



April 2017

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Bend

Annual Convention

November 9-12, 2017
Portland

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FMLA/OFLA forms:

GCBDA/GDBDA - Family Medical Leave (Required)
GCBDA/GDBDA-AR(1) - Federal Family and Medical Leave/State Family Medical Leave
(Conditionally Required)
GCBDA/GDBDA-AR(2) - Request for Family and Medical Leave (Conditionally Required)
GCBDA/GDBDA-AR(3)(A) - Certification of Health Care Provider (Employee)
(Conditionally Required)
GCBDA/GDBDA-AR(3)(B) - Certification of Health Care Provider (Family Member)
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GCBDA/GDBDA-AR(7) - Fitness-for-Duty Certification (Conditionally Required)

OFLA ONLY forms *(These samples have not been included. Call OSBA to obtain these samples):*

GCBDA/GDBDA - Family Medical Leave (Required)
GCBDA/GDBDA-AR(1) - Oregon Family Medical Leave (OFLA)
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GCBDA/GDBDA-AR(2) - Employee Request for OFLA Leave (Conditionally Required)
GCBDA/GDBDA-AR(3) - Sample Letter to Employee - OFLA Leave
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use GCBDA/GDBDA-AR(6)**)
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JECAC/GBH - Staff/Student/Parent Relations** (Optional)

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503-588-2800 or 800-578-6722

SUPERINTENDENT EVALUATION

Summary

The language revision in the last paragraph is recommended by the OSBA legal team to reduce confusion if the superintendent's evaluation is addressed in the superintendent's contract, and to provide guidance if the evaluation is not addressed in the contract.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

The revised language is recommended for Board review and adoption.

Policy Implications

CBG - Evaluation of the Superintendent (Required)

LOCAL WELLNESS PROGRAM

Summary

The new rules for the Healthy Hunger Free Kids Act of 2010 were released by the U.S. Department of Agriculture (USDA). The revisions to this policy and the accompanying administrative regulation (AR) reflect the new requirements.

The policy is required if the district participates in the Child Nutrition Programs with the Oregon Department of Education (ODE). The new rules are effective June 30, 2017. This policy will be required as part of the ODE child nutrition audit beginning with the 2017-2018 school year. The AR is optional, and assists the district in clarifying the implementation of this policy.

OSBA, in collaboration with ODE, OEA Trust and the OASCD, has published the *Student Wellness: What School Boards Need to Know and Do*, as a resource guide or implementation of the wellness policy requirements. It is available on the OSBA website by selecting My OSBA, Member Resources and look for the new Student Wellness Handbook. It is FREE for members, downloadable and fillable.

The physical education minute requirements in policy EFA as a result of House Bill (HB) 3141 (2007) and were effective with the 2017-2018 school year. The brackets remain in the sample policy EFA around the language related to the physical education minutes in

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district's legal counsel.

anticipation of a potential two-year delay on implementing the requirement, due to pending legislation (Senate Bill 4) in the current Legislative session (2017). OSBA will communicate with members when the legislation has been signed by the Governor.

Legal Reference

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b.
OAR 581-051-0306

Collective Bargaining Impact

None

Local District Responsibility

It is recommended that the Board adopt the new sample language for Board policy EFA. OSBA recommends adopting the new sample as provided in it's clean form, and rescind any previous version to meet the new wellness policy requirements. If the Board has EFA-AR, review the newly revised sample language, and add the AR to the board's policy manual. The administrative regulation EFAA-AR and changes require board adoption.

Policy Implications

EFA - Local Wellness Program (Required)
EFA-AR - Local Wellness Program (Optional)
EFAA-AR - Reimbursable Meals and Milk Programs (Required)

STAFF/STUDENT/PARENT RELATIONS

Summary

The updates in this sample policy are suggested to create consistency; resulted from recommendations by OSBA legal staff; and are not a result of changes to law.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

Review and consider adoption of the revised language. Version 1 of this sample has been recommended for deletion, and the remaining version (previously identified as version 2) has been kept as the sole sample for this policy topic.

Policy Implications

GBH/JECAC - Staff/Student/Parent Relations** (Optional)
JECAC/GBH - Staff/Student/Parent Relations** (Optional)

WHISTLEBLOWER

Summary

The revisions to this required policy come at the request of OSBA legal staff, to provide clarity in the statutory requirements.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

The revised language is recommended for Board review and adoption.

Policy Implications

GBMA - Whistleblower (Required)

FMLA/OFLA - FAMILY MEDICAL LEAVE

Summary

The OSBA Policy Department, working with our Labor and Negotiations Department, did an internal review of its FMLA/OFLA policy and administrative regulations, which resulted in a reorganization of GCBDA/GDBDA-AR(1), and edits to the policy and the remaining administrative regulations.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

The FMLA/OFLA policy GCBDA/GDBDA is required policy for all districts, regardless of the number of employees, because districts are covered entities as defined by FMLA and OFLA. The administrative regulations are conditionally required depending on the number of covered employees. If a district has under 25 employees, the district is not required to provide FMLA or OFLA leave, therefore, the administrative regulations are not necessary. If the district has between 25 and 50 employees, the OFLA administrative regulations are required. *(The OFLA only forms are not included in this Policy Update. Please call OSBA to obtain the samples.)* If the district has over 50 employees, the FMLA and OFLA administrative regulations are required. If the Board has previously adopted the sample policy and administrative regulations, the Board should review and re-adopt the policy and review the revised administrative regulations appropriate for the district.

The revised sample for GCBDA/GDBDA-AR(1) has been provided in its clean form for review by the Board.

If the district is not required to offer OFLA, but does offer an OFLA-like option of leave for school employees, please call OSBA for these samples.

Policy Implications

FMLA/OFLA forms:

GCBDA/GDBDA - Family Medical Leave (Required)
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GCBDA/GDBDA-AR(8) - Fitness-for-Duty Certification (***New*** Conditionally Required)

2017-18 STAFF/STUDENT HANDBOOKS AND KEY DATES CALENDAR (Available Now):

OSBA's Model Staff and Student Handbooks and Key Dates Calendar are revised annually to reflect recent legislation and other changes.

Samples and online ordering of these tools for purchase can be found on the OSBA website through this link: [Handbooks](#).

ABOUT *POLICY UPDATE*

Policy Update is a quarterly subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts.

Sample policies reflecting these issues and changes in state and federal law, if applicable, are part of this newsletter. These samples are offered as a starting point for drafting local policy and may be modified to meet particular local needs. They do not replace district legal counsel advice.

To make the best use of *Policy Update*, we suggest you discuss the various issues it presents and use the sample policies to determine which policies your district should develop or revise, get ideas for what a policy should contain, and as a starting point for editing, modifying and discussing your district's policy position.

If you have questions about *Policy Update*, sample policies or policy in general, call OSBA Policy Services, 800-578-6722.

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