. To ensure that the work environment and that school work is not disrupted and that visitors are properly directed to the area(s) that they are interested in, all visitors to district premises must report to the site's office upon entering district property to request authorization to visit elsewhere in the building/site.

Regular visitors who are assisting in the classroom or other school areas will comply with the Volunteers Policy (Policy IICC), including background checks and training for their assigned duties.

In consideration of visitation privileges the following guidelines must be honored:

1. In order to make a class visit the least intrusive, prior notice is required of parents or patrons. Consideration will be given to the timing of class activities, testing, and transition periods between classes. All visitors must report to the school office to arrange for their visit.
2. Since teacher and student performance is most important, during classroom instruction a visitor's interaction with students, teachers or other visitors should be done only in a non-disruptive way. Teacher and student performance must not be impeded by visitors interrupting the work environment. Except for an imminently dangerous situation, visitors will refrain from disciplining or correcting students and instead should approach the person in charge at a convenient time. Volunteers trained in their duties and authorized by the person in charge are exempt from this provision.
3. Visitors to lunchrooms and other non-classroom facilities are also required to limit their contact to non-disruptive interactions and will refrain from correcting or disciplining students and staff unless previously authorized and trained by the person in charge to do so.
4. An approved visitor may be directed to leave when a teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal activity; or if the visit becomes disruptive to the educational program or school order or impedes the work of teachers/staff as a result of interruptions or unreasonable demands. The person may be asked to leave and may lose visitation privileges.
5. Any visitor who believes that he/she has had a visit unfairly limited may request a meeting in writing with the superintendent, including what the visitor believes were the specific reasons for the limitation or denial of their visit. The superintendent shall set a meeting date within a reasonable time (2-5 work days), investigate the dispute and render a written decision. The superintendent's decision may be appealed to the Board.

Public Complaints

Complaints will be handled and resolved as close to their origin as possible.

Although no member of the community will be denied the right to petition the Board for redress of a grievance, the complaints will be referred back through the proper administrative channels for solution before investigation or action by the Board. Exceptions are complaints that concern Board actions or Board operations.

The Board advises the public that the proper channeling of complaints involving instruction, discipline or learning materials is as follows:

1. Teacher;
2. Building principal;
3. Superintendent;
4. Board.

Any complaint about district personnel will be investigated by the administration before consideration and action by the Board.

While speakers may during public meetings offer objective criticism of school operations and programs, the Board will not hear personal complaints concerning district personnel nor against any person connected with the school system. To do so could expose the Board to a charge of being party to slander and would prejudice any necessity to act as the final review of administrative recommendations regarding the matter. The Board chairman will direct the patron to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

Legal Reference(s):

ORS 192.610 – 192.690

ORS 332.107

OAR 581-022-1940

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D.Oregon 1982); aff'd in part, 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Public Complaint Procedure

It is the intent of the district to provide an orderly and effective means for public complaints to be communicated and addressed. Citizens are encouraged to communicate directly with members of individual school staffs and with district level personnel on matters pertaining to the operation of the schools as the best way to resolve complaints. General complaints, questions or concerns about the district can be directed to the superintendent or to an individual school office if the matter concerns a particular school.

To ensure prompt attention to complaints and fair treatment to involved parties, the district's complaint procedure shall be used. Every effort is expected to be made to resolve a complaint initially with the person who is directly involved in the matter resulting in the complaint. In certain circumstances, it may be necessary to contact the building administrator directly. He/She shall advise the individual of the appropriate next step to best resolve the complaint.

Initiating a Complaint: Step One

Any member of the public who wishes to express a complaint should discuss the matter with the school employee involved (teacher, counselor, assistant principal, secretary, etc.). It is the intent of the district to solve problems and address all complaints as close as possible to their origination.

The Building Administrator: Step Two

If unable to resolve a problem or concern at step one then the complainant should work with the building principal to resolve the complaint or concern.

The Superintendent: Step Three

If such a discussion at the building level does not resolve the complaint or if such discussion is not practical under the circumstances, the complainant, if he or she wishes to pursue the action, shall file a **signed, written complaint** with the superintendent **clearly stating the nature of the complaint and a suggested remedy**. (A form is available, but not required.)

The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written response of his/her findings and his/her conclusion. The superintendent's written response will be provided to the complainant, generally within seven working days, or as early as practicable.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's findings and conclusion, the complainant may appeal the decision to the Board who shall review the findings and conclusion of the superintendent, to hear the complainant and consider such other information as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend such

meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statute and the employee has not requested the matter be discussed in open session.

Complaint Form

Date: _____

Name of person against who the complaint is made: _____

Name of person or persons registering complaint: _____

Please state explicitly the nature and extent of the complaint, including the name of the employee against who the complaint is made:

State the steps taken by you so far in regard to this complaint:

How would you like to see this complaint resolved (what is your suggested remedy)?:

Signed: _____

(Complainant)

Signed: _____

(Administrator)

(This form to be filed in the superintendent's office within five days of the signing of this form.)

COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

The Board although it is ultimately responsible for all book purchases, recognizes the right of students to free access to many different types of books. The Board also recognizes the right of teachers and administrators to select books and other materials in accord with the current trends in education and to make them available in schools.

Therefore, books and other reading matter will be chosen for value of interest and enlightenment of all students in the community. A book will not be excluded because of the race, nationality, political, or religious values of the writer of this style and language. Every effort will be made to provide materials that present all points of view concerning the international, national, and local problems and issues of our times. Books and other reading matter of sound factual authority will not be prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.

Censorship of books will be challenged in order to maintain the school's responsibility to provide information and enlightenment. Accordingly, the Board will deal with censorship of books or other materials as follows:

LIBRARY MATERIAL

Any patron or group of patrons may request removal of alleged objectionable library material. The request for removal must be submitted in writing to the superintendent with reasons for the request clearly stated.

Requests thus submitted will be considered by a committee appointed by the Superintendent. (See Reconsideration of the Use of Instructional Materials.) At the discretion of the Superintendent materials under consideration as being objectionable may be withdrawn from circulation pending Board action on the report of the committee.

The report of the committee and the original request for withdrawal of material will be submitted to the Board of Directors for final action.

INSTRUCTIONAL MATERIALS

Although care is exercised in selecting instructional materials, there will be occasions when a parent, resident or District employee may wish to request a reconsideration of the use of certain instructional materials. In such an event, the individual shall contact the teacher in an attempt to informally resolve the issue. If the matter cannot be resolved between the teacher and the individual calling for reconsideration of the material, the matter will be referred to the principal. No person will unilaterally remove material in response to a request for reconsideration.

The principal shall:

1. Have the parent, resident or District employee complete the form for "Request for Reconsideration of Instructional materials".
2. Acknowledge receipt of all written requests for reconsideration of the use of instructional materials by signing the official form for "Request for Reconsideration of Instructional Material".
3. Notify all staff members who are directly involved in the request.
4. Contact the individual who made the request to discuss the issue further and attempt to resolve it.

If the issue is not resolved in the above manner, the following formal procedures will be followed. If at any point in the procedures the issue can be resolved, the process shall be terminated.

1. The principal will forward the "Request for Reconsideration of Instructional Material" and other appropriate correspondence to the Superintendent. A review committee will be established.
2. The material in question shall continue to be used until the formal procedure is completed.
3. Final action on a request shall be taken by the administration no later than fifteen (15) school days after the principal receives the completed "Request for Reconsideration of Instructional Materials".

ESTABLISHMENT OF REVIEW COMMITTEE

The Superintendent will appoint a review committee composed of the following:

1. Two teachers of the approximate grade level or department where the material is being used.
2. Two local school patrons (one to be chairperson).
3. One high school student.

COMMITTEE REVIEW PROCEDURES

1. Committee members will receive copies of the statement questioning the instructional material.

Public Complaint about the Curriculum/Instructional Materials – KLB
(continued)

2. Opportunity shall be afforded those persons or groups questioning the material to meet with the committee and to present their opinions. The teacher and any other person involved in the selection or use of the questioned material shall have an opportunity to meet with the committee to present their position on the matter.
3. The committee will review the material in question and form opinions based on the material taken as a whole and not on passages taken out of context.
4. The committee will formulate three recommendations and prepare the written report for the Superintendent who will make a final determination for action.

ACTION TAKEN

1. The action taken relative to the request for reconsideration of instructional materials will be communicated in writing to the person initiating the request.
2. The final decision and supporting documentation shall be sent to all district administrators.
3. Disposition of the appeal shall be made known to all parties in the action.

In the event that issues cannot be resolved by the above process, appeal may be made directly to the School Board.

APPEAL PROCEDURE

1. Appeal must be made to the Superintendent in writing for placing the item on the agenda for the next regular meeting of the Board of Directors.
2. The Superintendent shall provide the board members with copies of all documentation's and correspondence initiated by the original request.
3. The decision of the Board of Directors will be final.

END OF POLICY

Legal references:

ORS 332.107
OAR 581-22-805
General Education Provisions Act, Sec. 439

Code: KLB - AR
Adopted: 8/75
Revised: 9/83

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Initiated by _____
(Name) (Phone)

(Address)

Representing: Self _____ Organization _____
(Name)

Material Questioned:

Instructional Text _____ Supplemental Classroom _____ Library _____

A. Book/Journal/Article, etc.

(Title)

(Author) (Publisher) (Copyright Date)

B. Audiovisual

(Title)

C. Other Material (Identify)

Please respond to the following questions. If more space is needed, use additional sheet of paper.

1. Have you seen or read this material in its entirety? ____ (Yes) ____ (No)

2. To what do you object? Please cite specific passages, pages, etc. _____

3. What do you believe is the main idea of this material? _____

4. In your opinion what harmful effects upon pupils might result from use of this item? _____

Request for Reconsideration of Instructional Materials – KLB – AR
(continued)

5. Do you perceive any instructional value in the use of this item? Why or why not?

6. What reviews of this material have you read?

7. What action do you recommend that the school take on this material? _____

8. In the place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended? _____

9. Do you wish to make an oral presentation to the Review Committee? __ (Yes) __ (No)

(Signature) (Date)

Please return this form to the Building Principal

Received by Principal: _____
(Signature) (Date)

PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL

Whenever a complaint about personnel is made directly to the Board as a whole or to a Board member as an individual, it will be referred to administration for study and possible solutions. The individual employee involved will be advised of the nature of the complaint and will be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

If it appears necessary, the administration, the person who made the complaint, or the employee involved may request a meeting with the Board for the purposes of further study and a decision by this body. Such meeting will be held in executive session unless the affected employee requests otherwise. Generally all parties involved, including the school administration, will be asked to attend such a meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board will conduct such meetings in as fair and just a manner as possible, and reserves the right to request a disinterested third party to act as moderator to help reach a mutually satisfactory solution.

END OF POLICY

Legal References:

ORS 332.107
192.610 - 690
OAR 581-22-805

Code: KM
Adopted: 12/10/90
Revised: 8/9/93

RELATIONSHIPS WITH PARENT/COMMUNITY/ORGANIZATIONS

Staff members are encouraged to join as many community organizations as possible. Organizations serving the community include the Lions Club, Grange, Boosters Club, Mothers Club, Mothers and Others and several churches. Staff members are encouraged to contribute their interest and ideas to these organizations.

END OF POLICY

Legal References:

ORS 326.790

COMMUNITY EDUCATION

The Board recognizes that schools should be responsive to the human needs and wants of its citizens. The District should give encouragement and opportunity for a better life for the citizens by recognizing the expanded role of the school system through community education.

The Board recognizes that good schools involve the active participation and cooperation of the entire community. School buildings, equipment and staff represent a considerable investment of public funds and it is desirable that these resources be used fully.

The District will support the community education concept and will cooperate with other community organizations in school facility and grounds use to include community educational activities that provide a wide range of educational, social, recreational and cultural programs for District citizens.

END OF POLICY

Legal References:

ORS 336.505-525

RELATIONS WITH LAW ENFORCEMENT AGENCIES

The Board recognizes that district-wide cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in district schools and for safeguarding district property.

Programs and activities designed to enrich district curriculum and to develop and promote good citizenship and a healthy attitude toward law enforcement agencies and officials will be encouraged by the district. Law enforcement participation in such programs and activities is encouraged.

Law enforcement officials may enter school facilities if a crime has been committed on district property or to investigate matters concerning staff and students upon request initiated by either agency officials or by district administrators.

The superintendent will develop administrative regulations to implement this policy, including procedures for handling investigations, administrator requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

Legal References:

OARS 329.150
OARS 419B.015

Letter Opinion, Office of the Attorney General (August 18, 1986)

Cross Reference:

JFG - Student Searches

RELATIONS WITH LAW ENFORCEMENT AGENCIES

School-Police Liaison Program

1. The superintendent or designee will serve as the program coordinator for the district's School-Police Liaison Program.
2. Each year the administration will meet with law enforcement officials to discuss:
 - a. Whom the school/law enforcement official should call for suspected violations of the law occurring on district property or other common needs;
 - b. How school representatives should handle evidence of a suspected crime/contraband, etc.;
 - c. Board policy and procedures related to law enforcement officials' requests for access to and questioning of students on district property and district parent notification requirements;
 - d. Applicable provisions of district emergency plans and security procedures;
 - e. Special event needs.
3. District curriculum will be reviewed annually to include K-12 age-appropriate instruction in safety, violence prevention/conflict resolution and citizenship to increase students' awareness of their rights and responsibilities within society. Instruction will emphasize prevention.
4. Law enforcement involvement in such district programs and activities including Drug Awareness Resistance Education (DARE) and Gang Resistance Education and Training (GREAT) will be encouraged.
5. Active involvement of related community agencies and organizations will be encouraged in an effort to broaden the reference base in the development of district programs and activities and to establish a link for sharing resources.
- [6. A survey will be conducted [annually] to evaluate the School-Police Liaison Program and to assist with the development of the program's yearly goals and objectives.]

Law Enforcement Initiated Requests

INTERVIEWS/INVESTIGATIONS OF STUDENTS

1. Interviews or investigations by law enforcement officials not based on allegations of child abuse, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on district property, may be permitted upon request and with building principal or designee approval.

Relations with Law Enforcement Agencies - KN-AR
(continued)

2. The law enforcement official shall contact the building administrator, properly identify himself/herself, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The building administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the building administrator, important and urgent to justify interrupting school activities.
5. The building administrator will attempt to notify the student's parent(s) prior to granting the interview. If the parent(s) does not give consent to have his/her son/daughter interviewed, then the interview should not take place.
6. If the parent(s) cannot be contacted, the building administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the building administrator has been unable to contact the parent(s) then the building administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. A building administrator shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator not to participate or the district official is otherwise prohibited from being present by law.
10. The building administrator shall maintain a written record of all such interviews conducted.

QUESTIONING OF A STUDENT SUSPECTED OF A CRIME, ARREST OR TAKING A STUDENT INTO CUSTODY

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district property only with parental consent. Normally, such questioning should occur outside school hours, off district property.
2. At no time will a student be released to an officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from child abuse investigation;
 - e. Permission of the parent.

Relations with Law Enforcement Agencies – KN – AR
(continued)

3. In all cases, other than child abuse cases, where a student is to be taken from the building by a law enforcement official, the building administrator will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances.
4. Any investigation of child abuse will be directed by Services to Children and Families or law enforcement officials as required by law. The building administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves child abuse, building administrators and school employees shall not notify the parent.

Administrator Initiated Requests

On occasion, building principals may need, or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Child abuse also requires immediate referral to Services to Children and Families or law enforcement officials. Additionally, building principals and/or designee(s) may report to law enforcement officials, other violations of law occurring on district property or at school-sponsored activities as deemed appropriate.

Public Charter Schools

The district recognizes that public charter schools offer an opportunity to create new, innovative and more flexible ways of educating students in an atmosphere of learning experiences based on current research and development. Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to one or more of 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.

Public charter schools may be established as a new public school, from an existing public school 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 nonsectarian school or religious institution or encompass all the schools in the district unless the district is composed of only one school.

The Board will not approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant and adverse impact on the quality of the public education of students residing in the district. To meet the eligibility criteria for Board approval, a public charter school proposal must meet the requirements of Oregon Revised Statutes, Oregon Administrative Rules, Board policy and regulation. Upon request of the Board, the public charter school applicant must furnish in a timely manner any other information the Board deems relevant and necessary to conduct a complete and good faith evaluation of the charter school proposal.

The district will determine if it has any unused or underutilized buildings. Buildings may be made available for public charter school use, subject to Board approval. Approved use may be limited to instructional purposes only. Appropriate-use fees will be determined by the Board. Public charter school use outside the district's instructional day will be subject to Board policy KG - Community Use of District Facilities and accompanying administrative regulation.

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. Students must adhere to state law, Board policies, regulations and rules concerning conduct and discipline.

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

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

The superintendent will ensure administrative regulations for public charter schools include the proposal process, review and appeal procedure and charter agreement provisions.

END OF POLICY

Legal Reference(s):

<u>ORS 181.539</u>	<u>ORS 339.155</u>	<u>OAR 581-020-0301 to -0375</u>
<u>ORS 326.603</u>	<u>ORS 342.125</u>	
<u>ORS 326.607</u>	<u>ORS 342.127</u>	
<u>ORS 327.077</u>	<u>ORS 342.143</u>	
<u>ORS 327.109</u>	<u>ORS 342.165</u>	
<u>ORS 329.045</u>	<u>ORS 342.175</u>	
<u>ORS 332.107</u>	<u>ORS 342.180</u>	
<u>ORS 337.150</u>	<u>ORS 342.232</u>	
<u>ORS Chapter 338</u>	<u>ORS 342.815</u>	
<u>ORS 339.141</u>	<u>ORS 659.155</u>	
<u>ORS 339.147</u>		

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.

Public Charter Schools

I. Definitions

- A. Applicant means any person or group that develops and submits a written proposal for a public charter school to the district.
- B. Public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- C. Virtual Public Charter School means a public charter school that provides online courses, but does not primarily serve students in a physical location.
 - 1. For the purpose of this definition, an online course is a course in which instruction and content are delivered on a computer using the internet, other electronic network or other technology such as CDs or DVDs; the student and teacher are in different physical locations for the majority of instructional time; the student is not required to be in a physical location of a school while participating in the course; and the online instruction is integral to the academic program of the charter school.
 - 2. For the purpose of this definition, primarily serving students in a physical location means that more than 50 percent of the core courses offered are not online courses; more than 50 percent of the total number of students attending the school are not receiving instructional services in an online course; and more than 50 percent of the school's required instructional hours are not through an online course.
- D. Remote and necessary school district means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- E. Sponsor means the district Board.

II. Proposal Process

- A. The public charter school applicant shall submit the proposal to the district no later January 31 for a September starting date.

B. To be considered complete, the proposal for a public charter school shall include the following:

1. The identification of the applicant;
2. The name of the proposed public charter school;
3. A description of the philosophy and mission of the public charter school [and how it differs from the district's current program and philosophy];
4. A description of any distinctive learning or teaching techniques to be used;
5. A description of the curriculum of the public charter school;
6. A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools;
7. The governance structure, public charter school board membership, selection, duties and responsibilities;
8. The projected enrollment including the ages or grades to be served;
9. The target population of students the public charter school is designed to serve;
10. The legal address, facilities and physical location of the public charter school and applicable occupancy permits and health and safety approvals;
11. A description of admission policies and application procedures;
12. The statutes and rules that shall apply to the public charter school;
13. The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;
14. A description of the financial management system for the public charter school and a plan for having the financial management systems in place at the time the school begins operating.

a. A sound financial management system must have:

- (1) Accounting and financial record-keeping procedures which reflect Generally Accepted Accounting Principals (GAAP);
 - (2) Procedures reflecting cash management, investment practices and financial reporting;
 - (3) Balance sheets reflecting assets, expenditures and liabilities;
 - (4) Segregation of duties for individuals performing cash management and investment practices; and
 - (5) Processes for reflecting annual review of such systems by both charter school and sponsor.
15. The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
 16. The proposed school calendar, including the length of the school day and length of the school year;
 17. A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with TSPC (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
 18. The date upon which the public charter school would begin operating;
 19. The arrangements for any necessary special education and related services for students with disabilities who qualify under IDEA and special education or regular education and

- related services for students who qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;
20. Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
 21. The term of the charter;
 22. The plan for performance bonding or insuring the public charter school, including buildings and liabilities;
 23. A proposed plan for the placement of public charter school teachers, other employees and students upon termination or nonrenewal of a charter;
 24. The manner in which the public charter school program review and fiscal audit will be conducted;
 25. In the case of a district school's conversion to charter status, the following additional criteria must be addressed:
 - a. The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
 - b. The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
 26. The district will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045 (2)(a-x). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.075;
 27. In addition to the minimum requirements enumerated in ORS 338.045 (2)(a) - (x), the district, under ORS 338.045 (3), may require the applicant to submit any of the following information as necessary to add detail or clarity to the minimum requirements or that the Board considers relevant to the formation or operation of the public charter school:
 - a. Curriculum, Instruction and Assessment
 - (1) Description of a curriculum for each grade of students, which demonstrates in detail alignment with Oregon's academic content standards;
 - (2) Description of instructional goals in relationship to Oregon's academic content standards and benchmarks;
 - (3) A planned course statement class taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected;
 - (4) Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public school;
 - (5) Explanation of grading practices for all classes and how student performance is documented;
 - (6) Explanation of how the proposed academic program will be aligned with that of the district. (If an applicant is proposing an elementary level public charter school, please describe how the curriculum is aligned at each grade level with the district's curriculum, including an explanation of how a student in the public charter school will be adequately prepared to re-enter the district's public school system after completing the charter school's program.);

- (7) Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used;
- (8) Description of the plan for reporting student progress to parents, students and the community;
- (9) Description of policies and procedures regarding diplomas and graduation;
- (10) Description of policies and practices for meeting the needs of students who are not successful in the regular program;
- (11) Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area in each grade;
- (12) Identification of major supplementary material in core academic content areas and the criteria for use with students;
- (13) Description of how the public charter school will meet the unique learning needs of students working above and below grade level, including but not limited to talented and gifted students;
- (14) Description of how the public charter school staff will identify and address students' rates and levels of learning;
- (15) Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
- (16) Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
- (17) Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction;
- (18) Identification of how the public charter school will provide access to national assessments such as PSAT, SAT and ACT, if applicable;
- (19) Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
- (20) Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable.

b. State and Federal Mandates/Special Education

- (1) Description of how the public charter school will meet any and all requirements of No Child Left Behind, which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law.
- (2) Description of how the public charter school will collect AYP information on all subgroup populations in the school;
- (3) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data collection systems and service delivery models used.);
- (4) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification and services;
- (5) Description of how the public charter school will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;
- (6) Description of how the public charter school will work with the district to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;

- (7) Explanation of how the public charter school will work with the district to implement Child Find requirements;
- (8) Explanation of how the public charter school will work with the district to manage IDEA 2004 mandates regarding eligibility, IEP and placement meetings;
- (9) Explanation of how the public charter school will work with the district to implement accommodations and modifications contained in the IEP or Section 504 plan;
- (10) Explanation of how the public charter school will work with the district to include parents in implementing IEPs;
- (11) Explanation of how the public charter school intends to work with the resident district of any IEP student to provide special education services.

c. Teacher Certification

- (1) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and Teacher Standards and Practices Commission (TSPC) licensure;
- (2) Explanation of how the public charter school will meet the federal mandate of “highly qualified” teachers contained in No Child Left Behind;
- (3) Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or re-training, if applicable;
- (4) Explanation of how the public charter school will comply with TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.

d. Professional Development

- (1) Provide the public charter school’s plan for comprehensive professional development for all staff;
- (2) Identification of how the public charter school’s licensed staff will obtain their required Continuing Professional Development units for licensure renewal.

e. Budget

- (1) Explanation of projected budget item for PERS contributions that would be required of the public charter school;
- (2) Description of planned computer and technology support;
- (3) Description of planned transportation costs, if applicable;
- (4) Explanation of projected budget items for teaching salaries and other personnel contracts;
- (5) Explanation on facilities costs, including utilities, repairs, and rent;
- (6) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.

f. Policy

- (1) Copies of any policy that the public charter school intends to adopt which address expectations of academic standards for students and transcribing of credits;
- (2) Copies of any policy that the public charter school intends to adopt on student behavior, classroom management, suspensions and expulsions, which must contain an explanation of how the charter school will handle a student expelled from another district for reasons other than a weapons violation;
- (3) Descriptions and copies of any policy that the public charter school intends to adopt regarding corporal punishment;
- (4) Copies of any policy that the public charter school intends to adopt regarding dispensing of medication to students who are in need of regular medication during school hours;
- (5) Description of procedures on how the public charter school will handle disciplinary referrals and how they will impact student promotion and advancement;
- (6) Copies of any policy that the public charter school intends to adopt regarding reviewing and selecting instructional materials;
- (7) Copies of any policy that the public charter school intends to adopt regarding solicitation/advertising/fundraising by nonschool groups;
- (8) Copies of any policy that the public charter school intends to adopt regarding field trips;
- (9) Copies of any policy that the public charter school intends to adopt regarding student promotion and retention;
- (10) Copies of any policy that the public charter school intends to adopt regarding student publications;
- (11) Copies of any policy that the public charter school intends to adopt regarding staff/student vehicle parking and use;
- (12) Copies of any policy that the public charter school intends to adopt regarding diplomas and graduation, and also participation in graduation exercises;
- (13) Copies of any policy that the public charter school intends to adopt regarding student/parent/public complaints;
- (14) Copies of any policy that the public charter school intends to adopt regarding visitors;
- (15) Copies of any policy that the public charter school intends to adopt regarding staff discipline, suspension or dismissal.

g. Other Information

- (1) Plans for use of any unique district facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
- (2) Plans for child nutrition program(s);
- (3) Plans for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and rules;
- (4) Plans for counseling services;
- (5) Explanation of contingency plans for the hiring of substitute professional and classified staff;

- (6) Description of how the public charter school will address the rights and responsibilities of students;
- (7) Description of how the public charter school will handle situations involving student, possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
- (8) Copies of program reviews conducted by other school districts that may have referred students to another public charter school operated by the public charter school applicant, if applicable;
- (9) Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
- (10) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM).
- (11) Documentation and description of how long most students remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions, or any other disciplinary action while in the program;
- (12) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor's reports.);
- (13) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
- (14) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states:

If given any type of approval (conditional or unconditional), the public charter school applicant promises to provide to the school district liaison, at least sixty (60) days before the intended date to begin operation of the public charter school, proof that it will be able to secure, at least thirty (30) days before the intended date to begin operation of the public charter school, a suitable facility, occupancy and safety permits and insurance policies with minimum coverages required by the school district in school board policy and administrative regulation LBE that sets forth the requirements and process for the school board in reviewing, evaluating and approving a public charter school.

If the public charter school applicant fails to provide proof of an ability to secure a facility and all necessary occupancy and safety permits and insurance that is required by the school district as a condition of approval by the due date, it will withdraw its application to begin operation of a public charter school for the upcoming school year.

By signing this document, I affirm that I am authorized to make the promises stated above on behalf of the public charter school applicant. I understand that failure to fulfill the conditions listed above will result in an approval becoming void, and will automatically revoke any type

of approval that the school board previously granted to the public charter school applicant.

Name

Date

On behalf of the [ADD APPLICANT'S NAME]

The public charter school applicant will organize and label all information required in section 25 to correspond to the requested numbers.

III. Proposal Review Process

- A. The superintendent may appoint an advisory committee to review public charter school proposals and submit a recommendation to the Board. The committee will consist of district representatives, community members and others as deemed appropriate.
- B. Within 15 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal. Proposals that minimally address or leave out any of the required components are not complete and will be returned to the applicant.
- C. Within 60 days of the notification to the applicant of the district's receipt of a complete proposal that meets the requirements of law and the district, the Board shall hold a public hearing on the provisions of the public charter school proposal.
- D. The Board must evaluate a proposal in good faith using the following criteria:
 - 1. The demonstrated sustainable support for the proposal by teachers, parents, students and other community members, including comments received at the public hearing;
 - 2. The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system in place at the time the school begins operating;
 - 3. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs;
 - 4. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs to students identified by the applicant as academically low achieving;
 - 5. The extent to which the proposal addresses the criteria required in the proposal process;
 - 6. Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the district.

A "directly identifiable, significant and adverse impact" is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing district educational programs. This may include, but not be limited to, the following current data as compared to similar data from preceding years:

- a. Student enrollment;
- b. Student teacher ratio;
- c. Staffing with appropriately licensed or endorsed personnel;
- d. Student learning and performance;

- e. Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a second language;
 - f. Revenue;
 - g. Expenditure for maintenance and upkeep of district facilities.
- 7. Whether there are arrangements for any necessary special education and related services;
- 8. Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing district school.
- E. The Board must either approve or deny the proposal within 30 days of the public hearing.
- F. Written notice of the Board's action shall be sent to the applicant. If denied, the notice must include the reasons for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 20 days. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

IV. Terms of the Charter Agreement

- A. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school. The district and the applicant must develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- B. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the district.
- C. The district and the public charter school may amend a charter agreement through joint agreement.
- D. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the district. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:
 - 1. Sexual harassment (ORS 342.700, 342.704);
 - 2. Pregnant and parenting students (ORS 336.640);
 - 3. Special English classes for certain children (ORS 336.079);
 - 4. Student conduct (ORS 339.250);
 - 5. Alcohol and drug abuse program (ORS 336.222);
 - 6. Student records (ORS 326.565);
 - 7. Oregon Report Card (ORS 329.115);
 - 8. Recovery of costs associated with property damage (ORS 339.270) and withholding records until property damage or fees are paid (ORS 339.260);
 - 9. Use of school facilities (ORS 332.172);
 - 10. Employment status of public charter school employees:
 - a. Public charter school law requires the following:

- (1) Employee assignment to a public charter school shall be voluntary;
 - (2) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
 - (3) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
 - (4) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the district;
 - (5) The public charter school governing body shall control the selection of employees at the public charter school;
 - (6) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:
 - (a) The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
 - (b) The employee and the Board have mutually agreed to a different length of time.
 - (7) An employee of a public charter school operating within the district who is granted a leave of absence and returns to employment with the district shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.
- b. The terms and conditions of employment addressed in the agreement may include, but not be limited to:
- (1) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
 - (2) Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
 - (3) Salary for professional staff or wages for classified staff;
 - (4) Health benefits;
 - (5) Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
 - (6) Work year;
 - (7) Working hours;
 - (8) Discipline and dismissal procedures;
 - (9) Arrangements to secure substitutes;
 - (10) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
 - (11) Hiring practices;
 - (12) Evaluation procedures.

11. Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:

a. Public charter school law requires the following:

- (1) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. All resident applicants will have their names written on a uniform-sized card to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applicants are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the district. If the public charter school has been in operation one or more years, priority enrollment will be given to those students who:
 - (a) Were enrolled in the public charter school the prior year;
 - (b) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year.
- (2) If a public charter school offers any online courses as part of the curriculum of the school, then 50 percent or more of the students who attend the public charter school must reside in the school district in which the public charter school is located.
- (3) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, sex, income level, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level.

12. Transportation of students:

a. Public charter school law requires the following:

- (1) The public charter school shall be responsible for providing transportation for its students and may negotiate with the district for the provision of transportation services;
- (2) The district shall provide transportation for public charter school students pursuant to ORS 327.043. Resident public charter school students will be transported under the same conditions as students attending private or parochial schools located along or near established district bus routes. The district shall not be required to add or extend existing bus routes;
- (3) Public charter school students who reside outside the District may use existing bus routes and transportation services of the District in which the public charter school is located;
- (4) Any transportation costs incurred by the District shall be considered approved transportation costs.

13. The plan for performance bonding or insuring the public charter school sufficient to protect the district. Documentation shall be submitted prior to agreement approval.

a. Insurance:¹

- (1) Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability for damages because of personal injury, bodily injury, death or damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;
- (2) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
- (3) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
- (4) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;
- (5) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
- (6) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk of direct physical loss basis," including earthquake and flood perils.

b. Additional requirements:

- (1) The district shall be an additional insured on commercial general and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance shall be furnished to the district;
- (2) The public charter school shall also hold harmless and defend the district from any and all liability, injury, damages, fees or claims arising out of the operations of the public charter school operations or activities;
- (3) The district shall be loss payee on the property insurance if the public charter school leases any real or personal district property;
- (4) The coverage provided and the insurance carriers must be acceptable to the district.

¹Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative.

V. Public Charter School Operation

- A. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.
- B. Statutes and rules that apply to the district shall not apply to the public charter school except the following, as required by law, shall apply:
 - 1. Federal law, including applicable provisions of the No Child Left Behind Act of 2001;
 - 2. Public records law (ORS 192.410 to 192.505);
 - 3. Public meetings law (ORS 192.610 to 192.690);
 - 4. Municipal audit law (ORS 297.405 to 297.555 and 297.990);
 - 5. Criminal records check (ORS 181.539, 326.603, 326.607 and 342.232);
 - 6. Textbooks (ORS 337.150);
 - 7. Tuition and fees (ORS 339.141, 339.147 and 339.155);
 - 8. Discrimination (ORS 659.850 and 659.855);
 - 9. Tort claims (ORS 30.260 to 30.300);
 - 10. Health and safety statutes and rules;
 - 11. Any statute or rule listed in the charter;
 - 12. The statewide assessment system developed by the Oregon Department of Education (ODE) for Mathematics, Science and English under ORS 329.485 (1);
 - 13. The academic content standards and instruction (ORS 329.045);
 - 14. Any statute or rule that establishes requirements for instructional time;
 - 15. Prohibition of infliction of corporal punishment (ORS 339.250 (12));
 - 16. Reporting of suspected child abuse (ORS 419B.010);
 - 17. Diploma, modified diploma and alternative certificate standards (ORS 329.451);
 - 18. ORS Chapter 338.
- C. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS 342.135, 342.136, 342.138 or 342.140.
- D. The public charter school shall participate in the Public Employees Retirement System.
- E. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
- F. The public charter school shall maintain an active enrollment of at least 25 students.
- G. The public charter school may sue or be sued as a separate legal entity.
- H. The public charter school may enter into contracts and may lease facilities and services from the district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
- I. The public charter school may not levy taxes or issue bonds under which the public incurs liability.

- J. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
- K. The district shall offer a high school diploma, modified diploma, extended diploma, alternative certificate to any public charter school student located in the district who meets the district's and state's standards for a high school diploma, modified diploma, alternative certificate.
- L. A high school diploma, modified diploma, extended diploma, alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, modified diploma, alternative certificate issued by a nonchartered public school.
- M. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

VI. Virtual Public Charter School Operation

- A. In addition to the other requirements for a public charter school, a Virtual Public Charter School must have:
 - 1. A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045;
 - 2. Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
 - 3. A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
 - 4. A budget, business plan and governance plan for the operation of the school;
 - 5. An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
 - 6. An agreement to employ only licensed teachers who are highly qualified as described in the Federal No Child Left Behind Act of 2001;
 - 7. A plan for maintaining student records and school records, including financial records, at a designated central office of operations;
 - 8. A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
 - a. Has access to and use of a computer and printer equipment as needed;
 - b. Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
 - c. Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.

9. A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (8) above by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 USC 6301 et seq);
 10. A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
 11. A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
 12. A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year.
- B. The sponsor of a Virtual Public Charter School or a member of the public may request access to any of the documents described in (A) above.
- C. If a Virtual Public Charter School or the sponsor of a Virtual Public Charter School contracts with a for-profit entity to provide educational services through the Virtual Public Charter School, the for-profit entity may not be the employer of any employees of the Virtual Public Charter School.

VII. Charter Agreement Review

- A. The public charter school shall report at least annually on the performance of the school and its students to the State Board of Education and the district.
- B. The Board or designee shall visit the public charter school at least annually to assure compliance with the terms and provisions of the charter.
- C. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward to the district and ODE:
1. A copy of the annual audit;
 2. Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the charter school during the preceding annual audit period for the school. If the balance sheets submitted by the charter school summarize the operations and transactions affecting the financial status of the school, this will be sufficient; and
 3. An electronic copy of any balance sheet containing a summary of the assets and liabilities of the public charter school and related operating budget documents as of the closing date of the preceding annual audit period for the school.
- D. The public charter school shall submit to the Board quarterly financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

VIII. Charter School Renewal

- A. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.

- B. The Board and the public charter school shall follow the following timeline unless a different timeline has been agreed upon by the Board and the public charter school:
1. The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to, but no earlier than 210 days before the expiration of the charter.
 2. Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request.
 3. Within 10 days after the public hearing, the Board shall notify the public charter school of the Board's intent regarding the charter renewal.
 4. Within 20 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal.
 5. If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school agree to an extension of the time period.
 6. If the Board does not renew the charter, the public charter school may address the reasons stated for denial of the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board.
 7. If the Board does not renew the charter based on the revised request for renewal or the parties do not negotiate a charter contract within the timeline established in this policy, the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.
 - a. If the State Board of Education finds that the Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the Board. A public charter may seek judicial review of this order.
 - b. If the State Board of Education finds that the Board did not use the appropriate process in denying the request for renewal, it shall order the Board to reconsider the request for renewal. If after reconsideration the Board does not renew the charter, the public charter school may seek judicial review of the Board's decision.
 8. The Board shall base the charter renewal decision on a good faith evaluation of whether the public charter school:
 - a. Is in compliance with all applicable state and federal laws;
 - b. Is in compliance with the charter of the public charter school;
 - c. Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the Board and the public charter school;
 - d. Is fiscally stable and used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter agreement; and
 - e. Is in compliance with any renewal criteria specified in the charter of the public charter school.
 9. The Board shall base the renewal evaluation described above primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review and any other information mutually agreed upon by the public charter school and the Board.

10. For purposes of this section, the phrase “good faith evaluation” means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

IX. Charter School Termination

- A. The public charter school may be terminated by the Board for any of the following reasons:
 1. Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;
 2. Failure to meet the requirements for student performance as outlined in the charter agreement;
 3. Failure to correct a violation of federal or state law;
 4. Failure to maintain insurance;
 5. Failure to maintain financial stability;
 6. On or after July 1, 2011: failed to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065;
 7. Failure to maintain the health and safety of the students.
- B. If a charter school is terminated by the Board for any reason listed in sections A. 1 through A. 5, the following shall occur:
 1. The district shall give the public charter school a 60-day written notification of its decision;
 2. The district shall state the grounds for termination and deliver notification to the business office of the public charter school;
 3. The public charter school may request a hearing by the district. The request must be made in writing and delivered to the business address of the sponsor;
 4. Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
 5. The public charter school may appeal the decision to terminate to the State Board of Education;
 6. If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
 7. If the State Board’s final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the district’s sponsorship of the public charter school will terminate;
 8. The final order of the State Board may be appealed under the provision of ORS 183.484;
 9. Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
 10. If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- C. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section A. 6, the following shall occur:
 1. If the district reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the district may act to

- immediately terminate the approved charter and close the public charter school without providing the notice required in section B. 1;
2. A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the district;
 3. Within 10 days of receiving the request for a hearing, the district must provide the public charter school with the opportunity for a hearing on the termination;
 4. If the district acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
 5. The State Board will hold a hearing on the appeal within 10 days of receiving the request;
 6. The public charter school will remain closed during the appeal process unless the State Board orders the district not to terminate and to re-open the public charter school; and
 7. The final order of the State Board may be appealed under the provisions of ORS 183.484.
- D. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the district, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.

Assets of a terminated, closed or dissolved public charter school that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

X. District Immunity

The district, members of the Board and employees of the district are immune from civil liability with respect to the public charter school's activities.

Individual Board Member's Authority and Duties

Any duty imposed upon the Board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when the Board is not in session is not an act of the Board and is not binding upon the District.

Relationship of the Board Member to the Board as a Unit

Each member of the Board has an equal right to be heard on matters of concern to the Board. Each has an equal responsibility to do his/her share of the work, to follow the policies developed by the Board as a whole, and to accept a share of the criticism even if he/she did not vote for the decision being criticized.

Once a decision is reached, all members of the Board will support it.

All Board members represent the entire District, not just the area of zone in which they reside.

A board member has a responsibility to listen to the people and to support their viewpoints when these are in the best interests of education in the whole District. However, there is also a duty to support the Board's viewpoints and to explain the problems of the District as a whole.

The individual Board member will:

1. Suspend judgment until facts are available.
2. Develop alternative solutions to problems.
3. Make up his/her own mind when all the evidence is in and the discussion is over.
4. Identify the significant problems in the evidence presented.
5. Differentiate between problems which require Board actions and those which should be solved by administration.
6. Support the superintendent in authorized functions.
7. Weather criticism calmly.
8. Constantly learn about the job of a Board member.

END OF POLICY

Legal Reference(s):
ORS 332.057

VACATIONS AND HOLIDAYS

Holidays and vacation periods, both paid and unpaid, are determined as a result of negotiations between the District and the employees' exclusive bargaining representatives.

Upon termination from the District, employees eligible to accrue vacation will be compensated for unused accrued vacation up to twenty (20) days.

END OF POLICY

Legal Reference:

ORS 243.650 - 782

Cross Reference:

Collective Bargaining Agreements

Adopted 12/10/90