

Fern Ridge School District Board of Directors

Monday, July 20, 2026 The doors will open at 6:15pm

District Administration Office, 88834 Territorial Road, Elmira, Oregon 97437

1. Call to Order: Public - 6:30 pm

We have a shared vision in the Fern Ridge School District: Provide excellence for every student so that each will reach their greatest potential.

Thank you to the members of the public who have joined us. As a reminder, School Board meetings and work sessions are meetings of the Board held in public, providing an opportunity to observe the Board's discussion and actions. In an effort to conduct official Board business, we ask that the audience be respectful and refrain from questions, comments, and unnecessary noise while the Board conducts the meeting.

There is an opportunity for citizen comment tonight, and the Board looks forward to hearing from those who signed up. I will share some reminders when we get to that portion of the meeting.

Also, please note that all Board meetings are live-streamed and posted on the School Board area of the website.

2. Flag Salute led by Board Chair

3. Public Comment: None at this time.

4. Election of Board Chair and Vice Chair - Board Action

5. Monthly Items:

5.A. Approval of Minutes - Board Action

6. Reports:

6.A. Facilities Update

Presenter: Dan Prutzman

6.A.1. Surplus vehicle, 2006 T250 Ford Van - Board Action

6.B. Superintendent's Report

6.C. West Lane Charter Annual Review

6.D. Curriculum: New - Elmira High School 10th-12th grade- World Cultures - Board Action

7. Discussion Items

7.A. Allocate 200K for Dirt grading behind EES-Board Action

7.B. Annual Organization Appointments for School Year 2026-2027 - Resolution #26-27/01 - Board Action

7.C. First Reading of Proposed Policy Updates:

CBA delete—Qualifications and Duties of the Superintendent,

CBA G1 replace—Qualifications and Duties of the Superintendent,

CBG G1 update—Evaluation of the Superintendent,

EBB G1 update—Integrated Pest Management,

GBA G1 update—Equal Employment Opportunity,

GBA AR G1 update—Veteran and State Servicemember Preference,

GBN_JBA G1 update—Sexual Harassment,

JBA_GBN G1 update—Sexual Harassment.

7.D. Second Reading of Proposed Policy Updates:

EEACC G1 update—Discipline Procedures for District Approved Student Transportation,

EEACC R G1 replace—Discipline Procedures for District Approved Student Transportation,

JGDA G1 update—Discipline of Students with Disabilities,

JGDA R G1 update—Discipline of Students with Disabilities.

7.E. Retreat Agenda

8. Personnel

8.A. Licensed Employees Resignations/New Hires/Transfers/Other

8.A.1. On June 15, 2026 the hiring of Lyndsey Neal, 1.0 FTE ~~One-Year Temporary~~ Special Education Teacher at Fern Ridge Middle School, effective August 26, 2026, has been corrected to a regular hire.

Hiring of Sadie Tresnit, 1.0 FTE English Language Teacher at Elmira High School, effective August 26, 2026,

Resignation of Arthur "Corky" Franklin, 1.0 FTE Physical Education Teacher at Fern Ridge Middle School, effective June 12, 2026,

8.B. Non-Licensed Personnel Report

9. Late Items/Closing Comments/Board Community Involvement

10. Upcoming Events

June 19: School offices are closed for the summer.

August 18, 19, 20: Returning Student Registration

August 31-September 2: Inservice Week

July 7-August 20: KITS Summer Program

Elmira Elementary:

August 12 : 7am-7pm Kinder and New Student Registration

August 18: 7am-7pm Returning Student Registration
August 19: 8am-3pm Returning Student Registration
August 20: 8am-12pm Returning Student
Registration

Veneta Elementary:

August 12 : 7am-7pm Kinder and New Student
Registration
August 18: 7am-7pm Returning Student Registration
August 19: 8am-3pm Returning Student Registration
August 20: 8am-12pm Returning Student
Registration

Fern Ridge Middle School:

August 12 : 12-8pm New Student and Incoming 6th
Graders Registration
August 18: 7am-7pm Returning Student Registration
August 19: 8am-3pm Returning Student Registration
August 20: 8am-12pm Returning Student
Registration
September 24: Open House

Elmira High School:

August 12 : 9am-7pm New Student Registration and
Picture Day
August 19: 8am-11am Seniors, 1pm-4pm Sophomore
Registration and Picture Day
August 20: 10am-1pm Juniors, 3pm-6pm Freshman
Registration and Picture Day

11. Adjournment



FERN RIDGE SCHOOL DISTRICT 28J
School Board Meeting Minutes

REGULAR MEETING of the FERN RIDGE SCHOOL BOARD

June 15, 2026

Zoom Webinar & In-Person Meeting
88834 Territorial Rd.
Elmira, Or 97437

CALL TO ORDER (Agenda Item 1): The regular meeting was called to order at 6:30 pm.

In attendance were Directors WC Grover, Brian Kirkpatrick, Lisa McCann, Mark Gent and Superintendent Gary Carpenter. Kathleen Pizzola, attended via zoom, experiencing connection and microphone difficulties and voted via chat at agenda item #7.D.4 until adjournment.

We have a shared vision in the Fern Ridge School District: Provide excellence for every student so that each will reach their greatest potential.

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In an effort to conduct official Board business, we ask that the audience be respectful and refrain from questions, comments, and unnecessary noise while the Board conducts the meeting.

There is an opportunity for citizen comment tonight, and the Board looks forward to hearing from those who signed up. I will share some reminders when we get to that portion of the meeting.

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CITIZENSHIP AWARD (Agenda Item 2): The May Citizenship Award was presented to Elmira High School student Thaddius Mason.

FLAG SALUTE (Agenda Item 3): Elmira High School student Thaddius Mason led the flag salute.

PUBLIC COMMENT (Agenda Item 4): None at this time.

MONTHLY ITEMS (Agenda Item 5):

5. A. Approval of Minutes: The minutes of the regular school board meeting on May 18, 2026 were presented for approval.

Director Kirkpatrick moved to approve the minutes from the regular meeting on May 18, 2026, seconded by Director McCann. There was no discussion. The motion carried with Directors Grover, Kirkpatrick, McCann and Gent voting yes. 4-0.

BUSINESS OFFICE (Agenda Item 6):

6. A. Enrollment Report: Business Manager Quanah Bennett reviewed the enrollment report as of June 1, 2026. Elmira Elementary has an average class size of 23.4 and Veneta Elementary is at 22.43. Total elementary enrollment is at 572. The middle school has 307 students enrolled. The high school has 351. Overall our in-district enrollment is down 54 below our budgeted number. Quanah will give a final enrollment report for June at the July meeting.

6. B. General Fund Revenue and Expenditure Report: Business Manager Quanah Bennett reviewed the general fund revenue and expenditure report as of May 31, 2026. The district has received 103% of our budgeted revenue which was 104% this time last year and spent 75% of our budgeted expenses, which was 76% at the same time last year.

Director McCann moved to approve the general fund and expenditure report for May 31, 2026, seconded by Director Gent. There was no discussion. The motion carried with Directors Grover, Kirkpatrick, McCann and Gent voting yes. 4-0.

REPORTS (Agenda Item 7):

7. A. Chartwell's 2025-2026 report: Director Bo Gottfried presented slides to highlight Chartwells food service program.

7. B. Director of K-12 Programs: Director Michelle Marshall presented the FRSD Board Goals – LPGT June Presentation slides. There was a time of discussion regarding attendance and how that effects grades and graduation rates.

7. C. Superintendent's Report

- Superintendent Carpenter gave thanks to all the principals over the last couple of weeks for all the work with the year end activities and events.
- The Facility use process is in the organizational phase with the Athletic Director Emmy Erwin and the Facility Director Dan Prutzman handing over the scheduling of all athletic events after July 1 to Emmy Erwin.

7. D. Public Hearing for the 2026-2027 Budget

7. D.1. Open Public Hearing on the 2026-2027 Budget

7.D. 2. Public Comment: None at this time.

7. D.3. Close Public Hearing on the 2026-2027 Budget

7. D.4. Resolution #25-26/12 Adopt the 26-27 Budget and Impose the Tax Levies:
Resolution #25-26/12 was presented for approval.

There was a time of clarification on line item 5100.

Director Kirkpatrick moved to approve Resolution #25-26/12, 26-27 Budget and Impose the Tax Levies, seconded by Director Gent.

There was a time of discussion and clarification on reserve amounts and all funds.

The motion carried with Directors Grover, Kirkpatrick, Pizzola, McCann and Gent voting yes. 5-0.

DISCUSSION ITEMS (Agenda Item 8):

8. A. Lease of East Lot of Veneta Elementary: The City of Veneta is hiring a surveyor to complete this transaction. This will push this process out many months. There was a time of discussion about changing the terms.

8. B. K-2 / 3-5 Reconfiguration Update: The community input survey results were presented. The schedule for the remaining steps to prepare to vote was presented.

8. D. First Reading of Proposed Policy Updates: A first reading was held on the following proposed administrative rule and policy updates:

EEACC G1 update- Discipline Procedures for District Approved Student Transportation,

EEACC R G1 delete- Discipline Procedures for District Approved Student Transportation,

EEACC R G1 replace- Discipline Procedures for District Approved Student Transportation,

JGDA G1 update- Discipline of Students with Disabilities, and

JGDA R G1 update- Discipline of Students with Disabilities.

PERSONNEL (Agenda Item 9):

9. A. Licensed Employees Resignations/New Hires/Transfers/Other:

9. A.1. Hiring of Lyndsey Neal, 1.0 FTE Special Education Teacher at Fern Ridge Middle School, effective August 26, 2026.

Retirement of Reine' Peirce, 1.0 FTE Elementary Teacher at Veneta Elementary School, effective June 12, 2026.

Hiring of Mari Jones, 0.75 FTE One-Year Temporary/Retiree Contract, effective August 31, 2025.

Hiring of Jon Guldager, 1.0 FTE One-Year Temporary/Retiree Contract effective August 31, 2025.

Director McCann moved to approve the licensed resignations, new hires, transfers, other as proposed, seconded by Director Kirkpatrick. There was no discussion. The motion carried with Directors Grover, Kirkpatrick, Pizzola, McCann and Gent voting yes. 5-0.

9. B. Non-Licensed Personnel Report: The non-licensed personnel report was presented for review:

Resignations/Retirements

1. Resignation of Jennifer Gent, Assistant 3.5 Secretary I at Veneta Elementary School, effective June 11, 2026.

New Hires/Transfers

1. Hiring of Shaina Brown, Assistant 3.5 Secretary I at Veneta Elementary School, effective August 31, 2026.

Other

1. None at this time.

Coaches

1. Hiring of Pete Frazee, Head Cross Country Coach at Elmira High School, effective August 17, 2026.
2. Resignation of Aaron Garcia, JV 2 Boys Basketball Coach at Elmira High School, effective May 4, 2026.
3. Resignation of Jeannie Core, JV Volleyball Coach at Elmira High School, effective January 29, 2026.
4. Resignation of Nick Anderson, JV Girls Basketball Coach at Elmira High School, effective April 20, 2026.

LATE ITEMS/CLOSING COMMENTS/BOARD COMMUNITY INVOLVEMENT (Agenda Item 10):

- Director Kirkpatrick requested an update on the irrigation projects.

UPCOMING EVENTS (Agenda Item 11):

June 19: School offices are closed for the summer.

August 18, 19, 20: Returning Student Registration

August 31-September 2: Inservice Week

Elmira Elementary:

August 12 : 7am-7pm Kinder and New Student Registration

Veneta Elementary:

August 12 :7am-7pm Kinder and New Student Registration

Fern Ridge Middle School:

August 12 : 12-8pm New Student and Incoming 6th Graders Registration

Elmira High School:

August 12 : 9am-7pm New Student Registration

August 19, 20: Registration and Picture Day

ADJOURNMENT (Agenda Item 12): Board Chair Grover adjourned the meeting at 7:50 pm.

Attest: _____

School Board Representative

Gary E. Carpenter, Jr., Superintendent

ELEMENTARY RECONFIGURATION

TRANSPORATION & FACILITIES INFORMATION

July 2026



TRANSPORTATION



SUMMARY

- Multiple meetings and frequent communication with First Student to discuss transportation logistics.
- The general conclusion is that transportation CAN be provided in this K-2/3-5 model in an efficient manner. This is much easier in FRSD, than in some other districts that have gone this route, as a result of our elementary schools only being 1.6 miles apart.
- If the board elects to move to this model, we will be getting a small group to discuss some of the areas where we have options, or choices to make, within the model we have come up with.



AM ROUTE INFORMATION

- AM Routes will be the same.
 - VES routes will simply drop off K-2 kids at VES, then go to EES to drop off 3-5.
 - EES routes will either do the same, OR, drop off their 3-5 kids at EES and then head to VES to drop off K-2 students second.
 - Determining factor here will be where we end up on start times for routes, and both schools.
- A shuttle bus will be available from VES to EES.
 - A parent that wants to drive their kids to school, but not both schools, will be able to drop both children off at VES. One will go into school, the other will catch the shuttle that leaves at a designated time, each day, to go to EES.
 - Shuttle location TBD (upon VES parking lot completion)
- If the board elects to move to this model, an input group will be brought together to discuss areas where we have options, or choices to make, within the draft model.



PM ROUTE INFORMATION

- For afternoon drop-off, the district is exploring 2 options. Again, this would be discussed and brainstormed further with a collaborative team.
 - OPTION 1: All buses start at Veneta to load K-2, drive to EES to load 3-5 students (whose day ends 5-10 minutes later), then head out to do their routes.
 - OPTIONS 2: VES Route buses start at EES, and vice versa. After the VES route buses load student from EES, they head to VES and load their K-2 students and then begin their route. Vice versa for the EES route buses.
- Afternoon Shuttle
 - A PM shuttle will be provided for 3rd-5th students who are driven by parents, to the K-2 school so a parent has the option to pick up both students, at one school.

ADDITIONAL TRANSPORTATION INFORMATION

- In-district SPED routes and out of district placement routes: No significant impact.
- After school program: Will need one bus designated to load kids at VES, and deliver them to the EES after school program. This currently happens already.
- Costs: Both First Student and the FRSD business office agree there should be little to no cost increase with these changes.

Both elementary schools have been walked through to investigate any facility impacts that might occur as a result of a possible move to a K-2/3-5 structure. Below is a summary of what we discovered:

- General Facilities: There are NO significant structural things that would need to take place. No raising or lowering of counters or sinks, toilets or drinking fountains. Currently all of these are the same height throughout all common areas, at each building. In many areas where we have K-1 kids, there are small “step-stools” that are used where students was their hands (for example). We may need to purchase a few more of those.
- Playgrounds: No changes needed.
- Office/health rooms: No changes needed
- Gyms: No changes needed, although we may want to work with the PE teachers to see if equipment should be shifted.
- Libraries: We will work with staff and Lane ESD regarding an appropriate transfer/movement of books. Our district facilities team will coordinate the movement. Principals will coordinate boxing up of any books being moved.
- Classroom Furniture:
 - This was the biggest thing we noticed, that will need to be problem solved. Most K-1 teachers prefer a large table and chair “set-up”, vs. individual desks. While teachers of older grades prefer a model that is more a traditional “single-desk” (one per student) arrangement. Leading into the summer of 27 we will need to ensure we know who will be in each room, and where, and coordinate with district facilities staff to transfer desks/tables as needed to the other school to ensure each classroom meets the wishes of the individual teachers as much as possible. This will probably take district staff a day or two to make happen, and significant coordination will need to take place ahead of this furniture movement.



West Lane Charter School

Annual Site Review

29, June 2026

Gary E. Carpenter, Jr.

Superintendent, Fern Ridge School District

The annual review process took place with an on-site interview on Friday, June 5th at 9:00 AM. In attendance were myself, Gary Carpenter Superintendent FRSD 28, and FRSD Director of K-12 Programs Michelle Marshall representing the district, along with Director Mrs. Stuller and Business Manager Shawna Scroggins from WLC.

On Wednesday, June 24th I received a copy of the 25-26 annual report of WLC.

Included in this report are:

- My summary comments
- FRSD/WLC annual contract/charter review form (completed by WLC staff)
- 2024-2025 WLC Annual Report to FRSD

COMMENTS

STRENGTHS

- The program serves as an alternative option for students, many of whom are down to their last option, in regards to achieving a High School Diploma.
- WLC has their GED program up and running, with 6 students completing their GED in the 25-26 school year.
- Director Stuller attended FRSD board meetings when needed, including her annual board presentation. This is appreciated by the FRSD Board.
- WLC reports compliant in all areas of the annual contract charter review form.
- State test scores are hard to extrapolate any meaningful data, as the vast majority opt out. In 2026, WLC only had 1 of their Juniors take the exam.
- I appreciate the fact that Director Stuller reaches out for support when she needs it, at the same time she is also able and willing to do the work needed that allows those instances of needing significant district support, to be relatively rare.
- WLC has an involved school board whose members are a diverse representation of the area.

- Drop-out data continues to improve, and is within their goal identified in the WLC/FRSD contract.

AREAS OF IMPROVEMENT/CONCERNS/QUESTIONS/COMMENTS

- I am not noting any areas for improvement. I am confident that Director Stuller and her staff continue to work on improving their program through reflection, and the continual adding of supports for their students.
- Some questions I have, or considerations for the future.
 - Include attendance data in your end of year report. While attendance is tracked differently at virtual charter schools, it remains a critical indicator of success.
 - The next time the WLC/FRSD contract is bargained, there should be some discussion regarding OSAS requirements. In several areas of our contract it identifies the importance of WLC students participating in OSAS. In recent years, for whatever reason, WLC students are NOT participating in OSAS assessments.
 - During our end of year, on-site interview, Mrs. Stuller asked about the required Student Health Survey. I believe WLC is signed up, under the umbrellas of FRSD. We will confirm in the Fall.
 - Mrs. Stuller continues to serve as the school testing coordinator (STC), and there have been no issues.
 - Mid-year we had a conversation regarding credits that would be awarded for the completion of various GED component exams. I appreciate the willingness to discuss and address the concerns of the district in this area.

- **SUMMARY**

WLC is a program within the Fern Ridge School District that provides students a path to a diploma that is different than the regular public-school system. This year concluded year 2 of the current 5-year charter/contract with FRSD. Graduating students and academic success for a larger percentage of its students continues to be the biggest metric that will be used to assess the success of WLC.

Throughout Mrs. Stuller's tenure at WLC, communication and follow through has improved, and that is appreciated. Mrs. Stuller has been professional to work with and the District looks forward to continuing to partner in the future.

GC

West Lane Charter School Annual Report 2025–2026

MISSION STATEMENT

Guiding students to success by focusing on individual goals.

VISION

West Lane Charter School provides high-quality, personalized learning tailored to each student's unique needs. Students benefit from flexible at-home or personalized learning environments while having access to one-on-one support from teachers. Our staff is committed to helping each student achieve their post-graduation college or career goals.

ENROLLMENT AND ACADEMIC PERFORMANCE

In the 2025–2026 academic year, West Lane Charter School served **160 students**. Student mobility remained high, with many enrolling mid-year, exiting, and sometimes re-enrolling. Despite these challenges, we remain focused on individualized student support and progress.

Enrollment and On-Track Data by Grade

Grade	Total Enrolled	Year-End Enrolled	On Track at Enrollment	On Track at Year-End
9th	21	12	10	3
10th	39	27	14	9
11th	47	25	19	14
12th+	53	19	11	N/A

Student Success Outcomes

- 17 students earned a high school diploma
- 6 students completed their GED
- 6 seniors are continuing coursework over the summer or plan to return in the fall

Student progress data should be interpreted within the context of West Lane Charter School's highly mobile student population. Many students enroll throughout the year, often significantly behind in credits, while others withdraw before the end of the school year. As a result, the students represented in beginning-of-year and end-of-year on-track data are not necessarily the same group of students.

Despite these challenges, many students made meaningful progress toward graduation during the 2025–26 school year. Several students who entered behind in credits were able to regain ground toward graduation requirements, while 6 students successfully completed their education through the GED pathway. Among students who remained enrolled, many maintained or improved their academic standing, demonstrating that with individualized support and flexible learning options, students can continue moving forward toward their educational goals even when traditional pathways have not been successful.

KEY CHALLENGES

- **High Student Mobility:** Mid-year enrollments and re-enrollments disrupted continuity and progress tracking.
- **Inconsistent Academic Readiness:** Many students entered significantly behind on credits.
- **Attendance and Engagement:** Irregular attendance hindered progress. We are enhancing outreach, support services, and student engagement to address these barriers.

LOOKING AHEAD

While data reveals areas for growth, it also highlights our students' and staff's resilience and dedication. We remain committed to continuous improvement and increasing on-track rates and graduation outcomes.

BOARD OF DIRECTORS

The Board remains active in school operations and oversight.

Board Members:

- JR Davis - Chair, jrdavis@westlanetech.org
- Ric Ingham - Vice Chair, ringham@westlanetech.org
- Robbie McCoy - Treasurer, rmccoy@westlanetech.org
- Stacy Cornelius - Secretary, scornelius@westlanetech.org
- Jackie Turle, jturle@westlanetech.org
- Ryan Chambers, rchambers@westlanetech.org

Board Goal: 2026–2029

The West Lane Charter School Board of Directors established the following three-year strategic goals to guide governance priorities, monitor organizational performance, and ensure alignment with the school's mission:

Guiding students to success by focusing on individual goals.

These goals reflect the Board's role in oversight, accountability, and long-term sustainability.

Board Goal 1: Student Success & Completion

Improve measurable student outcomes in attendance, credit attainment, persistence, and graduation.

The Board will monitor progress toward improved student success indicators, including but not limited to:

- Reduction in chronic absenteeism
- Increase in regular attendance rates
- Improvement in credit attainment and on-track status (including 9th grade on-track indicators)
- Increase in on-time graduation and five-year completion rates

The Board will review student outcome data at least twice annually and ensure that progress toward these indicators remains a central focus of organizational decision-making.

Board Goal 2: Data-Informed Governance & Accountability

Strengthen governance practices through consistent use of meaningful, disaggregated data to guide strategic oversight and ensure accountability.

The Board will:

- Review a quarterly dashboard aligned to student outcomes and strategic priorities
- Monitor progress related to state accountability requirements (including Integrated Guidance, High School Success, and SB 141 metrics)
- Ensure student data is reviewed in a manner that supports equity and informed decision-making
- Annually review intervention framework effectiveness and overall program impact

The Board will use data trends, not isolated data points, to evaluate progress and inform policy and strategic direction.

Board Goal 3: Organizational & Fiscal Stability

Ensure the long-term fiscal health, enrollment stability, and organizational capacity of West Lane Charter School in alignment with its mission and strategic priorities.

The Board will:

- Review enrollment trends and retention patterns at least quarterly
- Monitor budget alignment with strategic priorities and staffing capacity
- Ensure responsible oversight of fund balance and financial sustainability

The Board's role is to provide oversight and ensure sustainability, while operational planning and execution remain the responsibility of the Director.

Review Cycle

These goals are established for a three-year cycle (2026–2029).

Progress will be reviewed regularly, and goals may be refined or updated as needed to reflect evolving organizational needs or state requirements.

STUDENT IMPROVEMENT DATA

Attendance

- Students are marked present with active participation and two-way communication within a 24-hour period
- Daily tracking and proactive family contact supports our tiered intervention model

Credit Attainment

Year	Fall Completed	Spring Completed	Total	Avg. Enrollment	Avg. Classes/Student	Avg. Credits/Student
2023–2024	270	319	590	88.7	6.65	3.32
2024–2025	302	408	710	100.5	7.06	3.53
2025–2026	335	479	814	90.6	8.98	4.49

Discipline

- With a largely remote model, discipline referrals are minimal:
 - This year we had one referral for disrespect.

Dropout Rates

- 2022–2023: 48.33%
- 2023–2024: 31.1%
- 2024-2025: 31.0%

Smarter Balanced Assessments

- 1 student tested in 2025–2026 (a decrease from previous year)
- Most families opted out
- Testing was offered both in person and remotely; state guidelines continue to be followed

Interim Assessments:

West Lane Charter School continued to monitor student academic growth through three benchmark assessment windows in Mathematics, Reading, and Language Arts. While participation declined throughout the year—a common challenge in alternative and virtual education settings—the data demonstrates encouraging growth among students who consistently engaged in the assessment process.

Mathematics

Mathematics showed some of the strongest gains of the year. The percentage of students performing in the highest achievement band (75th–99th percentile) increased from just 5% at the beginning of the year to 34% by the final testing window. At the same time, the percentage of students performing in the below-average range (25th–49th percentile) decreased from 38% to 21%, indicating that many students moved into higher achievement levels over the course of the year.

Reading

Reading results reflected growth at both ends of the achievement spectrum. The percentage of students scoring in the highest achievement band increased from 19% to 32% during the school year. While some students made significant gains, the data also highlights the continued need for intensive literacy support for students entering our program significantly below grade level. This reinforces the importance of our individualized instructional model and targeted interventions.

Language Arts

Language Arts demonstrated positive upward movement throughout the year. Students in the highest achievement band increased from 24% to 38%, while the percentage of students in the below-average range decreased from 34% to 19%. These results suggest that many students improved their reading comprehension, writing, and language skills and moved into higher-performing achievement categories.

Overall Reflection

Across all three content areas, West Lane Charter School saw an increase in the percentage of students performing in the highest achievement levels. Language Arts and Mathematics showed particularly strong gains, with substantial reductions in the number of students performing below average.

As a virtual alternative high school serving many highly mobile and credit-deficient students, assessment participation decreases throughout the year as students graduate, transfer, complete programs, or disengage from testing opportunities. Because of this, end-of-year results should be interpreted with appropriate caution. However, the data provides encouraging evidence that students who remained engaged and participated in multiple assessment windows demonstrated meaningful academic growth.

These results support our continued focus on individualized instruction, targeted interventions, and student-centered supports designed to help every student make progress toward graduation and post-secondary success.

Surveys and Family Engagement

As part of our commitment to continuous improvement, West Lane Charter School conducted a Student and Family Needs Assessment during mid-year conferences. Mid-year conferences were completed with 78% of eligible students and families, and all conference participants were invited to complete the needs assessment survey. While 21% of conference participants chose to respond, the feedback provided valuable insight into the experiences and needs of our school community. Survey responses indicated that students feel strongly connected to the school community, with 75% reporting a connection to at least one trusted adult at WLCS. Flexible scheduling, clear expectations, regular staff check-ins, and encouragement from staff were identified as the most important factors supporting student engagement. The greatest barriers to success included motivation, mental health concerns, and family responsibilities, highlighting the complex challenges many of our students navigate while pursuing their education. Students and families expressed strong interest in life skills education, college and career planning, and Career and Technical Education opportunities. Feedback also reinforced the value of personalized supports such as flexible pacing, counseling services, and frequent communication. Overall, the survey results affirm that WLCS's student-centered approach is meeting the needs of many students while helping guide future efforts to strengthen academic, social-emotional, and post-secondary supports.

FINANCIAL MANAGEMENT

Funding

- Primary funding comes from the Oregon State School Fund Grant, distributed via the Fern Ridge School District on a monthly basis

Audit & Fiscal Oversight

- Internal auditing procedures guide financial controls, ensure transparency, and safeguard assets
- A copy of our most recent audit was submitted to the district in the fall

Supporting Documents

- Budget-to-actual report included in accompanying documents

West Lane Charter School is committed to supporting all students in achieving their educational goals through innovation, flexibility, and personalized support. We thank the Fern Ridge School District for its continued partnership.

FERN RIDGE SCHOOL DISTRICT/WLTLC ANNUAL CONTRACT/CHARTER REVIEW

Academic Year: 25-26 Review Team: _____

Program/Area	Status C = In compliance NC = Not in compliance NA = Not Applicable NO = Not Observed	Evidence * List proof/artifact used to determine status
Safety / Health		
Compliance with criminal background checks for staff, volunteers, including volunteer list and volunteer driver's list.	C	ODE: on file
Driver's insurance on file and meeting limits.	C	on file
Immunization records are current.	C	eSchool
Form for mandatory reporting of child abuse, yearly training, parent awareness	C	Board Policy
Student & staff injury form. District kept informed. OSHA file up to date.	N/A	
School visitor policy, check in	C	on file
Medication log, administration document on file, staff training. Epi pin training log. Epi pins current and accessible.	C	Safe Schools
Staff training on blood borne, harassment, first aid	C	Safe Schools
Facilities		
Copy of annual fire safety inspection	C	on file
File on safety committee minutes, copy to District	C	
Schedule for Fire, Earth Quake, Lock-down and actual drills with comments	C	
Facilities clean, no clutter, grounds maintained	C	
Any/all upgrades prior approval from District	N/A	
Per Contract all use agreements are on file, fees paid	N/A	
Classroom (s), grounds conducive to safe learning environment	C	

Finances - Per Contract		
• Last year's certified audit on file and to District	C	Sent via email
• Current budget adopted, quarterly budget reconciled with no outstanding debt	C	Sent via email
• Responses to Management Letter on file, timely and copy to District	C	
• Payroll records maintained, state/federal deductions current, unemployment, workers comp. , PERS as applicable, etc.	C	on file
• Charitable annual report filed	C	
• Form 990 filed	C	
• In compliance with all applicable state & federal laws regarding gifts, donations, grants, copy to District	C	
• Policies, procedures for purchase order forms to establish fiscal accountability, compliance with state laws	C	on file
• Current list for enrollment, reconcile with District	N/A	
• Reserve goal(s) as per contract	N/A	
Records		
• Cumulative folders in secure location in a locked , fire proof cabinet	C	
• Special education records organized and in separate file folders.	C	
• Contracts with resident schools for Sped on file	N/A	
• Health files maintained separately	C	
• Attendance procedures established and accurate	C	on file
• Addressing excessive absences	C	
• Records retained for period specified by ODE	C	
• Applicable Div 22 data maintained	N/A	

Instruction/Assessment		
• Class enrollment reconcile with ADM	N/A	
• All NCLB core courses taught by HQT	N/A	
• Interventions – Differentiated Instruction	C	
• PDP on file per ODE and data driven as per OAKS and unit/course performance data	C	on file
• Syllabi and Plan Course Statements on File with District	N/A	
• Performance samples on file, analyzed	N/A	
• Instruction time maximized	C	
• Ed. program is nonreligious and nondiscriminatory as per contract	C	on file
• All students participate on State Tests, reported and used for SIP and PDP	C	
• SIP on file, updated and written with SMART goals	C	on file
• Offers instruction in all required content areas, meets academic content standards as per ORS 329.045(3)	C	
• Review any Independent Textbook adoptions or other Curriculum deviations	N/A	
• Teacher interview (2)		
• Students interviewed (3)		
Personnel		
• Personnel files kept in locked file with limited access	C	
• Resumes and applications on file for current staff	C	
• Position Descriptions on file for all staff specify NCLB HQT	N/A	
• Hiring procedures in place as approved by governing board	C	
• Teacher licenses and state registration on file, copy to District	C	
• In compliance with an ODE approved ELL	C	

program		
• All teachers, staff observed and evaluated	C	on file
• Teacher Interview (2)		
• Student Interview (3)		
• Parent Interview (2)		
• Data of annual report to District summarizing academic goals and progress toward meeting, student attendance, discipline data, policy issues per contract.	C	By end of June
• Meeting nondiscrimination requirements with school staff person responsible for compliance	C	
• Grievance file/ plan to resolve	C	
• Computer Internet Policy	C	
Governance		
• Review agenda, minutes, open meeting law compliance	C	on website
• Review of articles of incorporation bylaws and org chart as per contract. Any revisions to same made this year.	C	
• List of school board member addresses and telephone numbers available to community	C	on website
• Parents have information regarding how to contact board members or place item on agenda	C	on website
• Board understands core mission, goals in sufficient depth to permit effective oversight	C	
• Process in place for selecting new board members	C	bylaws
• Board has implemented and maintained appropriate policies, systems and processes: * Conflict of Interest Policy * Complaint Process	C	on file
• Board interview (1)		
Discipline		

• Student Code of Conduct is well defined and available to students and parents	C	handbook
• Computer/Internet use policy	C	on website
• Discipline policies reviewed each year and any changes approved by Board	C	
• Low level of misbehavior not tolerated, e.g., students not allowed to opt out of learning or engage in quiet chatter during instruction	N/A	
• Tracking of student non-compliance	C	
• Suspension/Expulsion records on file. Indicate procedures implemented as defined and consistent with District policy/practices.	C	
Food Service		
• Evidence all resident students provided opportunity to complete free/reduce meal application	C	offered at Registration
Follow-up from previous site visit/communication		
* Examples of Evidence of Compliance Current policy(ies) Minutes of charter meetings Contract(s) with school district(s) Written evaluation Inspection reports Correspondence/forms to ODE Audited financial statements Curriculum mapping/alignment documents State Student Performance Data Normed Tests Interviews and focus groups with students, parents, staff, etc. Other indicators as required in Contract . . .		

FORM 400

CURRICULUM PROPOSAL

Fern Ridge School District 28J

1. Name of Course or Activity World Cultures
 School Elmira High School Department Electives
2. Check One: ☐ Change in old course ☒ New Course
3. Implementation Dates: Begin 1/2027 (2nd semester) End TBD (hoping it goes well, and we continue) (if short term)
4. Target Group: 10th - 12th graders who are interested in learning about other cultures / need elective credit
5. Course Description: Attach the completed "Planned Course Statement".
See attached (expanding opti and opportunities)
6. Rationale: (What problem or need will this proposal resolve? How will this goals be accomplished? Use additional pages if necessary.)
See attached

7. Budget Estimate:

	Amount	Explanation
Personnel		We are using existing FTE, and may pull from second language budget, if necessary?
Supplies		
Equipment		
Travel		
Other		
Total:	<u>0</u>	

Initiator(s) Jimbo Ginder Position Spanish Teacher
 School Elmira High School Date 5-20-26

FORM 401

SIGNATURES REQUIRED FOR A PROPOSED CHANGE IN THE CURRICULUM

Fern Ridge School District

PROPOSAL IDENTIFICATION: new course: World Cultures

INITIATOR: Jennifer Snider

1. Submitted to: Michelle Marshall Date: _____
(Curriculum Associate)

Signature: _____ Date: _____

2. Submitted to: Cydney Vandercar Date: 06/09/2026
(Supervising Administrator)

Signature: Cydney Vandercar Date: _____

3. Submitted to: _____ Date: _____
(Curriculum Council Chairperson)

Recommendations of the Curriculum Council: _____

Signature: _____ Date: _____

4. Submitted to: _____
(Superintendent)

Final action taken: _____ Implementation as submitted is authorized

_____ Implementation with specified modification is authorized

_____ Implementation is not authorized

Explanation: _____

Signature: _____ Date: _____

World Cultures (Course Proposal)

Course Description: This course is designed for 10th-12th grade students to learn about cultures around the world as well as help students understand diverse cultures and perspectives across the globe. Some of the different learning activities include readings and discussions on cultural topics, research projects on specific cultures, presentations on cultural traditions, analyzing and discussing videos, and creative projects like cultural art or food demonstrations. It will be a project-based class with many opportunities to work with your peers and learn from one another as we expand our horizons. At the end of the semester, the goal would be to take a field trip for a culminating experience for the class (TBD).

Rationale: By offering this course, it is giving students another opportunity for elective credit, which we have been lacking in our course offerings at the high school. While I integrate culture in my Spanish courses, the focus is on Spanish-speaking places. This course (taught in English) offers students the opportunity to learn about cultures from around the world, and will incorporate a variety of projects (individual, partner, and group ones). When forecasting numbers came out, I had 20 signed up (10 of which are seniors). That made me very excited and hopeful that I will be able to offer it during the second semester of the 2026-2027 school year.



July 20, 2026 – Resolution #26-27/01

FERN RIDGE SCHOOL DISTRICT 28J
88834 Territorial Road
Elmira, OR 97437

RESOLUTION NO. #26-27/01

BE IT RESOLVED, That the Board of Directors, School District No. 28J, make the following annual organizational appointments for the school year 2026-2027:

- | | |
|--|---|
| • Clerk (ORS 332.515) | Gary Carpenter |
| • Business Manager/Deputy Clerk (ORS 332.515) | Quanah Bennett |
| • Budget Officer (ORS 294.331) | Gary Carpenter |
| • Custodian of Funds and authorizes the facsimile signature of the custodians of funds, if one is to be used. No other signatures are authorized for district checks. (ORS 328.441, 328.445) | Gary Carpenter, Quanah Bennett |
| • Authorize Salary Payments according to district policy and state laws | Gary Carpenter, Quanah Bennett |
| • Official Legal Advisors | The Hungerford Law Firm, LLP
Oregon School Boards Association
Legal Division
Garrett, Hemann, Robertson, P.C.
Luvaas, Cobb, P.C.
Register Guard
Pauly, Rogers and Co., P.C.
WHA Insurance
Banner Bank, LGIP |
| • Official Newspapers for Publication | Gary Carpenter, Quanah Bennett |
| • District Auditors (ORS 328.465, 327.137, 297.405) | |
| • Insurance Agents of Record | |
| • Depository of School Funds (ORS 328.441, 294.805-294.895) | |
| • Directs the Superintendent and Business Manager to utilize any other banking facilities which are to the financial advantage of the District. | |
| • Authorizes the Superintendent to accept resignations and employ personnel as budgeted for and appropriated for the school year upon approval of the school board. | Gary Carpenter |
| • Managers of Grant Funds | Gary Carpenter, Quanah Bennett |
| • Local Public Contract Review Board (ORS 279A.060) | Board |
| • Bond Counsel | Hawkins Delafield & Wood LLP |

ADOPTED by the Board this 20th day of July 2026, Lane County School District 28J.

Board of Directors, Chair

Superintendent

Date

Fern Ridge School District 28J

Code: **CBA**
Adopted: 5/23/05
Readopted: 8/19/13
Orig. Code(s): 2210

Qualifications and Duties of the Superintendent

POSITION: Superintendent of Schools

- QUALIFICATIONS:**
1. A current Oregon administrative license with an authorization for all levels, 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 licensure 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.

JOB GOAL: Provide effective administration of all schools and departments, and educational leadership throughout the school system and community.

Performance Responsibilities

The superintendent:

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 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, renewal, contract extension, demotion, contract nonrenewal, contract nonextension or discharge of licensed employees of the Board as provided by law, Board policies and the employee's collective bargaining agreement, as applicable, and with such recommendations reported to the Board for approval;
7. Assigns or transfers licensed employees as provide by state law, Board policies, collective bargaining agreements and meet and confer agreements, as applicable;
8. Appoints, assigns, transfers, promotes, demotes or discharges classified and nonrepresented employees as provided by state law, Board policies, collective bargaining agreements and meet and confer agreements, as applicable;
9. 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 other duties as the Board determines;
10. 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;
11. Supervises the establishment or modification of attendance and transportation area boundaries subject to Board approval;
12. Directs the preparation of the budget showing the estimated receipts and disbursements necessary to cover the needs of the district for the ensuing budget period and submits this estimate to the Board in accordance with law;
13. Approves and directs, in accordance with law and Board policy, purchases and expenditures, within the limits of the budget;
14. 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;
15. Represents the district in dealings with other school systems, social institutions, business firms, government agencies and the general public;

16. Keeps the public informed about current educational practices, educational trends and issues confronting 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.

END OF POLICY

Legal Reference(s):

[ORS 327.133](#)
[ORS 332.075](#)
[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](#)-0003 to -0024
[OAR 584-048](#)-0085 to -0095
[OAR 584-080](#)-0151
[OAR 584-080](#)-0152
[OAR 584-080](#)-0161

Cross Reference(s):

CBG - Evaluation of the Superintendent

OSBA Model Sample Policy

Code: CBA
Adopted:

Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district^{1};
2. A master's degree or higher in the field of education, preferably in educational administration;
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

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 alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;
2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
8. Ability to motivate other administrators and significantly involve them in the decision-making process;
9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

^{1} Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure.}

2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;
2. Serve as educational leader to the Board, staff and community;
3. Act as the district's chief administrative officer;
4. Serve as district school clerk, performing such duties as required by law or by the Board;
5. Support the Board with scheduling meeting places, providing for required notices, and ensuring any required recordings or minutes are created for all Board meetings and for all committee meetings authorized by the Board, as appropriate;
6. Attend all regular and special meetings of the Board, except when excused;
7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;
8. Administer adopted Board policies;
9. Regularly review adopted Board policies and make recommendations for needed changes;
10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;
11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;
12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;
13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;
14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;
15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;
16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;
17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;
18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;
20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;
21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;
23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;
25. Provide for performance evaluations of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
26. Assign and control the promotion of students;
27. Maintain a continuous inventory of all district property, furniture, material and supplies;
28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;
29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;
30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;
31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;
32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;
33. Direct the district in its relationships with federal, state and local government agencies;
34. Cooperate with universities and colleges in their student-teacher training programs;
35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;

36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;
37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;
38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;
39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 342.143](#)
[ORS 342.173](#)

[ORS 342.850](#)
[OAR 584-020-0000 - 0035](#)
[OAR 584-046-0003 - 0024](#)

[OAR 584-080-0151](#)
[OAR 584-080-0152](#)
[OAR 584-080-0161](#)

OSBA Model Sample Policy

Code: CBG
Adopted:

Evaluation of the Superintendent

{Required policy. OAR 581-022-2405 requires districts to “adopt and implement personnel policies which address...evaluation procedures.” Review the superintendent contract before adopting to ensure there is no conflicting language; modify policy as needed.}

The Board will formally evaluate the superintendent’s job performance at least once each year. The evaluation will be based on the superintendent’s job description, any applicable standards of performance, Board policy and progress in attaining any goals 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 their performance will be conducted in an executive session, unless the superintendent requests a session open to the public.¹ Such an executive session will not include a general evaluation of any district goal, objective or operation or of any directive to personnel concerning district goals, objectives, operations or programs. Results of the evaluation will be written and placed in the superintendent’s personnel file.

At the Board’s discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent’s performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent’s employment contract and state law and rules. In those situations where the superintendent’s employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)
[ORS 332.505](#)

[OAR 199-040-0027](#)
[OAR 199-040-0030](#)

[OAR 581-022-2405](#)

¹ Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the Board;
- b. The time, date and location of the meeting;
- c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
- d. Information on how the superintendent may make a request for an open hearing.

Hanson v. Culver Sch. Dist. (FDAB 1975).

OSBA Model Sample Policy

Code: EBB
Adopted:

Integrated Pest Management

{ORS 634.740 requires boards to adopt policies regarding pest management.}

To ensure the health and safety concerns of student, staff and community members, the Board 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 list² of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website³.

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;

¹ {See Integrated Pest Management Program for Oregon Schools at <http://blogs.oregonstate.edu/schoolipm/>. The program includes access to Resources & Forms including Model plans for large school districts and small school districts.}

² See ORS 634.705(5).

³ Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

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;
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 Director of Facilities and Maintenance is designated as the Integrated Pest Management Plan Coordinator and has the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. 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;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results;
8. 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 Safety Data Sheet (SDS);
 - c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
 - d. The pest condition that prompted the application;
 - e. The approximate amount and concentration of pesticide applied;
 - f. The location and description of the area where the pesticide was applied;
 - g. The type of application and whether the application was effective;
 - h. The name(s) of the person(s) applying the pesticide;

- i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - j. The dates and times for the placement and removal of warning signs; and
 - k. Copies of all required notices given, including the dates the IPM Coordinator(s) gave the notices.
9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints; and
10. Conduct outreach to district staff about the district's IPM plan.

At least once every five years, the Board shall review the IPM plan, make any necessary updates and readopt the IPM plan.⁴ The final IPM plan shall include the day, month and year the Board adopted or readopted the plan.

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)

[ORS 634.700 - 634.750](#)

⁴ For IPMs adopted prior to January 1, 2026, the Board shall review, update and readopt the IPM no later than January 1, 2027, or five years from the date of the most recent approval of the plan, whichever is later.

OSBA Model Sample Policy

Code: GBA
Adopted:

Equal Employment Opportunity

{OAR 581-022-2405 requires districts to have personnel policies which address affirmative action and equal employment opportunity.}

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. 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 communicated to all students, parents of students and employees through handbooks and will be published on the district website.

The superintendent will develop other specific recruitment, interview and evaluation procedures necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[05](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 408.225 – 408.237](#)
[ORS 652.210 - 652.220](#)
[ORS 659.850](#)

[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.109](#)

[ORS 659A.112](#)
[ORS 659A.147](#)
[ORS 659A.820](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-006-0435 - 0480](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001.

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R. Part 1626 (2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

OSBA Model Sample Administrative Regulation

Code: GBA-AR
Revised/Reviewed:

Veteran and State Servicemember Preference

Oregon law requires the district to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference¹ an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law².

The district is not obligated to hire or promote a qualified and eligible veteran, disabled veteran, state servicemember or former state servicemember. The district is obligated to interview all minimally qualified veterans or disabled veterans, and is also obligated to hire or promote a qualified or eligible veteran, disabled veteran, state servicemember or former state servicemember if the individual is equal to or better than the top candidate after the preference has been applied.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide a preference as required by Oregon law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures^{4}

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 for definitions of veteran, disabled veteran, state servicemember and former state servicemember.

³ An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

⁴ {If the district chooses not to use a scored system the law requires that the district give special consideration in the district's hiring decision to veterans, disabled veterans, state servicemembers and former state servicemembers and the district will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).}

- Step 1: Before the review of any applications the Superintendent or his/her designee will establish an evaluation scoring guide based on the minimum qualifications and any special qualifications listed in the job posting.
- Step 2: The Superintendent or his/her designee will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the Superintendent or his/her designee shall evaluate whether the skill experience obtained in service are transferable skills to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the Superintendent or his/her designee determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the Superintendent or his/her designee shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.
- Step 6: The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.
- The district may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

In the event the district chooses not to appoint an applicant covered by this administrative regulation, the district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.

Filing a Complaint

A veteran, disabled veteran, state servicemember or former state servicemember is encouraged to contact the Superintendent or his/her designee if there are any concerns or questions concerning the application of or the process used for preference.

An applicant claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints^{1} or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures^{2}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or

¹ {Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the district chooses to change these terms, new terms must be consistent and clear. Note, "complainant" is defined under federal law.}

² {Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF).}

³ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without consent⁴.^{5}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, [⁶] physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

^{7} **Michelle Marshall**, Director of K-12 Programs at: 541-935-2253 or mmarshall@fernridge.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX coordinator.^{8} See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

⁴ "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

⁵ {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the district would like to include the full statutory definition, it can do so.}

⁶ {OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

⁷ {The district must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

⁸ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment. {⁹}

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

⁹ {OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person¹⁰ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include¹¹:

¹⁰ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

¹¹ Remember confidentiality laws when providing any information.

1. Name and contact information for all persons designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parent who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹²;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. The report can be made at any time.

Michelle Marshall is designated as the Title IX coordinator and can be contacted at **541-935-2253**. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this

¹² "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

policy. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook.^{13}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹⁴ The district shall treat complainants and respondents equitably by providing supportive measures¹⁵ to the complainant and by following a grievance procedure¹⁶ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.¹⁷

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁸ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

¹³ {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

¹⁴ (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

¹⁵ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.¹⁵ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

¹⁶ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

¹⁷ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁸ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary¹⁹, or both.

No Retaliation

Neither the district or any person may retaliate²⁰ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy [and contact information for the Title IX coordinator] shall be prominently published in the [school] [district] student handbook and on the [school] [district] website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any [student, parent of a student, school or district staff member, or third party] [person] upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

¹⁹ Of the United States Department of Education.

²⁰ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

OSBA Model Sample Policy

Code: JBA/GBN
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints^{1} or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures^{2}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;

¹ {Some districts choose not to use the terms “complaint” and “complainant” because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the district chooses to change these terms, new terms must be consistent and clear. Note, “complainant” is defined under federal law.}

² {Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA).}

³ “Third party” means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student’s educational activity or program;
 - b. Interferes with a school or district staff member’s ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁴.^{5}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s actions, offensive because of that other person’s sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, ^{6}physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

^{7}**Michelle Marshall**, Director of K-12 Programs at: 541-935-2253 or mmarshall@fernridge.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX coordinator.^{8} See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

⁴ “Without consent” means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

⁵ {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the district would like to include the full statutory definition, it can do so.}

⁶ {OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy.” The bracketed list in this policy reflects OSBA’s recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district’s legal counsel.}

⁷ {The district must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

⁸ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.^{9}

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;

⁹ {OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person¹⁰ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

¹⁰ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include¹¹:

1. Name and contact information for all persons designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the [student, student's parents, staff member, person or person's parent] [person] who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

¹¹ Remember confidentiality laws when providing any information.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹²;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

¹² "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX coordinator receiving the person’s verbal or written report. The report can be made at any time.

Michelle Marshall is designated as the Title IX coordinator and can be contacted at **541-935-2253**. The Title IX coordinator will coordinate the district’s efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook. ^{13}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹⁴ The district shall treat complainants and respondents equitably by providing supportive measures¹⁵ to the complainant and by following a grievance procedure¹⁶ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

¹³ {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

¹⁴ (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

¹⁵ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.¹⁵ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

¹⁶ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.¹⁷

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁸ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary¹⁹, or both.

No Retaliation

Neither the district or any person may retaliate²⁰ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

¹⁷ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁸ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

¹⁹ Of the United States Department of Education.

²⁰ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Publication

This policy shall be made available to students, parents of students and staff members. This policy [and contact information for the Title IX coordinator] shall be prominently published in the [school] [district] student handbook and on the [school] [district] website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any [student, parent of a student, school or district staff member, or third party] [person] upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)

[ORS 332.107](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

[Bartsch v. Elkton School District, FDA-13-011 \(March 27, 2014\).](#)

[Davis v. Monroe County Bd. of Educ., 526 U.S. 629 \(1999\).](#)

[Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 \(1998\).](#)

OSBA Model Sample Policy

Code: EEACC
Adopted:

Student Conduct on School Buses

The following regulations will govern student conduct on school buses and Type 10 School Activity Vehicles if used for transporting students from home to school, school to home and to and from district-sponsored activities 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 service animals, on the bus;
7. Students will remain seated while the 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 the bus windows;
11. Students will have written permission to leave the bus other than for 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 administrative regulations as necessary for the safe conduct of students riding district school buses or other forms of district transportation and for disciplinary procedures. 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 to -820.190](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-023-0040](#)
[OAR 581-053-0002](#)
[OAR 581-053-0003](#)

[OAR 581-053-0004](#)
[OAR 581-053-0010](#)
[OAR 581-053-0210](#)

Letter Opinion, Office of the OR Attorney General (Nov. 22, 1988).

OSBA Model Sample Policy

Code: EEACC-AR
Revised/Reviewed:

Discipline Procedures for District-Approved Student Transportation

All students eligible for district-approved student transportation shall receive safety instruction and be provided the behavior expectations outlined in a code of conduct for district-approved student transportation.

Violation of the code of conduct or conduct which jeopardizes the health or safety of themselves and/or others, may result in the loss of district-approved transportation services.

1. Safety Instructions

- a. Within the first 6 weeks of school and in January, the transportation supervisor will direct all bus drivers to conduct instruction with all students who are regularly transported by the district.

The instruction will include:

- (1) Safe school bus riding procedures, including but not limited to loading, unloading and crossing;
- (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.

- b. Within the first 6 weeks of school and in January, the transportation supervisor will direct all bus drivers to conduct instruction with all other students.

The instruction will include:

- (1) Safe school bus riding procedures, including but not limited to loading, unloading and crossing; and
- (2) Use of emergency exits.

- c. The transportation supervisor will record dates and the content of the instructions given by each driver. Such information shall be kept as a part of the district's records.

2. Student Conduct on School Buses

Each year the district will include the following transportation rules in the student/parent handbook or issue a code of conduct to all students and parents accompanied by a form to be signed as acknowledgment of being read and understood. The district will provide interpretation to those students/parents whose primary language is not English.

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 for 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 and for disciplinary procedures. 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.

3. 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. 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. 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. If makeup work is needed, the district's policy and procedures will be followed.
- d. Alternative education may be provided. If alternative education is needed, the district's policy and procedures will be followed.

4. Special Education Students

Special education students will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and its accompanying administrative regulation.

5. Violations

The district will include procedures for responding to violations of the code of conduct in the student/parent handbook.

The district will provide interpretation to those students/parents whose primary language is not English.

6. Suspension Procedures

The due process procedures for suspension of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGD - Suspension.

7. Expulsion Procedures

The due process procedures for expulsion of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGE - Expulsion.

8. Right of Appeal

- a. At each step of the discipline procedures used in district-approved transportation services, a parent, the student and/or a representative for the student has the right to an appeal.
- b. An appeal must be in writing.
- c. An appeal will be made to the responsible person at the appropriate level of appeal.
- d. A final appeal may be made to the Board.
- e. The Board's decision will be final.

9. Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

- a. When deemed necessary, parent(s) and student shall be present at the conference;
- b. The principal shall fully explain matters and permit the parties involved to fully explain their positions;
- c. The principal shall make a decision which provides guidelines for the student to follow if, or when, transportation services are reinstated.

Violations

Each year the district will include the following procedures for violations in the student/parent handbook or issue the procedures to all students and parents accompanied by a form to be signed as an acknowledgment of being read and understood.

DISCIPLINARY PROCEDURES FOR VIOLATIONS

1. First Citation - Warning*: **First citation**, please consider it a warning and review the importance of school bus "Code of Conduct" with your student. No parent conference is required at this time; however, you or a representative of the school district may request one.
2. Second Citation*: **Second citation**; there may be discipline which may include a two (2) day suspension of riding privileges. No conference is required at this time; however, you or a representative of the school district may request one.
3. Third Citation*: **Third citation**; there may be discipline which may include a five (5) day suspension up to a one-year expulsion of riding privileges. There may be a mandatory parent, school principal, bus driver, and transportation supervisor conference required. Please contact the First Student office at 935-1969 to set this appointment. Your student will not be allowed to resume bus riding privileges until this conference is held.
4. Severe Violations: **SEVERE INFRACTION**, may result in suspension of up to one year from District provided student transportation. There is a mandatory conference required before your student is allowed to resume riding privileges on any Fern Ridge school bus. Please contact the First Student office at 935-1969 to set up this conference.

In all instances, the appeal process may be used if the student and/or parent desires.

*Citations will be shared with building principals. Building principals will: meet with student(s) and call parents/guardians to discuss the citation and any disciplinary action.

Definitions:

"Suspension" means any disciplinary removal, other than expulsion, for up to 10 school days.

"Expulsion" means any disciplinary removal beyond 10 school days up to one calendar year.

APPEAL PROCEDURE

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used.

A student or parent that wishes to complain about a school employee's decision, will use Board policy KL - Public Complaints.

- Step 1: The student or their representative will discuss the issue with the transportation supervisor and principal.
- Step 2: If the student is not satisfied with the outcome of the discussion, they may file a written statement with the principal or the 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 conference with the student, a parent, the transportation supervisor and the principal with the goal of resolving the issue.
- Step 3: Within five school days, the principal is to communicate, in writing, the decision to the student and a parent.
- Step 4: If, after five school days from receipt of the principal's reply, the issue still remains unresolved, the student or parent may appeal the decision of the principal in writing to the superintendent. The superintendent will meet with the student and a parent within three school days and will respond to the issue, in writing, within five school days after the appeal.
- Step 5: If the issue is still unresolved, the student or parent may appeal the decision of the superintendent in writing 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 following receipt.

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
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Bus Route # _____ Phone Numbers: (Home) _____ (Work) _____

School _____

FERNRIDGE SCHOOL DISTRICT 28J
SCHOOL BUS CONDUCT REPORT

Office Use:

Date: ___ / ___ / ___

Route: _____ AM PM

School _____
Grade _____
Phone _____

Dear Parent:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and wellbeing of 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 infraction of the rules listed below:

- ☐ Failed to obey the instructions of the bus driver
- ☐ Threw an object(s)
- ☐ Possessed dangerous weapons/objects
- ☐ Fought, wrestled or scuffled on bus
- ☐ Stood up or changed seat with bus moving
- ☐ Extended arm/hand/limb from door/window
- ☐ Used emergency exit without permission
- ☐ Vandalism of property
- ☐ Threatened/harmed driver/rider
- ☐ Disruption (driver had to stop bus to regain order)
- ☐ Possessed alcohol, tobacco, drugs
- ☐ Used vulgar/profane language on bus
- ☐ Eating or drinking
- ☐ Possessed glass container or object
- ☐ Impeded movement of bus
- ☐ Other (see description of incident)

Description of Incident:

CONSEQUENCES

- ☐ This is the **first citation**, please consider it a warning and review the importance of school bus "Student Conduct on School Buses" with your student. No parent conference is required at this time; however, you or a representative of the school district may request one.
- ☐ This is the **second citation**; there may be discipline which may include a two (2) day suspension of riding privileges. No conference is required at this time; however, you or a representative of the school district may request one.
- ☐ This is the **third citation**; there may be discipline which may include a five (5) day suspension up to a one-year expulsion of riding privileges. There may be a mandatory parent, school principal, bus driver, and transportation supervisor conference required. Please contact the First Student office at 541-935-1969 to set this appointment. Your student will not be allowed to resume bus riding privileges until this conference is held.
- ☐ This is a **SEVERE INFRACTION**, which may result in suspension of up to one year from District provided student transportation. There is a mandatory conference required before your student is allowed to resume riding privileges on any Fern Ridge school bus. Please contact the First Student office at 541-935-1969 to set up this conference.

Discipline assigned _____

Suspension will begin on ___ / ___ / ___ and end on ___ / ___ / ___ Riding privileges will resume on ___ / ___ / ___

Driver Signature: _____

Principal Signature: _____

Student Signature: _____

Parent Signature: _____ / ___ / ___

Citation Copies : To first Student- _____ To Parents- _____ Student File- _____

OSBA Model Sample Policy

Code: JGDA
Adopted:

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 individualized education program (IEP) services; or
2. The student has not yet been identified as a student with a disability, but 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):

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.252](#)

[ORS 343.177](#)

[OAR 581-015-2400](#)

[OAR 581-015-2405](#)

[OAR 581-015-2410](#)

[OAR 581-015-2415](#)

[OAR 581-015-2420](#)

[OAR 581-015-2425](#)

[OAR 581-015-2430](#)

[OAR 581-015-2435](#)

[OAR 581-015-2440](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k) (2012).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.507, § 300.508(a)-(c); §§ 300.510-300.514; §§ 300.530-300.536 (2017).

OSBA Model Sample Policy

Code: JGDA-AR
Adopted:

Discipline of Students with Disabilities**

1. Definition

- a. The district applies the following definitions when considering disciplinary action:
 - (1) “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.
 - (2) “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.
 - (3) “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:
 - (a) Removals by other agencies;
 - (b) Removals for public health reasons (e.g., head lice, immunizations, communicable diseases);
 - (c) 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 individualized education program (IEP), and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (d) 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.
- b. “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.
- c. “Suspension” means any disciplinary removal other than expulsion.

2. Disciplinary Change of Placement

- a. Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when:
 - (1) The removal is for more than 10 consecutive school days; or
 - (2) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
- b. The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

3. Manifestation Determination

- a. 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.
- b. 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.

4. Disciplinary Removals for up to 10 School Days

- a. 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.
- b. During disciplinary removals for up to 10 school days:
 - (1) 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.
 - (2) 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.
 - (3) The district counts days of suspension for the purposes of procedural safeguards as follows:
 - (a) Suspensions of a half day or less will be counted as a half day; and
 - (b) Suspensions of more than a half day will be counted as a whole day;
 - (c) 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.

5. Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal

- a. 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.
- b. In determining whether removals of additional periods of up to 10 school days constitute a pattern of removals, school personnel will consider, on a case-by-case basis:
 - (1) Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (2) Additional factors such as the length of each removal, the total number of days of removal and the proximity of removals to one another.

- c. 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:
 - (1) Continue to participate in the general education curriculum;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) 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.
 - d. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.
6. Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances
- a. 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.
 - b. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - (1) "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.
 - (2) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - (3) "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 of the Oregon Department of Education (ODE) or a district.
 - (4) "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.
 - (5) "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 2-1/2 inches in length.
 - (6) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.
 - c. 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*.
 - d. 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:

- (1) Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - (2) 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.
7. Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior
 - a. 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.
 - b. The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.
8. Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

 - a. Is determined by the student's IEP; and
 - b. Enables the student to:
 - (1) Continue to participate in the general curriculum, although in another setting;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) 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.
9. 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.
10. Conduct and Outcome of a Manifestation Determination
 - a. 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.
 - b. 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.
 - (1) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.

- (2) 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.
- c. 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.
- d. 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.
- e. When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

- (1) The district will not proceed with a disciplinary removal for more than 10 days.
 - (2) 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.
 - (3) The district may review and revise the student's IEP and placement through normal IEP and placement processes.
 - (4) 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.
 - (5) 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.
- f. 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:

- (1) 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*;
- (2) Give the parent(s) prior written notice of any proposed change in placement;
- (3) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
- (4) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

11. Protections for Students not yet Eligible for Special Education

- a. 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.
- b. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - (1) 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;
 - (2) The student's parent(s) requested a special education evaluation of the student; or
 - (3) 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.
- c. The district is not presumed to have knowledge of a disability if:
 - (1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - (2) The student has been evaluated and found not eligible for special education services.
- d. 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) The district will apply the Individuals with Disabilities Education Act (IDEA) discipline protections beginning on the date of the eligibility determination.

Board Retreat-Fern Ridge School District Board of Directors

Monday, July 27, 2026 The doors will open at 7:45am

District Administration Office, 88834 Territorial Road, Elmira, Oregon 97437

1.

Call to Order: Board Retreat - Work Session - 8:00 am

We have a shared vision in the Fern Ridge School District: Provide excellence for every student so that each will reach their greatest potential.

Thank you to the members of the public who have joined us. As a reminder, School Board meetings and work sessions are meetings of the Board held in public, providing an opportunity to observe the Board's discussion and actions. In an effort to conduct official Board business, we ask that the audience be respectful and refrain from questions, comments, and unnecessary noise while the Board conducts the meeting.

Also, please note that all Board meetings are live-streamed and posted on the School Board area of the website.

2. **Discussion Items**

2.A. Board Schedule and Premeetings

2.B. OSBA Annual Convention

Presenter: Brie Scriber

2.C. Administrator Monthly Reports

2.D. Board Operating Agreement

2.E. UPBEAT 9:30am Zoom

2.F. K-2 / 3-5 Reconfiguration Update Discussion

2.G. Board Goals

2.H. 26-27 Superintendent Evaluation and Superintendent Goals

2.I. Grant Writer / School Safety Place holder

2.J. LUNCH 11:30

2.K. Superintendent Search

2.K.1. Human Capitol 12:30-1pm

Presenter: Kathleen RoddenNord

2.K.2. McPherson & Jacobson - 1:15-1:45

Presenter: Steven Lowder (via zoom)

3. Late Items/Closing Comments

4. Adjournment



Fern Ridge School District 28J

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Classified/Confidential/Manager/Coach Employees Resignations/New Hires/Transfers/Other Report July 20, 2026

Resignations/Retirements

1. None at this time.

New Hires/Transfers

1. Hiring of Randall Fox, .5 FTE Temporary Summer Grounds and Maintenance, effective August 1, 2026.
2. Hiring of Quinton Marshall, .5 FTE Temporary Summer Grounds and Maintenance, effective July 1, 2026.
3. Hiring of Brody Bothel, 1.0 FTE Temporary Summer Grounds and Maintenance, effective July 1, 2026.

Other

1. None at this time.

Coaches

1. None at this time.