

AGENDA	CORBETT SCHOOL DISTRICT REGULAR SCHOOL BOARD MEETING MPB/Board Room/ZOOM-OWL 35800 E Historic Columbia River Highway Corbett, Oregon 97019	7:00 PM Wednesday, December 18, 2024
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- 1. PRELIMINARY BUSINESS
 - 1. Call to Order / Flag Salute
 - 2. Review and Acceptance of Agenda
 - 3. Board Chair Report Information/Discussion/Timelines 3
Applications for four vacant budget committee positions were received in the District Office or by email to rlindeen@corbett.k12.or.us by December 15, 2024. (see attachments)
 - a. Interview applicants for Budget Committee vacancies 5
Information Items
 - a. Benno Lyon
 - b. Jarred Trapp - prefers position expiring December 2025
 - c. David Osborn
 - d. Jennifer Bruton
 - e. Lindsay King
 - f. Brad Hunter
 - 2. Approval and Extension of Minutes Action Item 11
 - 3. Introduction and Comments of Guests
 - 1. Principal / Director/ Supervisor Reports
 - 2. Student Representative to the Board Information Item
 - 4. FINANCIAL REPORTS / MATTERS
 - 1. Report Information Item 29
 - 2. Budget Committee Calendar for 2024-2025 for the 2025-2026 Budget 43
Information Item
 - 3. Appointments to the Budget Committee Positions No. 1, 3, 4 & 5
 - 5. Superintendent Fialkiewicz's Report 45 Information Item(s)
 - 1. Proposed Enrollment/Application Process Update 51
 - 2. Update on Corbett School campus upgrades and/or grants
 - 3. Future Planning/Strategic Planning 58 Action Item
 - 6. CONSENT AGENDA
 - 1. **Consent agenda **Resolution items 12.72-24** through 12.80-24**** **66**
Action Items
 - 7. CURRICULUM
 - 8. STUDENTS
 - 1. See Consent Agenda 6.0
 - 2. Oregon Statewide Report Card 2023-24
 - 9. Transportation, Building and Maintenance
 - 1. Road Maintenance/School Zone Updates

10. Co-Curricular Activities	
11. Personnel	
1. Vacant Positions Information Item	
2. See Consent Agenda 6.0	
3. See Consent Agenda 6.0	
4. See Consent Agenda 6.0	
5. See Consent Agenda 6.0	
6. See Consent Agenda	
7. See Consent Agenda 6.0	
8. See Consent Agenda 6.0	
9. See Consent Agenda 6.0	
12. Policy	
1. Board Policy Information Item	70
2. Board Policy Information Items	112
3. Review and Revision of Policy Regulation	116
a. Policy AC-AR(1) - Discrimination or Civil Rights Complaint Procedure	
4. First Read of Policy AR Information Item	122
5. Policy AR Deletions Information Items	144
6. Policy AR deletions Information Items	156
13. COMING EVENTS	
1. Friday, December 20, 2025-Sunday, January 5, 2025, no school Winter Break Wednesday, January 8, 2025 - Special School Board Meeting/Work Session, 7:00 p.m. Monday, January 13, 2025 - Site Council Meeting, time and place TBD January 15, 2025, Wednesday, Regular School Board meeting at 7:00 p.m. MPB/ ZOOM virtual	
14. Executive Session, if needed, held pursuant to ORS 192.660 _____.	
15. ADJOURNMENT	

CORBETT SCHOOL DISTRICT NO.39

**CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE**

Please fill out and return to the school district office.

Name _____
 Last First Initial Date

Home Address _____

Mailing Address if different _____ Phone _____

Home e-mail address _____

Business Address _____

Business e-mail Address _____ Phone _____

Occupation _____

No. of years in District _____

Do you have children in the school district? _____

Which schools? _____

Have you worked on any school committees? _____

If so, which committees? _____

Other community or business activities _____

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? _____

Why do you wish to be appointed to the school budget committee? _____

_____ budvac.app

CORBETT SCHOOL DISTRICT 39

2024-25

BOARD OF DIRECTORS

Position No. 2	Todd Mickalson, Board Chair	Term expires 6/2025
Position No. 1	Dylan Rickert	Term expires 6/2027
Position No. 3	Todd Redfern	Term expires 6/2025
Position No. 4	David Granberg	Term expires 6/2025
Position No. 5	Bob Buttke	Term expires 6/2025
Position No. 6	Ben Byers	Term expires 6/2027
Position No. 7	Leah Fredericks, Board Vice Chair	Term expires 6/2027

Derek Fialkiewicz, Ed.D.
Regina Sampson
Robin Lindeen-Blakeley

Superintendent-Clerk
Business Manager/CFO
Deputy Clerk/HR Lead

BUDGET MEMBERS

Position No. 1	Vacant	Term expires 12/2025
Position No. 2	Patrick Murphy	Term expires 12/2027
Position No. 3	Vacant	Term expires 12/2027
Position No. 4	Vacant	Term expires 12/2027
Position No. 5	Vacant	Term expires 12/2025
Position No. 6	Krystina Robison	Term expires 12/2026
Position No. 7	Amy Ciecko	Term expires 12/2026

Budget committee 2024-25.docx

CORBETT SCHOOL DISTRICT NO.39

CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE

Please fill out and return to the school district office.

Name LYON BENNO H 11/19/24
Last First Initial Date

Home Address 36452 SE GORDON CREEK RD

Mailing Address if different CORBETT 97019 Phone 503-764-

Home e-mail address bennolyon@gmail.com 8052

Business Address _____

Business e-mail Address _____ Phone _____

Occupation OSU Extension Outdoor School

No. of years in District 8 1/2 years - Regional coordinator

Do you have children in the school district? 2

Which schools? CAPS, High School

Have you worked on any school committees? Yes

If so, which committees? Site Council - Parent rep.

Other community or business activities Volunteering at school, non-profits, some garage events, etc.

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? NO

Why do you wish to be appointed to the school budget committee? I follow school issues closely. Care deeply about kids getting best school experience possible. want to help in a time of significant need.

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CORBETT SCHOOL DISTRICT NO.39

CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE

Please fill out and return to the school district office.

Name Trapp Jared S 12/9/2024
Last First Initial Date

Home Address 38668 E Hist Columbia River Hwy

Mailing Address if different _____ Phone 503-939-8423

Home e-mail address JTrapp3@gmail.com

Business Address ~~JTrapp@dimonella.com~~

10300 SW Green Rd #540

Portland, OR 97223

Business e-mail Address JTrapp@dimonella.com Phone 503-293-0093

Occupation Certified Public Accountant

No. of years in District 5

Do you have children in the school district? 2

Which schools? Corbett Grade School

Have you worked on any school committees? No

If so, which committees? N/A

Other community or business activities I work at a CPA firm, and also at Portland State University.

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? No

Why do you wish to be appointed to the school budget committee? To know how the districts funds are being allocated and to ~~also~~ help be good steward of the tax payer money.

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CORBETT SCHOOL DISTRICT NO.39

**CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE**

Please fill out and return to the school district office.

Name Osborn David 12/18/24
Last First Initial Date

Home Address 30144 E Woodard Rd., Troutdale, OR 97060

Mailing Address if different _____ Phone 5035168932

Home e-mail address osborn.david.a@gmail.com

Business Address 1825 SW Broadway, Portland, OR 97201

Business e-mail Address dosborn@pdx.edu Phone _____

Occupation Adjunct Professor

No. of years in District 9

Do you have children in the school district? Yes

Which schools? CAPS

Have you worked on any school committees? No

If so, which committees? _____

Other community or business activities Past and current member of numerous non-profit boards including officer roles, managed orgs with \$1,000,000+ budgets, experienced in education field

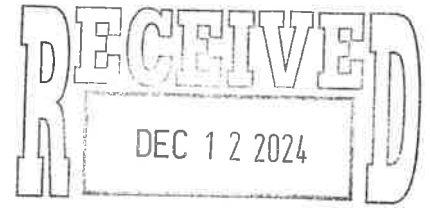
Do you have other commitments which may conflict with your participation and attendance at school budget meetings? Currently a sub with Edustaff in the district, but they employ me not the district so assuming no conflict - but wanted to disclose

Why do you wish to be appointed to the school budget committee? I believe I have the organizational skills & experience to positively contribute to a collaborative budget process that integrates diverse perspectives in the community and creates a stable budget for CSD

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CORBETT SCHOOL DISTRICT NO.39

CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE



Please fill out and return to the school district office.

By: _____

Name Bruton Jennifer L 12-5-24
Last First Initial Date

Home Address 34251 NE Marshon Rd, Corbett, OR 97019

Mailing Address if different _____ Phone 719-338-0592

Home e-mail address bruton.jl@gmail.com

Business Address Costco Wholesale
4849 NE 138th Ave, Portland, OR 97019

Business e-mail Address _____ Phone 503-252-2243

Occupation Expense Clerk and Sales Auditor

No. of years in District 8.5 years

Do you have children in the school district? Yes

Which schools? Corbett High School and Grade School

Have you worked on any school committees? No

If so, which committees? _____

Other community or business activities I work at the Portland Costco and my role as Expense Clerk is to keep track of the budget and all expenses.

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? I have 3 kids but my husband is always there to help if something comes up.

Why do you wish to be appointed to the school budget committee? I would like to serve our district in a way that fits well with my personality. I have 3 kids in the district and I want to see this district budvac.app be successful now and in the future.

CORBETT SCHOOL DISTRICT NO.39

CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE

Please fill out and return to the school district office.

Name King Lindsay K 12/3/24
Last First Initial Date

Home Address 37540 SE Rickert Road

Mailing Address if different n/a Phone 503-709-7244

Home e-mail address ripacitylindsay@gmail.com

Business Address n/a

Business e-mail Address _____ Phone _____

Occupation Teacher, Gresham Barlow School District

No. of years in District 6-7

Do you have children in the school district? yes

Which schools? CAPS - 6th and 8th

Have you worked on any school committees? No

If so, which committees? _____

Other community or business activities Coached Basketball in Corbett, leadership team and Equity Team in GBSO.

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? no

Why do you wish to be appointed to the school budget committee? I want to learn more about the budgeting process and help our district regain a solid financial footing.

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CORBETT SCHOOL DISTRICT NO.39
CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE

Please fill out and return to the school district office.

Name Hunter Brad 12-15-24
Last First Initial Date

Home Address 37777 E Knieriem Rd Corbett

Mailing Address if different _____ Phone 503 789 8120

Home e-mail address brad_hunter@comcast.net

Business Address _____
Craft3 160 NE 6th St Portland, OR 97232

Business e-mail Address bhunter@craft3.org Phone 503 789 8120

Occupation Commercial Banker

No. of years in District 5

Do you have children in the school district? Yes

Which schools? Penelope (6 grade) and Gus (3rd grade) CAPS

Have you worked on any school committees? No

If so, which committees? _____

Other community or business activities _____

Current Board Treasure at Climate Trust and former Treasure at NW Natural Resource Group

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? No

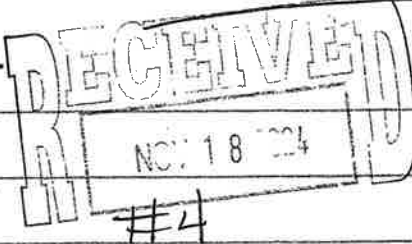
Why do you wish to be appointed to the school budget committee? _____

I have extensive (14 yrs) experience in business and non-profit finance

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List of Speakers

Guest/Audience Comments



- 10/16/24 Present
1. Leah
 2. Dylan Haley
 3. Bob Jeanne
 4. Dave
 5. Todd R. Duke Regyne

Catherine Arndt -

Audrey Winebarger BY: _____

Celia Younker

1.0 7:01 pm Leah Fredericks Vice Chair

1.2
1.3 Budget Comm. var. (No. 3 & No. 4)

2.0 #2 Ext of Min. Ben B. - Resolve -
 10:35-24 Dave 2nd
 all in favor - Yes - Everyone
 No opposed 0

Brie W.
 * Robert B. absence excused
 * Todd M.

Attendees
 25 in person
 20 online

3.0. 1. Speaker #1

Catherine Arndt lives in Corb.
 2nd 3rd gr. T. also has a son in distr.

Hiring freeze - not able hire

Key indiv. - programs - critical safety & support st. interv.

overall safety what spec. measures are being taken? Safe environ't.

How will the distr. address these issues.

#2 Audrey W. Resident of Corb. / SpEd EA.

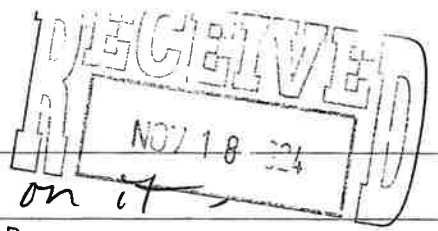
Safety of st's & staff in mind?

#3 Celia Younker - Corbett, resident.

agree w/ Catherine & Audrey student safety in the Corb -

kid been hit, kicked, spit on every day

all under public comment.



o admin is aware of it -

health → Derek - follow up on it

By: _____

3.1 Nothing.

3.2 Haley P. - uneventful mo.

Women's Volleyball won last night -

Away game footb. Fri

Last week Wed - Fundraiser -

Crista Miller, Lily Schimmel

Schnitzer Care matches \$

Goal \$750. \$600. — colle

Leadership

Dog Behabs + Stray Pets

BIPOC - started this weekly

PSAT today

SAT retakes yest.

Newsletters every week

CPAC - CLUE - Nov

4 colleges visits next week -

overbook

Th - next week assembly

Scrap Book or Fricheks

Homecoming - Cowboy Carnival Theme

④ Financial Reports + matters) - Regina

3rd column gen fund.

Expend. (other obj)

rev. tracking

61% of budget

paid liability for the year

(used 2 pay

in 2 parts)

Food Services

CEP claiming - stronger projects
watching for rev. pattern

Food Funds

claimed - you see req. but,
once received offsets & posted

2 Grants - unable to claim.

ODE hasn't released yet.

In process

STIA - made the claim -

Received in Oct.

\$ in the bank -

Bond - \$ moving along

Nov. spike in rev - property
taxes.

Energy Dr - Tracking - No expendit.

Board - no questions

4.1 Derek - Budget situation -

Regina / Der. - metal insur.

MEED - ins. claim - Corbett
metal insur.

Regina - min amount of
cuts - confident

also - max don't know

where we will be - waiting

what's going on w/ insurance

claims - Solid - not there.

If there are more - Derek will let board + staff know.

Dave - neg. talks w/ MESSID or attorneys talking?

Claims people are working on it.

Board role? Negotiate the claim?

Regina - informed + give dir. to Superintendent

Derek - claims notice to the board.

Oct (end of)

Audit? Leah - Regina request

'23-'24 not finalized

Oct. 31 - have info close dit-

This year - form audit draft - ^{Chris} year by end of Nov.

~~the~~ #s haven't changed -

Derek - ? last board meeting - how did auditors miss - errors -

Regina - why - good chance they didn't catch it -

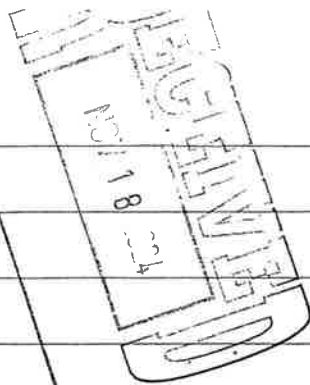
1st Goal - we are the customer. (District)

Process → Board Policy

Internal process / procedures

Test those. If find one reasonable they sign off on the balance.

BY:



RECEIVED
NOV 18 2020
By: _____

They don't check acct'g transactions
They look for fraud.

If they find things that they
have quest's about they talk
to CFO about plans
if that meets standards - done
if not go to Superintendent
or letter to the board.

A lot of steps - prior to Superintendent
or Board.

Currently - Regina explains
what accounts look like.

Processes - putting them into
place & timeline.

Can't speak to TKU

Knows Impqua - ensure schools
have funding -

Issue a report of the
presented & No fraud.

Regina -

Dave - Do they look at bank state'ts -

Reg - yes. Problem the bid for
the pay't - contribution -
bit liability & expense.

Internal processes to ensure
fin. stability.

Todd - 4 yrs in a row?

Reg - verified the last 2 yrs.

Derek - est. 4 yr deficit
Req. - verified 2yr problem.

Helps to have a little
stability to project
correctly for next yr.

Leah - still conf. you captured
#s for 4 yrs?

Regina - yes.

Ben - thank you. Abusive trust. Questions
coming from. Had to understand.

Repair trust & repair
public trust. Actions we are
taking - through line.

Who to turn to & who to trust.

Come through this on the other side.

Derek - 1. We do what's necessary to
get back pos. financially

2. We have someone who
can answer ques's on
the spot w/ actual ans.

Lots of diff't #s in the past
#s solid & consistent.

Explain in Lamerend terms.

~~Ben~~ Vancouver on budget comm. Recruit
good budget comm. members.

Cash flow issues - Do we antic. claims
will cause fin. impact?

Derek - possible - affects insurance.

Will share details when we have some.

BY:



4.2

Derek -

- bothers me no info to community
- about budget situation
- No comm's Dir at Corbett
- COSA - has a comm's expect
COSA pays for her

Draft letter - for community
from Derek & Board.
Board needs to approve
the letter before its sent.

See letter in packet

Motion Support letter Ben
Bob

~~at~~ Discuss Dylan
any comments -

Dave - political - it's fine.
full confidence.

Not hold Superintendent Regina
responsible

Dave - Good job

Leah - Factual Correct.

Impacts staff & students.

Thank you for time & effort.
Situation being handled.

Derek

I added line - added the

"former MESD bus manager"

Bob - It doesn't say what happened

We were fed this stuff. More clarity.

Todd - Deceived - It should be stated

Add more - can amend.

Dylan - Needs more detail - Insight & Underst^{ing}



Leah - Be careful of accusations -
Delicate.

Bob - some blame needs to be
shifted - Regina figuring
it out. We didn't cause
this. We were fed this.

Dave - we paid for a source.

Derek - Video - what happened
& Letters - can redraft - our
perspective.

Ben - clear but don't want to
- show our relat'p

Don't want it to hurt us financially.

Leah - OK - someone provided
to us - MESD sentence ok.

Approve as amended. Sends a
similar message.

Bob - us, adjustor - leaving it open -
more specific - we didn't cause
this problem.

Todd - People deserve to know the truth
what really happened.

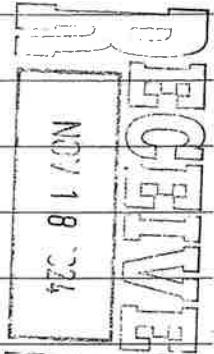
Bob - Good w/ the sent.

Todd - more about what happened

Derek - Video - email to families in Corbett
+ website.

Bob - letters public record.

By:



Derek

- In depth how we were fleeced.
- how to get approval w/ reconvening.

Ben - Public Rec

Leah - have legal take a look - facts not assumptions

Derek - a couple of days - adjust get back by Fri. (attorneys to review)

Special Board meeting -

Zoom

consensus:

Note Down the resolution

No on 10.36-24 then Table it -

Resolution

10.36-24

Bob 2nd

All in favor - all yes to table
No Nays: 0

5:0

5.1

21079 Current enrollment

• Online - IDK (Classic)

• Campus Upgrades/land or Grants

Oct. 1 - now Oct. 15 - still haven't heard

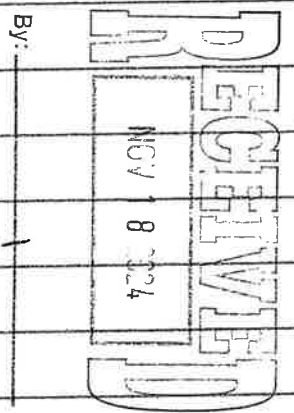
Large Grant

Dave - Energy upgrades/grants (Talked to Steve)

Is there options - lighting?

Steve is working on that.

Resiliency Center 1946 first - then lighting



Leah
Mond
to

Deck window - seismic ener. grant
takes between 2-3 submit's
before you get the grant (MPB
upgrades)

5.2 Integrated Programs -
5.3 11/30/24



⑥ Consent Agenda 11.2-11.9
6.1 10.37-24 - 10.44-24 Ben
• no discussion Leah Sec'd
• Vote?
• all in favor everybody yes 6
no's

⑦ Curriculum
7.3 Division 22
Presentation - All 2

• Adoptions - instructional materials
Science 2023 - fall 2024 -
we didn't start that process - Hold for
2 yrs.

Postpone Health Adoption
new standards this year
Fall 2025
2 yr wait - postpone

2026 Science > implementation
2027 Health

• Gives district time - full ready
of materials. Working standards -
not much change. Currently T. created.

Time to ^{do} the process well.
Health - take a yr to go
through health
Profess'l learning
so it's full ready.

If the extension isn't
granted - Corbett is
behind - out of compliance.

Dave - Campsactions to be behind?

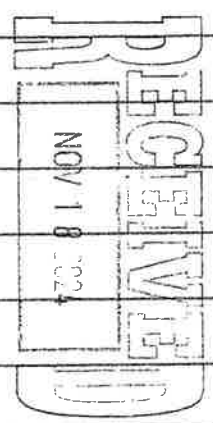
Amber - ODE - not in compl. w/
their timeline.

ODE underst - we are limited
in time.

How do we help you? (ODE)

Request a postponement

Discussion - Dave ok -



Health

Doesn't support cur-change -
leave as it is? Doesn't like how cur.
is political.

Todd - are there penalties? Cost?

Amber - protecting + time - adoption
purchase or dev. materials.

T. adopted literacy materials

This yr. Stress of adding - a lot.

Regina - financially -

shorter timeline, etc -

if future add'l \$ not in bank
or \$ to purchase materials

Now we can plan.

Dave - sexual political - not educational.

Heath -

Derek - If we don't do anything.
We aren't teaching state standards. ODE could pull funding.

Amber } Science

Heath - time to read & digest
look at materials
Core Values in community -
Room for balance.
Read & understand.
Core content taught well.

Adopt Stand's

Don't have to purchase materials.
It's do create a lot of great content.

Dave - amend - Beard approves
the curriculum. Look at, restrict,
& edit.

Derek - we have to teach standards
We are adopting the way
to teach these standards.

Heath - no further burden on our teachers -
things happen
as a board - not get caught up
give it's time - create a curr.
Discuss & fellow legislation.

Bob - Do we see the currs?

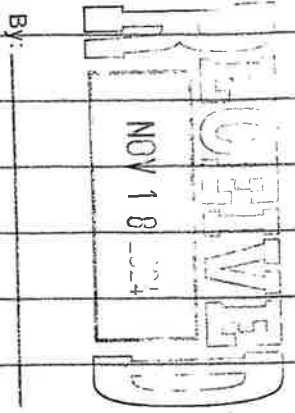
Leah - yes.

Derek - hold your money if you don't teach the standards

Amber - robust conversations - state standards.

Last yr - Literacy.

What is effective here at Corbett?



7.1 Res.

10.45-24 - Approve Health

Ben 1st Bob 2nd

Leah - Aye

Dylan - what are the changes?

Complaints from comm. members.

Not put out more.

I don't see an issue allowing that.

Dylan? Aye.

Bob - Aye

Dave. No

Todd. Aye

Ben Aye

Amber -

7 yr cycle for updates.

A few yr to adopt.

Sometimes they are bigger & sometimes minor.

Look into board is aware.

5 Ayes
1 No (Dave)

7.2 10.46-24 Science

Ben 1st Leah 2nd

Leah - 5 Ayes

1 No (Dave)

7.3 Division 22 -

Or legis! - must be met.

Audit ourselves.

Are we compliant -

Dedicated to high-quality education.

Letter of the law

To what degree did we meet the standards w/ leadership teams.

OPE - report to state.

If out of compliance → Action Plan for compliance

Some are waived -

Slide 14 -

We are in compliance.

Provide stronger public-facing cert d.

Postponing materials Instructional

Materials adoption

Postponing - keeps us in compliance.

Things to think about -

◦ STE learning

◦ financial ed.

We can always improve the ways we are compliant

2 parallel docs

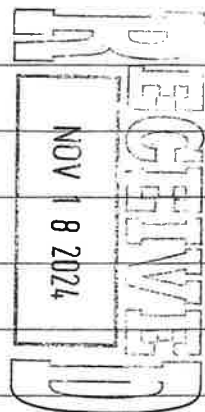
1 - send to the state

1 - internal doc - how can we get better

Goal is to hit highest standard that

we can. we are working towards that.

By:



8. \emptyset nothing

9. Ordered Elec. Bus - Grant
9-12 mo.

working on changing structure
Grant.

Stank St. Bridge - 10 mo. More to the
problem than expected.

May start working on a
new bridge - 2-3 yrs -
Mull Co.

10. \emptyset nothing

11. Personnel - Postings

K-6 GS Learning Spec'lts - \emptyset
MS Counselor opening - Grant
with post to hire.

Internal admin assist
SBMH Grant.

12.0

12.1 District Purchasing -

10.47 - 24 2nd Reading
250,000 max change to
per the state

any # less than that.

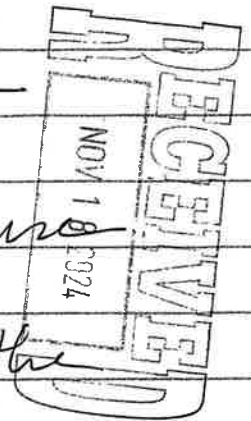
Consider - Don't need a purch
order for P Cards.

Out of comp - we don't have
POs - Using P Cards.

POs - Doesn't match w/ P Cards.
Credit Card Purch. -

No purchase w/ exception or Card

By:



Bob Keep it down.
hear

Approve - as amended minus
amendment \$250,000
accept all other changes.

Aye - 1
50 Nay > vote failed

again -

Ben - vote resol. 1st Bob 2nd

12.1a 10,47-24 then

12.1b up to 10.48-24

second a reading

accept except 250,000

stay at \$150,000 - as currently
typed

6 - Aye > vote carries

0 - Nay

12 Derek

Nov board meeting -

weekend before & after @LVE performance

Move to SBMH bldg -

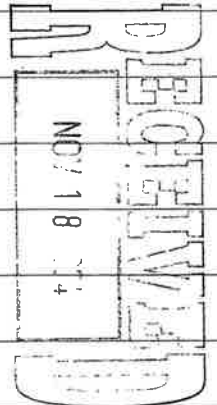
next board meeting

14. Fall Reg'l Meeting - 11/7 Watuison Park.

15. None
16. 8:36 pm Adj. (See agenda) - as is -

13. For the good of the order Bob
good job Derek₂₆ & Regina.

By:



CORBETT SCHOOL DISTRICT SPECIAL SCHOOL BOARD MEETING ZOOM virtual

35800 E Historic Columbia River Highway Corbett, Oregon 97019 via virtual ZOOM only 2:30 p.m.

Tuesday, November 5, 2024

Minutes Approved _____

The following board members were present online: Todd Mickalson, Board Chair; Leah Fredericks, Board Vice Chair, Ben Byers; Bob Buttke; David Granberg; and Dylan Rickert. Todd Redfern had an excused absence. Also present virtually were administrators Derek Fialkiewicz, Ed.D., Superintendent; Jeanne Swift, Assistant Superintendent/Director of Student Services; Regina Sampson, Business Manager; Brie Windust, Business Office Assistant/ZOOM moderator and Robin Lindeen-Blakeley, Deputy Clerk/HR Lead.

1. Preliminary Business/ Call to Order – Todd Mickalson called the meeting to order at 2:34 p.m.
2:30 p.m. – the meeting recording started and there was one audience attendee online.
2. Introductory Comments – Dr. Fialkiewicz addressed the major reason for this meeting is from the discussion of the last board meeting on October 16, 2024 in order to go out to the community with updates. A letter to acknowledge information by the Superintendent and Board Chair is to be voted on.
3. Letter Regarding Finances and Budget Action Item

Leah Fredericks moved and Bob Buttke seconded:

RESOLUTION NO. 11.48-24 - RESOLVED that the Board acknowledged and supported the revised letter as attached in the Board packet regarding finances and budget, as written.

Board discussion and comments made for final fixes and distribution.

Attachments: (1)

The vote of the Board was zero to six opposed.

A new letter as of November 5, 2024, to include change totaling around 20% of our overall budget.

Leah Fredericks moved and Bob Buttke seconded:

RESOLUTION NO. 11.48-24A - RESOLVED that the Board acknowledged and supported the revised letter as attached in the Board packet regarding finances and budget, as amended.

The vote of the Board was 6-0.

4. Adjournment – The Board adjourned their meeting at 2:44 p.m.

Special School Board meeting minutes 11524

**Corbett School District
Financial Report to the Board of Directors
Wednesday, December 18, 2024**

P-card expenditures routinely experience a 30-day delay between the time expenses are incurred and when they show on the district's books.

Forecast 5 Reports

Shows the current year-to-date revenues and expenditures compared to the same time last year for the following funds:

- November
 - 01 General Fund
 - 02 Food Services Fund
 - 03 Federal Funds
 - 04 Student Investment Account
 - 11 GO Bond Debt Service
 - 20 Energy Projects

Corbett School District 39

001 General Fund | Financial Projection by Object

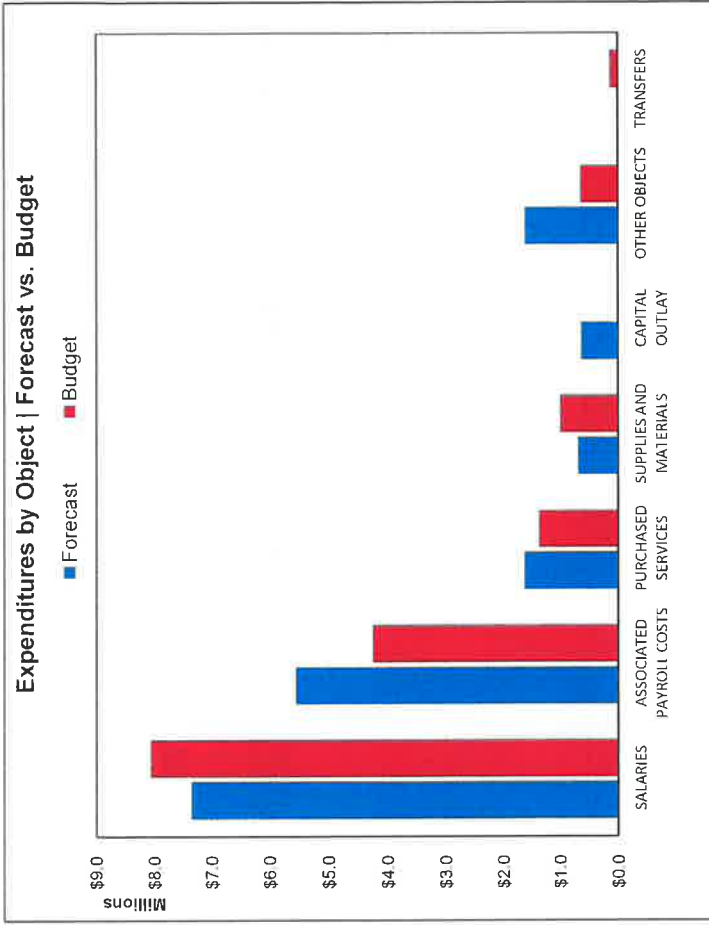
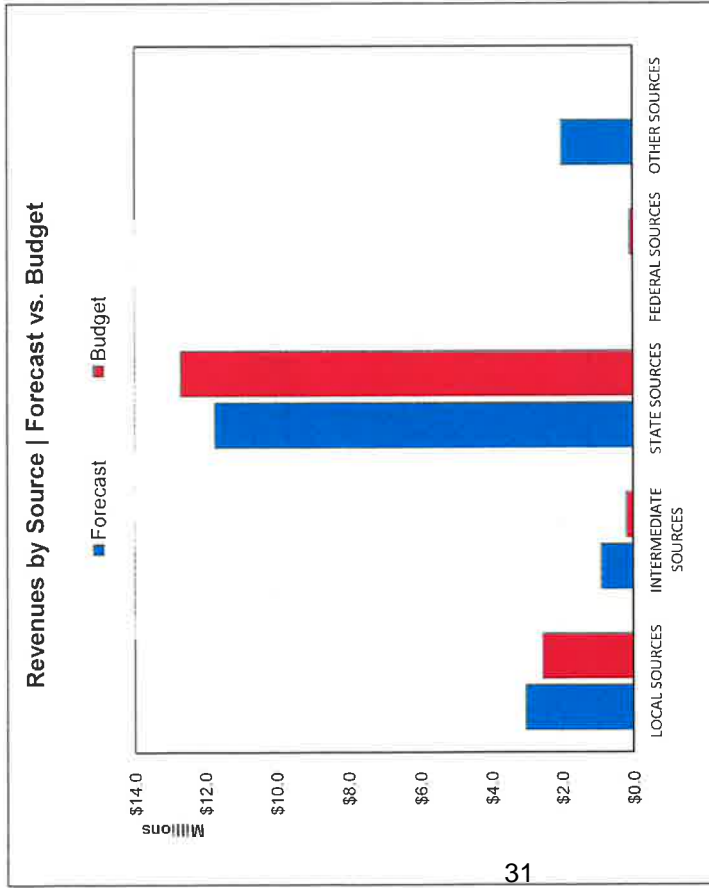
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ 1,585,138	\$ 2,563,146	\$ 1,413,346	55.14%	\$ 1,628,100	\$ 3,041,446
Intermediate Sources	861	201,200	900,000	447.32%	614	900,614
State Sources	5,318,999	12,702,813	6,043,282	47.57%	5,678,974	11,722,256
Federal Sources	66,539	92,541	594	0.64%	-	594
Other Sources	-	-	-	0.00%	2,000,000	2,000,000
Total Operating Revenues	\$ 6,971,537	\$ 15,559,700	\$ 8,357,222	53.71%	\$ 9,307,688	\$ 17,664,910
Beginning Fund Balance	435,447	872,694	(219,063)	-25.10%	0	(219,063)
TOTAL RESOURCES	\$ 7,406,984	\$ 16,432,394	\$ 8,138,159	49.53%	\$ 9,307,689	\$ 17,445,848
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ 2,662,456	\$ 8,060,501	\$ 2,772,705	34.40%	\$ 4,571,146	\$ 7,343,851
Associated Payroll Costs	1,512,448	4,250,017	1,932,954	45.48%	3,615,952	5,548,906
Purchased Services	651,834	1,363,843	483,193	35.43%	1,127,359	1,610,552
Supplies and Materials	351,053	978,834	319,869	32.68%	359,153	679,022
Capital Outlay	33,437	-	32,025	0.00%	590,712	622,737
Other Objects	225,032	631,406	440,088	69.70%	1,160,713	1,600,801
Transfers	-	121,268	-	0.00%	-	-
Total Operating Expenditures	\$ 5,436,261	\$ 15,405,869	\$ 5,980,834	38.82%	\$ 11,425,034	\$ 17,405,869
Contingencies	-	213,144	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	813,381	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ 5,436,261	\$ 16,432,394	\$ 5,980,834	36.40%	\$ 11,425,034	\$ 17,405,869
TOTAL SURPLUS / (DEFICIT)	\$ 1,970,724	\$ -	\$ 2,157,325		\$ (2,117,346)	\$ 39,979

Corbett School District 39

001 General Fund | Financial Projection by Object

For the Period Ending November 30, 2024



Corbett School District 39

002 Food Service | Financial Projection by Object

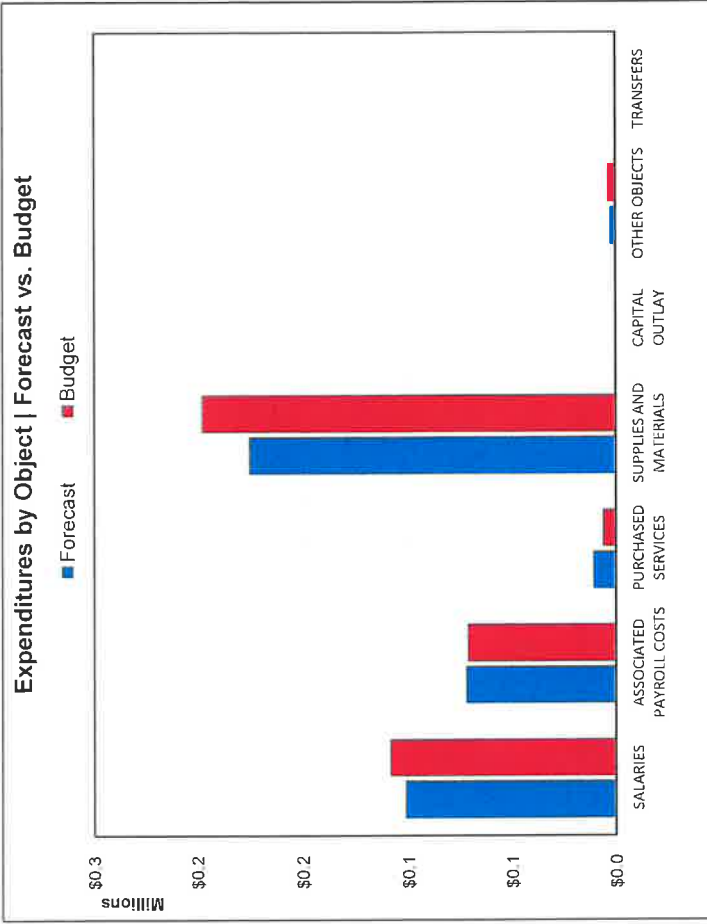
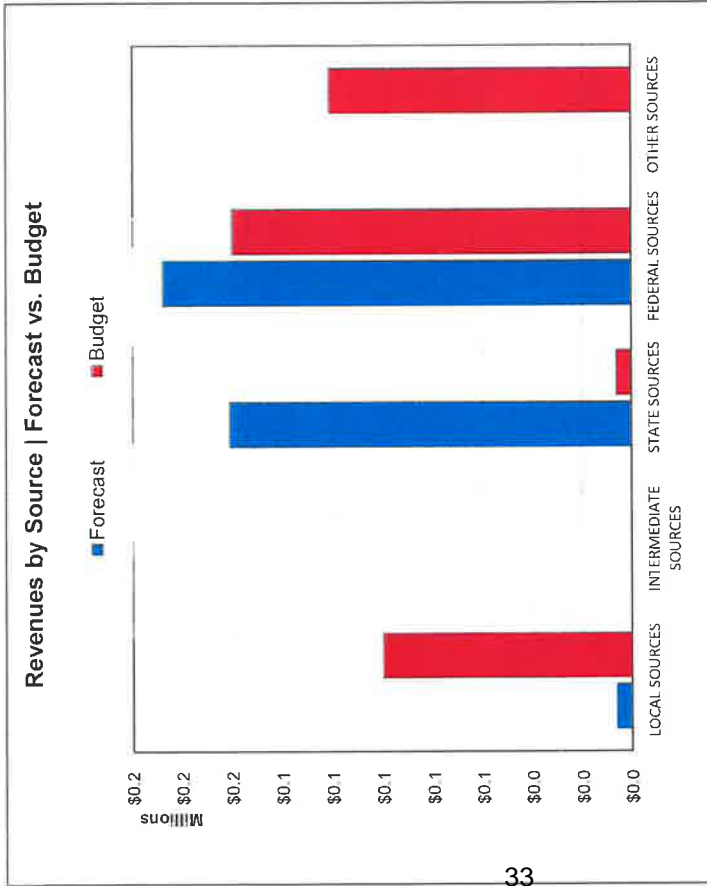
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ 37,931	\$ 100,000	\$ 5,682	5.68%	\$ 318	\$ 6,000
Intermediate Sources	-	-	-	0.00%	-	-
State Sources	2,005	6,000	387	6.45%	160,613	161,000
Federal Sources	20,384	160,000	122	0.08%	187,879	188,000
Other Sources	-	121,268	-	0.00%	-	-
Total Operating Revenues	\$ 60,321	\$ 387,268	\$ 6,190	1.60%	\$ 348,810	\$ 355,000
Beginning Fund Balance	61,058	-	(89,553)	0.00%	-	(89,553)
TOTAL RESOURCES	\$ 121,379	\$ 387,268	\$ (83,363)	-21.53%	\$ 348,810	\$ 265,447
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ 41,700	\$ 108,509	\$ 40,582	37.40%	\$ 60,623	\$ 101,205
Associated Payroll Costs	24,713	71,397	27,119	37.98%	44,943	72,062
Purchased Services	-	6,000	6,463	107.72%	3,992	10,455
Supplies and Materials	53,827	197,862	65,767	33.24%	109,633	175,400
Capital Outlay	-	-	-	0.00%	-	-
Other Objects	679	3,500	-	0.00%	2,425	2,425
Transfers	-	-	-	0.00%	-	-
Total Operating Expenditures	\$ 120,918	\$ 387,268	\$ 139,930	36.13%	\$ 221,616	\$ 361,546
Contingencies	-	-	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	-	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ 120,918	\$ 387,268	\$ 139,930	36.13%	\$ 221,616	\$ 361,546
TOTAL SURPLUS / (DEFICIT)	\$ 460	\$ -	\$ (223,293)		\$ 127,194	\$ (96,099)

Corbett School District 39

002 Food Service | Financial Projection by Object

For the Period Ending November 30, 2024



Corbett School District 39

003 Federal Funds | Financial Projection by Object

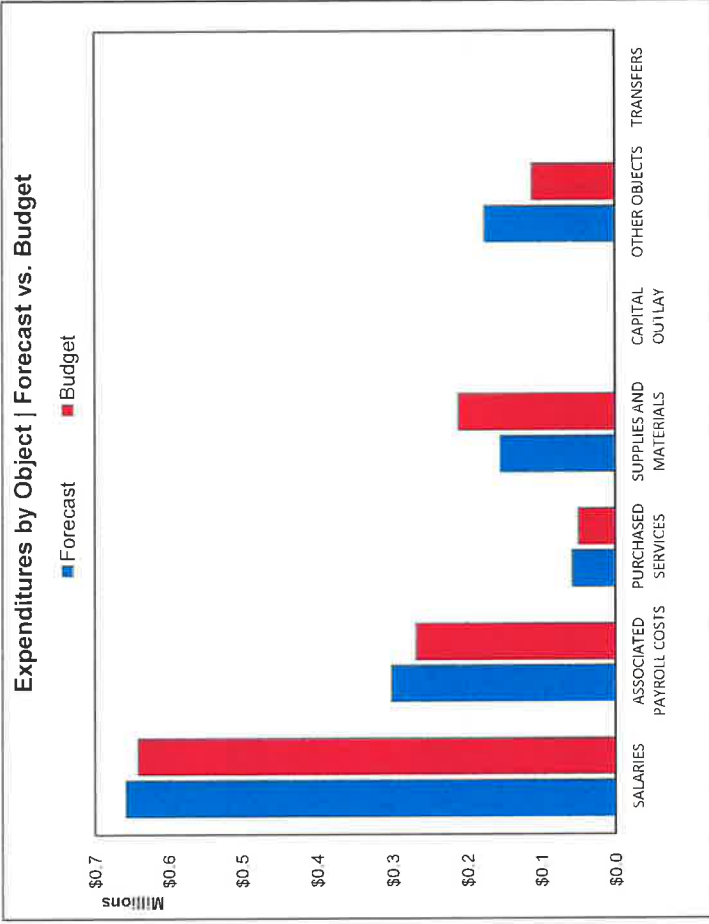
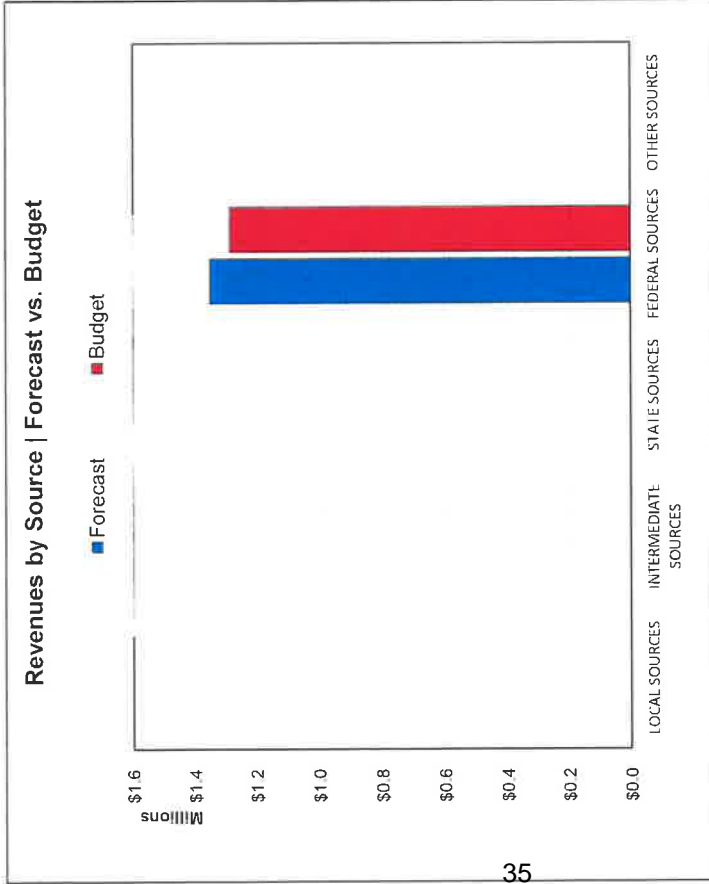
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ -	\$ -	-	0.00%	\$ -	\$ -
Intermediate Sources	-	-	-	0.00%	-	-
State Sources	-	-	-	0.00%	-	-
Federal Sources	233,960	1,284,483	280,928	21.87%	1,068,676	1,349,603
Other Sources	-	-	-	0.00%	-	-
Total Operating Revenues	\$ 233,960	\$ 1,284,483	\$ 280,928	21.87%	\$ 1,068,676	\$ 1,349,603
Beginning Fund Balance	(582,795)	-	13,499	0.00%	-	13,499
TOTAL RESOURCES	\$ (348,834)	\$ 1,284,483	\$ 294,427	22.92%	\$ 1,068,676	\$ 1,363,102
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ 347,237	\$ 642,084	\$ 244,173	38.03%	\$ 413,852	\$ 658,025
Associated Payroll Costs	125,269	268,997	117,076	43.52%	184,341	301,417
Purchased Services	94,318	49,732	26,020	52.32%	31,968	57,988
Supplies and Materials	19,847	211,583	1,747	0.83%	154,217	155,964
Capital Outlay	-	-	-	0.00%	-	-
Other Objects	15	112,087	64,122	57.21%	112,087	176,209
Transfers	-	-	-	0.00%	-	-
Total Operating Expenditures	\$ 586,686	\$ 1,284,483	\$ 453,138	35.28%	\$ 896,465	\$ 1,349,604
Contingencies	-	-	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	-	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ 586,686	\$ 1,284,483	\$ 453,138	35.28%	\$ 896,465	\$ 1,349,604
TOTAL SURPLUS / (DEFICIT)	\$ (935,520)	\$ -	\$ (158,712)		\$ 172,210	\$ 13,499

Corbett School District 39

003 Federal Funds | Financial Projection by Object

For the Period Ending November 30, 2024



Corbett School District 39

004 Student Investment Account | Financial Projection by Object

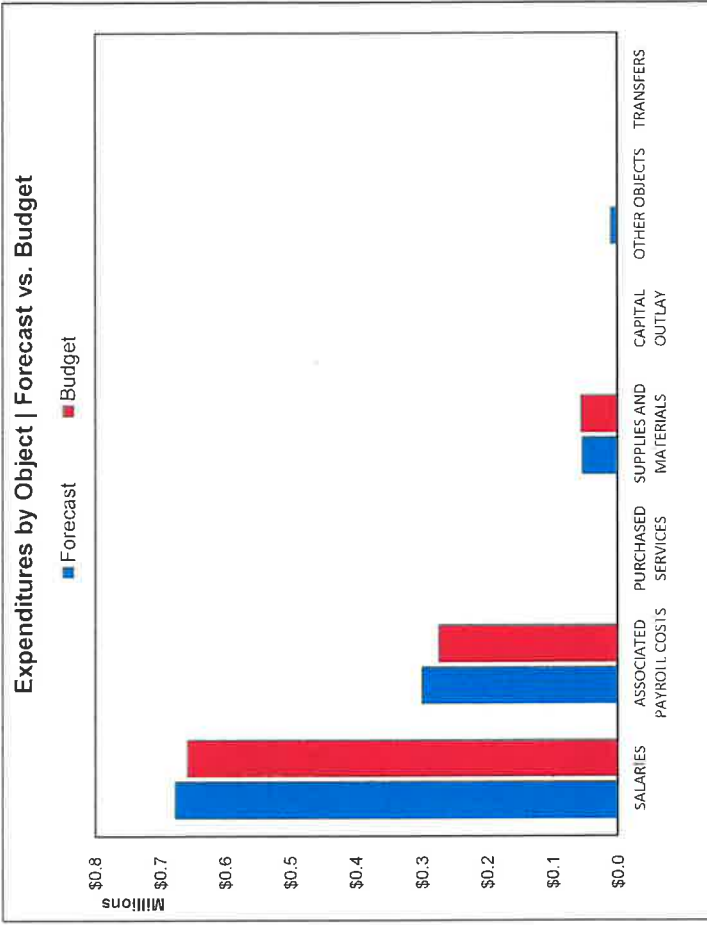
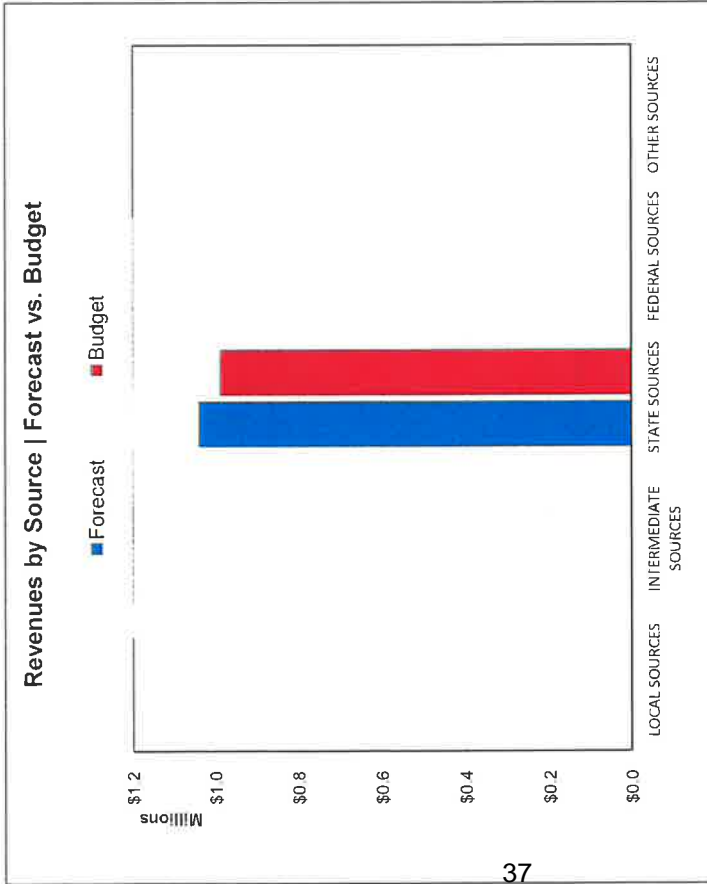
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ -	\$ -	-	0.00%	\$ -	-
Intermediate Sources	-	-	-	0.00%	-	-
State Sources	-	988,000	520,000	52.63%	520,007	1,040,007
Federal Sources	-	-	-	0.00%	-	-
Other Sources	-	-	-	0.00%	-	-
Total Operating Revenues	\$ -	\$ 988,000	\$ 520,000	52.63%	\$ 520,007	\$ 1,040,007
Beginning Fund Balance	-	-	-	0.00%	-	-
TOTAL RESOURCES	\$ -	\$ 988,000	\$ 520,000	52.63%	\$ 520,007	\$ 1,040,007
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ 219,620	\$ 658,603	\$ 250,716	38.07%	\$ 426,780	\$ 677,497
Associated Payroll Costs	94,259	273,557	136,644	49.95%	162,194	298,838
Purchased Services	290	-	-	0.00%	-	-
Supplies and Materials	-	55,840	-	0.00%	53,895	53,895
Capital Outlay	-	-	-	0.00%	-	-
Other Objects	-	-	9,777	0.00%	-	9,777
Transfers	-	-	-	0.00%	-	-
Total Operating Expenditures	\$ 314,169	\$ 988,000	\$ 397,138	40.20%	\$ 642,869	\$ 1,040,007
Contingencies	-	-	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	-	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ 314,169	\$ 988,000	\$ 397,138	40.20%	\$ 642,869	\$ 1,040,007
TOTAL SURPLUS / (DEFICIT)	\$ (314,169)	\$ -	\$ 122,863		\$ (122,862)	\$ 0

Corbett School District 39

004 Student Investment Account | Financial Projection by Object

For the Period Ending November 30, 2024



Corbett School District 39

011 GO Bond Debt Service | Financial Projection by Object

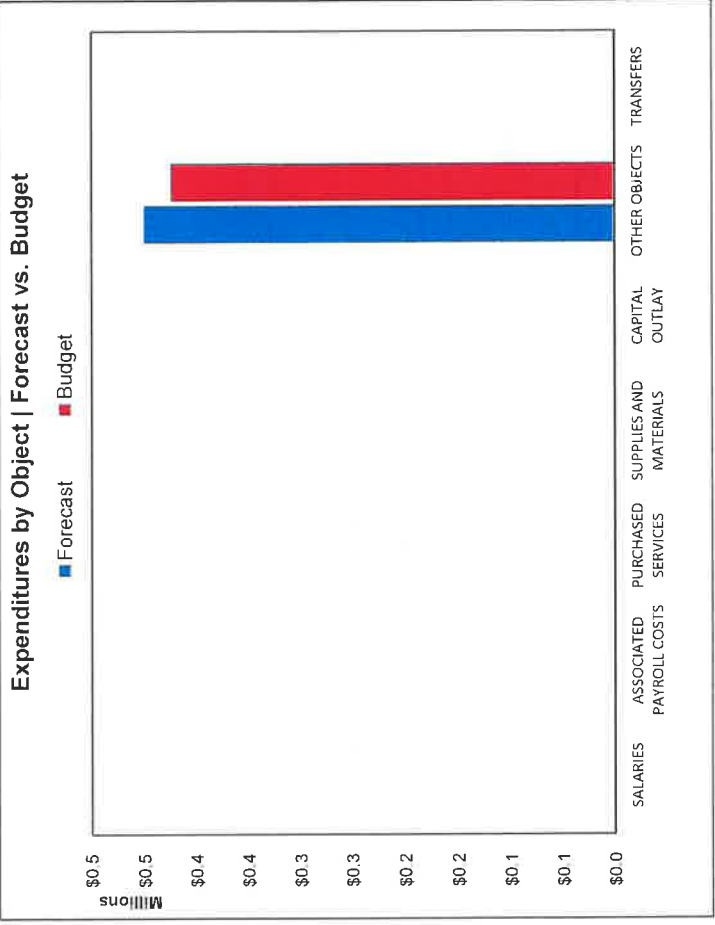
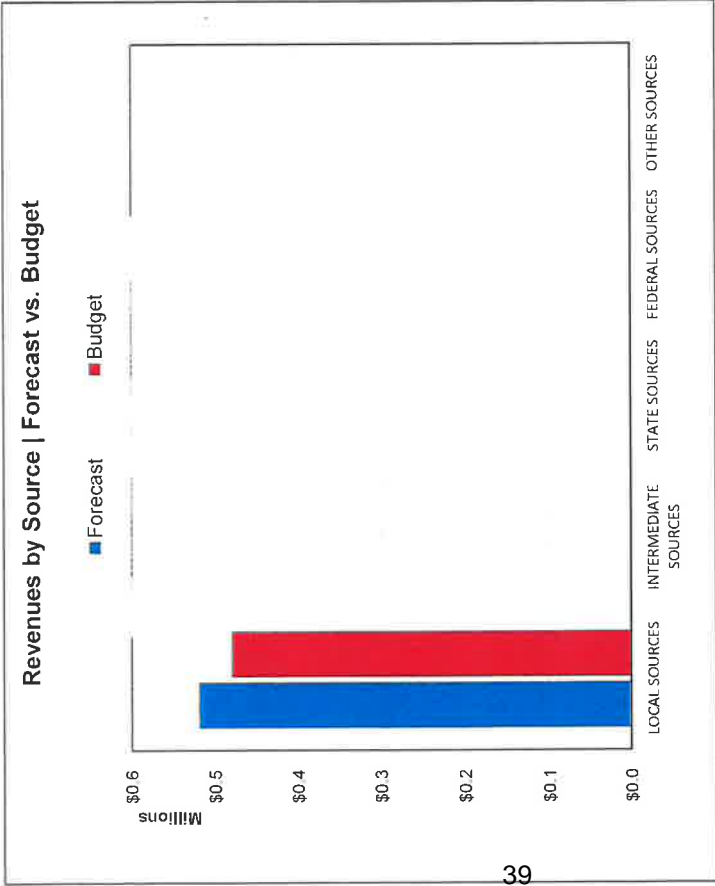
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ 283,897	\$ 479,945	\$ 135,684	28.27%	\$ 382,994	\$ 518,678
Intermediate Sources	79	-	-	0.00%	-	-
State Sources	-	-	-	0.00%	-	-
Federal Sources	-	-	-	0.00%	-	-
Other Sources	-	-	-	0.00%	-	-
Total Operating Revenues	\$ 283,976	\$ 479,945	\$ 135,684	28.27%	\$ 382,994	\$ 518,678
Beginning Fund Balance	10,198	-	97,625	0.00%	-	97,625
TOTAL RESOURCES	\$ 294,174	\$ 479,945	\$ 233,309	48.61%	\$ 382,994	\$ 616,303
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ -	\$ -	-	0.00%	\$ -	-
Associated Payroll Costs	-	-	-	0.00%	-	-
Purchased Services	-	-	-	0.00%	-	-
Supplies and Materials	-	-	-	0.00%	-	-
Capital Outlay	-	-	-	0.00%	-	-
Other Objects	27,922	423,988	25,844	6.10%	423,988	449,832
Transfers	-	-	-	0.00%	-	-
Total Operating Expenditures	\$ 27,922	\$ 423,988	\$ 25,844	6.10%	\$ 423,988	\$ 449,832
Contingencies	-	-	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	-	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ 27,922	\$ 423,988	\$ 25,844	6.10%	\$ 423,988	\$ 449,832
TOTAL SURPLUS / (DEFICIT)	\$ 266,252	\$ 55,957	\$ 207,465		\$ (40,994)	\$ 166,471

Corbett School District 39

011 GO Bond Debt Service | Financial Projection by Object

For the Period Ending November 30, 2024



Corbett School District 39

020 Energy Projects Fund | Financial Projection by Object

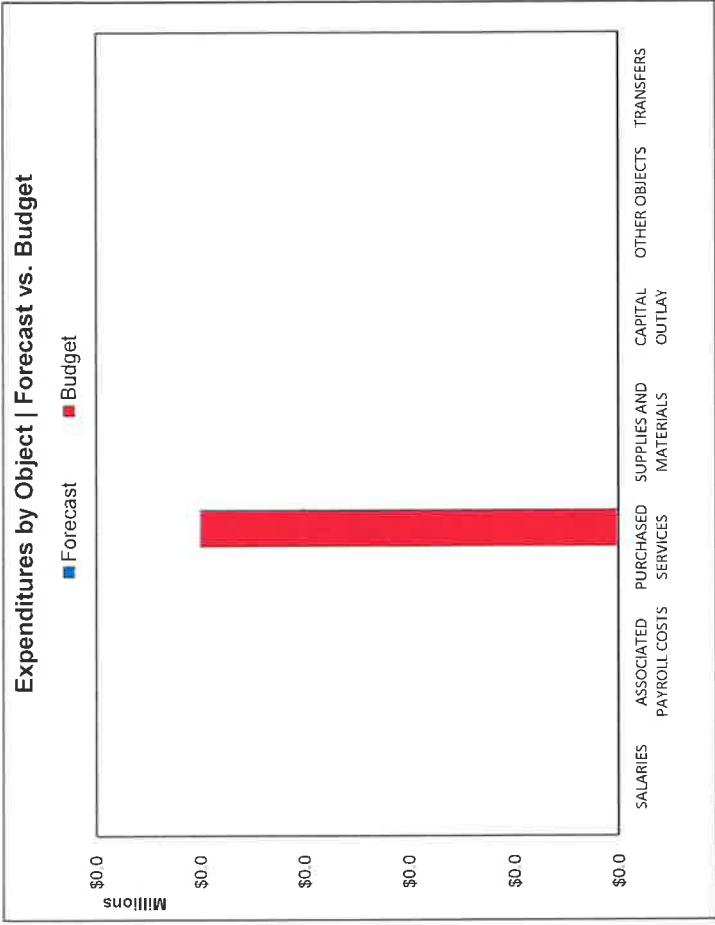
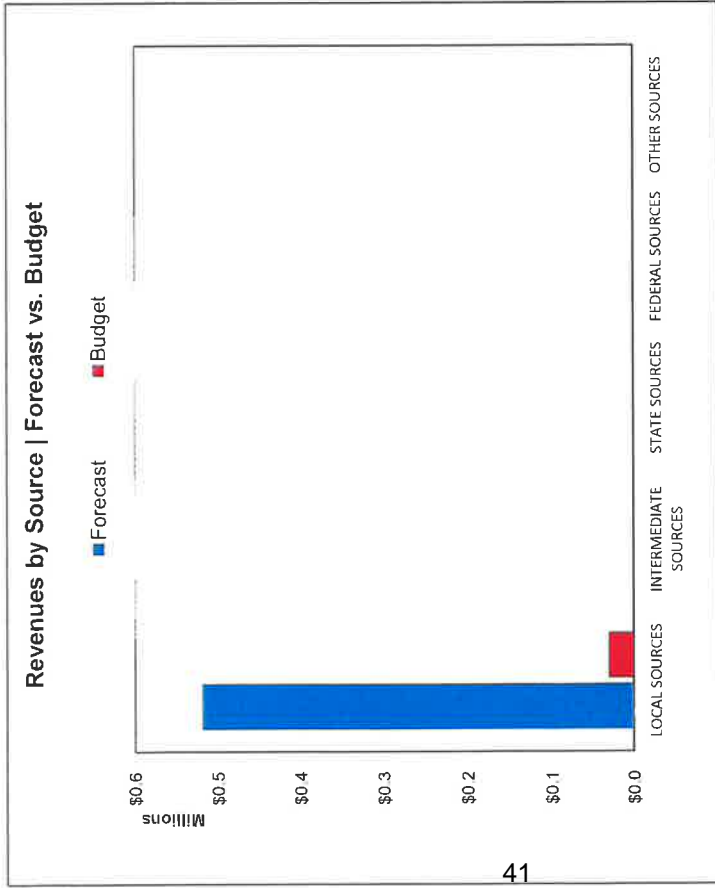
For the Period Ending November 30, 2024

	Prior YTD	Current Year Budget	Current YTD	% of Budget	Add: Projections	Annual Forecast
RESOURCES						
Operating Revenues						
Local Sources	\$ 12,255	\$ 30,000	\$ 8,727	29.09%	\$ 509,951	\$ 518,678
Intermediate Sources	-	-	-	0.00%	-	-
State Sources	-	-	-	0.00%	-	-
Federal Sources	-	-	-	0.00%	-	-
Other Sources	-	-	-	0.00%	-	-
Total Operating Revenues	\$ 12,255	\$ 30,000	\$ 8,727	29.09%	\$ 509,951	\$ 518,678
Beginning Fund Balance	55,301	-	89,694	0.00%	-	89,694
TOTAL RESOURCES	\$ 67,556	\$ 30,000	\$ 98,421	328.07%	\$ 509,951	\$ 608,372
REQUIREMENTS						
Operating Expenditures						
Salaries	\$ -	\$ -	-	0.00%	\$ -	-
Associated Payroll Costs	-	-	-	0.00%	-	-
Purchased Services	-	20,000	-	0.00%	-	-
Supplies and Materials	-	-	-	0.00%	-	-
Capital Outlay	-	-	-	0.00%	-	-
Other Objects	-	-	-	0.00%	-	-
Transfers	-	-	-	0.00%	-	-
Total Operating Expenditures	\$ -	\$ 20,000	\$ -	0.00%	\$ -	\$ -
Contingencies	-	-	-	0.00%	-	-
Unappropriated Ending Fund Balance	-	-	-	0.00%	-	-
TOTAL REQUIREMENTS	\$ -	\$ 20,000	\$ -	0.00%	\$ -	\$ -
TOTAL SURPLUS / (DEFICIT)	\$ 67,556	\$ 10,000	\$ 98,421		\$ 509,951	\$ 608,372

Corbett School District 39

020 Energy Projects Fund | Financial Projection by Object

For the Period Ending November 30, 2024



DEREK FIALKIEWICZ, Ed.D.
 Superintendent
 ROBIN LINDEEN-BLAKELEY
 Deputy Clerk/ HR Lead



35800 E. Historic Columbia River Highway
 Corbett, Oregon 97019-9629

Administration Office 503-261-4200
 Grade School 503-261-4236
 Middle/High School 503-261-4226
 CAPS 503-261-4294
 Fax 503-695-3641

**CORBETT SCHOOL DISTRICT
 NO. 39**

**Budget Calendar
 July 1, 2024 to June 30, 2025**

Board of Directors Meeting July 17, 2024

- √ Board Appoints Budget Officer

Board of Directors Meeting November 20, 2024

- √ Board Considers 2024-2025 Budget Calendar for 2025-2026 Budget

Staff and Community Input Sessions December 5 through December 19, 2024

- √ Staff Input
- √ Community Input
- √ **Video and Input Survey available on District website**

Budget Priorities Board Work Session January 8, 2025

Board Adoption of 2025-2026 Budget Priorities January 15, 2025

Publish 1st Notice of Budget Committee Meetings March 12, 2025

- √ 5 to 30 Days Before the 1st Meeting

Budget Workshop Training March 19, 2025

Publish 2nd Notice of Budget Committee Meetings March 19, 2025

- √ 5 to 30 Days Before the 2nd Meeting

Proposed Budget to Tax Supervising & Conservation Commission (TSCC) March 26, 2025

Proposed Budget Published April 2, 2025

1st Budget Committee Meeting April 9, 2025

- √ Appoint Presiding Officer
- √ Receive Budget Message
- √ Receive Proposed Budget Document and Discuss Relevant Changes
- √ Receive Public Testimony
- √ Respond to Questions from Budget Committee
- √ Budget Committee Deliberations (if ready)
- √ Budget approval and resolution approving the permanent tax rate imposing and categorizing taxes (if ready)

2nd Budget Committee Meeting (if needed) April 16, 2025

- √ Respond to Questions from First Meeting
- √ Receive Public Testimony
- √ Budget Committee Deliberations (if ready)
- √ Budget approval and resolution approving the permanent tax rate imposing and categorizing taxes (if ready)

DEREK FIALKIEWICZ, Ed.D.
Superintendent
ROBIN LINDEEN-BLAKELEY
Deputy Clerk/ HR Lead



35800 E. Historic Columbia River Highway
Corbett, Oregon 97019-9629

Administration Office 503-261-4200
Grade School 503-261-4236
Middle/High School 503-261-4226
CAPS 503-261-4294
Fax 503-695-3641

CORBETT SCHOOL DISTRICT NO. 39

Possible 3rd Budget Committee Meeting (if needed) April 23, 2025

- √ Respond to Questions from Second Meeting
- √ Budget Committee Deliberations
- √ Budget approval and resolution approving the permanent tax rate imposing and categorizing taxes

Approved Budget submitted to TSCC May 15, 2025

Publish Notice of Budget Hearing (only once) May 21, 2025

- √ 5 to 30 Days Before the Hearing
- √ Publish Financial Summaries

Board of Directors Meeting - Conduct Budget Hearing June 18, 2025

- √ Conducted by School Board
- √ Open to Public
- √ Run Budget Hearing Concurrent with Board Meeting

Board of Directors Meeting - Enact Resolutions June 18, 2025

- √ Adopt Budget, Authorize Appropriations & Impose and Categorize Taxes
- √ Amend 2024-2025 Appropriations (if necessary)

Submit Tax Certification Documents July 15, 2025

- √ To County Assessor Office for Certification of Tax Levy
- √ File Budget Document with County Recorder, TSCC and Designated Agencies

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23-24 Integrated Programs Annual Report Presentation

45

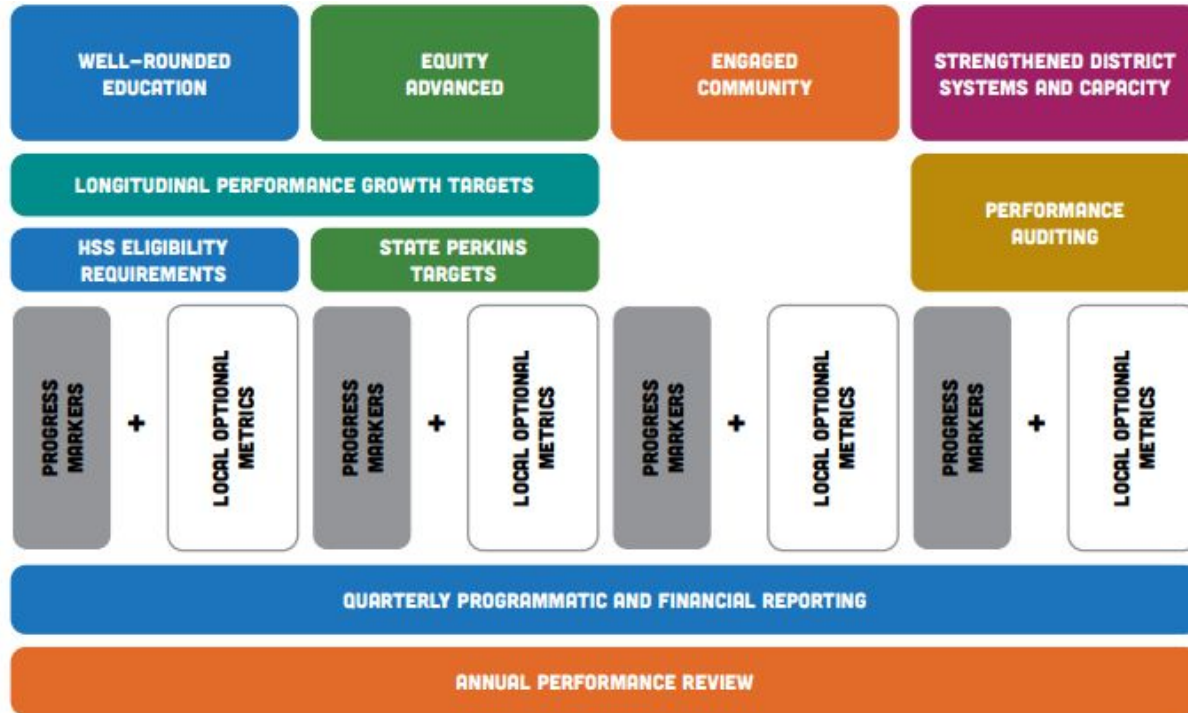
Corbett School District

Annual Reporting Requirements



- ODE's annual report consists of two narrative questions
- Throughout the year, grant recipients have been asked to report expenditures, three overall reflection narrative questions, and report on progress markers which will help inform overall progress and annual report.

Summary of Integrated Programs Performance Measures



SIA Annual Report Requirements

- SIA recipients are required by statute to:
 - review their own progress on an annual basis through an annual progress report and financial audit
 - present their annual report to their governing board at an open meeting with opportunity for public comment (cannot be consent agenda item), 48
 - and post the report to the district or charter school website.
- If grantee set LPGTs and LOM:
 - In Year 1 of biennium: Affirm progress has been reviewed towards meeting the LPGTs in the grant agreement (Assurance) 4
 - In Year 2 of biennium: Review actual metric rates compared to previously created LPGT and LOM and share reflection on progress. (Narrative Question)

Annual Report Narrative #1

As you review your progress markers/overall reflection responses and reflect on plan implementation, how do you see your progress contributing to the Outcomes and Strategies in your plan and your Longitudinal Performance Growth Targets (LPGT)/Local Optional Metrics (LOM)?

Discuss at least one Outcome where you have seen progress in implementation.

Looking over our progress markers, we are pleased to see progress in a number of outcomes, especially in our high school. Our 4-year graduation rate climbed from 91% to 95% for all students. We also hit our target for 9th Grade OnTrack, with 95% of all 9th graders finishing the year on track to graduate. We're especially proud that we closed the OnTrack gap for some of our focal groups, with 95% of SPED students and 95% of students experiencing poverty ending the year on track to graduate in four years. District-wide, we also saw a positive jump in regular attendance, increasing from 61% in the 22-23 school year to 68% for all students.

At Corbett we have strategically invested to build a safe and welcoming environment where every student feels a sense of belonging and can thrive. Our increased focus on counseling has been instrumental, allowing us to provide essential mental and emotional support across all grade levels.

At the high school level, we can see clear benefits in our investment in high school success. By assigning dedicated staff to monitor attendance and build strong relationships with students, we have been able to offer targeted support to those who need it most, helping them navigate both personal and academic challenges without slipping through the cracks. Additionally, our investment in expanding CTE courses and our close partnership with Mt. Hood Community College—where students can continue along a CTE pathway—have allowed us to better meet the needs of students eager to build successful careers in the trades.

Annual Report Narrative #2

Where have you experienced barriers, challenges, or impediments to progress toward your Outcomes and Strategies in your plan that you could use support with?

Discuss at least one Outcome where you have seen challenges or barriers to implementation.

A review of our data highlights a significant challenge in improving 3rd-grade reading proficiency. For the 2023-24 school year, 32% of 3rd-grade students in our district met state grade-level expectations—a troubling 8% decrease from the previous year. While it should be noted, our K-5 participation in the ELA state test did not meet the state participation targets of 94.5%, 90% of Corbett students K-5 did participate in the ELA state test in 2022-2023 and 89% of Corbett students K-5 did participate in the ELA state test in 2023-2024. Our data underscores the urgent need for focused efforts to address literacy instruction.

We understand the vital role of strong literacy instruction in shaping students' futures. As outlined in Oregon's Early Literacy Framework, "The significance of literacy cannot be overstated; it has been described as a social determinant of health, with literacy deficits leading to lifetime impacts" (Oregon Department of Education, 2023). To support this priority, over the past two years, K-5 teachers at Corbett have participated in LETRS training. This comprehensive program delves into the Science of Reading, providing essential knowledge and skills to teach literacy effectively and intervene when students struggle to meet grade-level reading expectations.

While most of our K-5 staff at Corbett Grade School have successfully completed the LETRS training, none of the staff at CAPS have completed it yet. As a result, students at CAPS do not currently have access to the High Dosage Tutoring interventions available at the grade school. To address literacy gaps across our district, we need support in creating and implementing a plan to ensure that all K-5 teachers receive full LETRS training.

Additionally, as teachers apply the best practices from LETRS training and work to implement a new standards-aligned, evidence-based curriculum, progress has been slow. One significant challenge is the need for teachers to have more time to engage in effective coaching as they learn to systematically apply new reading strategies. Another challenge is finding sufficient instructional minutes to fully implement the new curriculum. Teachers would also benefit from greater support in using formative assessment data to deliver timely, in-class Tier 2 interventions and tracking student progress.

Upon reviewing our current LPGT, we recognize the absence of targets specifically addressing literacy. As we plan and refine our strategies for 2025-27, it would be highly beneficial to establish specific and measurable longitudinal performance growth targets focused on literacy.

These targets would empower educators to develop and implement a clear theory of action to guide professional learning, coaching, data utilization, and grade-level meetings. This structured approach would support teachers in their ongoing efforts to engage in continuous improvement and deepen their practices around literacy instruction.

Corbett School
District



Enrollment Proposal Options





Vision

The Corbett School community connects, engages, inspires and collaborates to support every student.

Values



1. Personal Responsibility

Modeling personal responsibility, commitment, and ethical decision making.

2. Advocacy

Advocating for students so they learn to advocate for themselves.

3. Resilience

Personal development through resourcefulness and resilience.

4. Inclusive, Collaborative Relationships

Creating a community based on inclusiveness, equity, and building collaborative relationships.

5. Innovation

Nurturing curious, passionate, creative, and innovative minds.

6. Continuous Learning

Fostering student engagement in continuous learning, building on their personal strengths.

Overview - Financial



Enrollment	1082	1175	1224	1300
Students Added	0	93	142	228
Revenue	\$13,225,624	\$14,790,673	\$15,335,336	\$16,211,719
Payroll	\$13,658,000	\$13,658,000	\$13,658,000	\$13,658,000
% Revenue	103%	92%	89%	84%
Other Costs	\$2,814,000	\$2,814,000	\$2,814,000	\$2,814,000
Grant - Add Back	\$2,167,391	\$2,167,391	\$2,167,391	\$2,167,391
Total Remaining	(\$1,048,985)	\$486,064	\$1,030,727	\$1,907,110

Overview - Class Sizes



Enrollment	1082	1175	1224	1300
Students Added	0	93	142	228
K-1 (K-2)	23 (25)	23 (25)	23 (25)	23 (25)
2-3	25	29	30	34
4-5 (3-5)	26 (26)	30 (30)	31 (31)	35 (35)
6	26	29	31	34
7-8 (6-8)	27 (27)	31 (31)	32 (32)	36 (36)
9-12	28	32	33	37

Things to Consider



- Adding more than 100 students would require additional teachers and staff
 - Would allow for reinstating some lost positions
- Maximum number of students in the MS can be 170
- Additional students would require additional funding allocated to facilities

A large yellow rectangular bar with a black border, serving as a background for the title. It has a light blue square on its left side and a red square on its right side.

Recommendations

10-3

Charter Agreement between the Corbett School Board, Corbett School District 39 and the Corbett District School (Charter Law ORS Chapter 338)

Applicant: Corbett District School.

Name of Proposed School: Corbett District School ("CDS"). However, Corbett District School will serve as a placeholder name, as the intention is to survey students in the fall to enlist their help in deciding the ultimate name of the school.

Philosophy and Mission of Charter School: The Corbett District School is being created out of a need to maintain the financial stability and current service levels that the Corbett School District offers. This serves as an application to convert the current Corbett School to a district with a single charter school. The intention of this charter agreement is to provide the Corbett School District a mechanism to admit non-resident students outside of the inter-district transfer process.

The Corbett District School will embrace the District's Board Goal "To foster intellectual development and promote social equity for all students, maintain and plan for adequate facilities, operate the District in a fiscally responsible manner, and maintain positive and collaborative relationships within all district communities."

The Corbett District School will continue to embrace current educational practices of the Corbett School District which include but are not limited to:

- Multi-age Instruction.
- Thematic based learning.
- Place based learning.
- Continuous progress.

Currently, the Corbett School District has formed a visions and values committee and plans to form a strategic planning committee to help chart a path forward for the District. As appropriate, the recommendations of the visions and values and strategic planning committees will inform the creation and operation of the Corbett District School. The Corbett School District also intends to complete a strategic planning process and, as appropriate, the work of the strategic plan will inform the creation and operation of the Corbett District School.

Description of the Curriculum: The curriculum of Corbett District School will fully incorporate the Common Core/Oregon State Content Standards consistent with ORS 329.045. A complete curriculum guide can be found in Appendix A.

Description of Expected Results: The goal of Corbett District School is for every student to make adequate yearly progress toward meeting or exceeding state and district standards. Longitudinal data accumulated by Corbett School District 39 ("District") will provide information upon which to assess the progress and success of CDS.

Corbett District School will provide a community school environment where students, teachers, parents, community members and administrative staff interact on a daily basis to provide an exceptional education to students. The core curriculum course offerings of CDS will be enhanced by courses taught by Teacher Standards and Practices Commission (TSPC) certified instructors who have particular expertise in the subject.

Governance Structure of the Charter School: The initial Corbett District School Governing Board ("Charter Board") consists of the publicly elected School Board Members of the Corbett School District 39. As a conversion school, CDS will retain its current governance structure of seven board members representing at large positions publicly elected, consistent with the election laws of the State of Oregon and Multnomah County, within the school district.

Corbett District School will operate under Charter Law ORS Chapter 338 and the written charter. The Board will continue to oversee all fiduciary and curricular planning and adoptions, hold regular board meetings consistent with current practices of the Corbett School District Board, approve the budget and expenditures, and foster community relations.

The CDS will continue to follow all board policies currently adopted by the Corbett School District. The Charter Board reserves the right to modify, update, delete, or add board policies consistent with State Law.

Projected Enrollment and Grades to Be Served: Projected enrollment figures for Corbett District School are based on the Corbett School District 39 2018-19 enrollment of approximately 1212 students in grades K through 12. The Corbett District School may also operate fee for service programs like preschool. Currently, the School Board has placed an enrollment cap of 1300, however the publicly elected Charter School Board reserves the right to adjust the enrollment numbers in light of an ever changing financial environment.

Target Population of Students to Be Served: Corbett District School plans a diverse program serving grades Pre-K through 12 and targeted at the following groups: students currently enrolled in Corbett Schools, and students in surrounding communities who may benefit from a smaller, differentiated education program.

Distinctive Learning or Teaching Techniques to Be Used: Meeting the instructional needs of all learners requires a differentiated delivery system for all areas of the curriculum. This differentiation must be based on providing the appropriate level of support so that each student can progress in a continuous improvement model and attain his or her full potential as a literate citizen and lifelong learner. Corbett District School is committed to utilizing the following instructional methods and opportunities:

(a) **Project-based and or thematic-based learning:** Courses will involve hands-on, lab, and/or project-based instruction that require students to produce digital assignments, and/or tactile products. This may be done individually or as a collaborative/team effort.

(b) **Lecture/discussion method:** Inquiry about broad-based, open-ended questions will require problem-solving techniques. Classes will have an emphasis on reading, writing, and presentation skills. This may include the use of digital equipment, i.e., computers and software, cameras, interactive whiteboards, and other technologies to support vocational areas in the school.

(c) **Online courses:** The uses of an online education program may be incorporated as appropriate.

(d) **Science, Technology, Engineering, Arts and Math (STEAM), CTE, and College Preparatory Programs:** The Corbett District School will continue to offer, maintain, and expand course offerings in STEAM, CTE and College Preparatory programs. These offerings may be modified based upon the work of the visions and values and strategic planning committees and the judgement of the Charter Board.

Legal Address, Facilities, and Physical Location: The current Corbett School, headquartered at 35800 East Historic Columbia River Highway, Corbett, Oregon 97019, will transition into the Corbett District School, which will remain in the same facility in the community of Corbett. The district retains ownership of all facilities, equipment and supplies including properties at 32405 E.

Historic Columbia River Highway, 35800 E. Historic Columbia River Highway and 36115 E. Historic Columbia River Highway. The charter owns no physical assets.

Description of Admissions Policy: The Charter Board will set enrollment targets at least annually. The Charter Board may increase, or decrease the enrollment target at any time and they recognize that the work of the visions and values and strategic planning committees will be considered in establishing enrollment targets.

In the event that more students apply for admission to Corbett District School than can be accommodated, an objective, confidential lottery will be held to determine enrollment. Priority in all lotteries will be given to students who have siblings currently attending the Corbett District School and to students who have been attending the Corbett District School by other means such as by tuition or by mechanisms called for in collective bargaining units. Further, resident students who move out of district and who wish to continue attending Corbett District School will be guaranteed enrollment for the remainder of the school year in which they move and they will be given priority in the following year lottery(ies). Students who turn down the invitation to enroll or drop from the program after enrolling will be replaced by the next student in order of lottery selection. (ORS 338.125) All students who reside within current school district boundaries are guaranteed admission. Further, all students currently attending Corbett School District will be guaranteed admission to the Corbett District School when the school begins initial operation. Admission applications can be accepted on a rolling basis throughout the year. Confidential lotteries will be conducted before the start of each trimester on a date established by administration provided the Charter Board opens space in the Corbett District School for that lottery. If needed a waitlist will be established after each lottery and remain in effect until the next lottery is announced.

Applicable Statutes and Rules: All applicable federal and state laws and Oregon Administrative Rules will apply to Corbett District School. (ORS 338.115)

Proposed Budget and Financial Plan: The budget will be based on the state school fund factored on enrollment for the current year or the previous year, whichever is highest. Evidence of financial soundness is found in the existing Corbett School District budget and financial plan already in place and utilized by Corbett School District 39.

Standards of Behavior and Discipline: Corbett District School Board will adopt those behavior and discipline policies in use by Corbett School District 39. These policies are available for review at the school district office.

School Calendar: The school calendar for the 2019-2020 school year will be the calendar already established by the Corbett School District. The Corbett District School Governing Board will establish yearly calendars consistent with current practice of the Corbett School District Board. The operational hours of the Corbett District School will remain the same as those currently established by the Corbett School District. The Corbett District School Governing Board may elect to change those hours in the future.

Staffing/Qualifications: The Corbett District School will maintain current staffing of both certified and classified staff*, with new staff added when needed to meet targets set by the Corbett District School Governing Board. In addition, all certified teachers must meet TSPC licensure standards and have appropriate academic, and/or career experience. Licensed teachers may, at the discretion of district administration, teach outside of their endorsement areas consistent with Charter Law.

**Budget deficits caused by inadequate state funding may result in reductions in staff. The Charter School Governing Board will follow district policy if any positions must be cut.*

Opening Date: The Corbett District School will open on a date no later than January 1, 2020. The Corbett School District Board may opt to open the Corbett District School at a date prior to January 1, 2020.

Special Education Arrangements: Corbett School District 39 and Corbett District School will provide for the needs of those enrolled students who qualify under state and federal laws regarding Special Education, regular education, and related services for students who qualify under Section 504 of the Rehabilitation Act of 1973. CDS will actively identify those students who qualify for special education services and will utilize district resources, the Multnomah Education Service District resolution services, as well as other external resource providers to ensure maintenance of effort. (ORS 338.165)

Community Involvement: The Corbett School District encourages parent and community involvement. The community will continue to be provided opportunities to influence the development of the charter as well as the ongoing refinements and modifications during charter implementation. Public Board Meetings will be held monthly and progress of implementation will be monitored/guided through the public meetings process. Further, standing committees such as the visions and values and strategic planning committees will have the opportunity to influence the development of the charter.

Term of the Charter: The initial term of the charter will be five years renewable from the date of signing. (ORS 338.065 (3)(a))

Plan for Performance Bonding/Insurance: The agreements, policies, and coverage with agencies currently insuring Corbett School District 39 will be maintained by Corbett District School. In the future these may be modified as determined necessary by the elected Corbett District School Governing Board .

Collective Bargaining Units: Corbett District School will maintain all collective bargaining agreements in place on the date that the Corbett District School opens. Future, contract negotiations will be consistent with state and federal law.

Placement of Students, Staff, and Property upon Termination/Non-Renewal of Charter: Termination of the charter shall not abridge Corbett School District's legal authority to operate as a non-chartered (regular) public school district. In the event of termination or non-renewal of this charter, Corbett School District shall follow the reduction in force provisions in any applicable collective bargaining agreements for licensed and classified employees or as otherwise provided by the Corbett School District. If, as a result of termination or non-renewal of this charter, a determination is made to reconstitute the school as a regular public school, the District Board will, as staffing requirements permit and funding allows, and on the recommendation of the Superintendent, make every effort to rehire all staff employed by Corbett District School at the time of its reconstitution as a regular public school.

If the school is reconstituted as a regular public school, all students currently enrolled will become enrolled students of the reconstituted school. Students currently attending outside the district will be allowed to continue with an existing inter-district agreement.

In the event of a termination of this charter, all assets, equipment, supplies, and other items provided to Corbett District School which were the property of Corbett School District 39 prior to this charter or were added after the fact with funds belonging to Corbett School District 39 or are of a nature that their loss or absence would prevent the operation of the district or its programs after termination of this charter, shall be returned to or retained by Corbett School

District 39. All other assets shall be given to the Corbett School District. (ORS 338.105)

Fiscal Audit: The School Superintendent will develop a balanced operating budget to be approved by the District Budget Committee and School Board as part of the current budgetary process. Corbett District Charter School will retain Corbett School District's designated auditor. Corbett District School will report in writing to the district the manner in which CDS intends to address any deficiencies in the audit. ODE is permitted to audit, review, and inspect expenditures during this time. (ORS 338.095)

Conversion of an Existing Public School District:

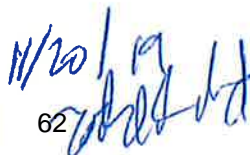
a) **Student enrollment shall be voluntary.** Students who choose not to attend Corbett District School have the option of being home schooled or request an interdistrict transfer. Any student who resides within the district boundary but has opted out of attendance at Corbett District School will be released by the Corbett School District 39 to the school of their choice. (ORS 338.145)

b) **Employment practices, policies, and agreements:** Corbett District School shall use the existing practices of Corbett School District 39 regarding the selection and hiring, training, discipline, and firing of its teaching, administrative, and operations staff with the exception of those changed by waiver or mutual consent of parties in a collective bargaining agreement. During the life of this charter, Corbett District School will implement policies in compliance with all applicable federal and state laws and collective bargaining agreements in effect at the time of the charter signing regarding recruitment, promotion, discipline, and termination of personnel; methods for evaluating performance; and a plan for resolving employee-related problems, including complaint and grievance procedures shall remain in effect for the remaining length of the agreement. Employees' payroll shall be processed through the business office of the Corbett School District 39 unless changed during the life of this charter. (ORS 338.135)

c) **Employee assignment to the charter school shall be voluntary.** However, as CDS will be the only school for grades K-12 located within Corbett School District 39, there are no alternative assignments available within the district to staff members who choose not to participate in the charter school. Therefore, any staff member who is under contract at the time of the charter signing and who chooses not to participate in the charter school shall be released from their contract if they request such a release at least 30 days prior to the charter going into effect. All contracts and agreements with staff members in effect at the time the school becomes chartered shall remain in effect for the remaining term of such contract or agreement. (ORS 338.135)

Approved this XXX day of XXXX.

Todd Mickelson, District Board Chairman

11/20/19
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Randy Trani, Superintendent

A handwritten signature in blue ink, consisting of a horizontal line above the letters 'RT' followed by a wavy flourish.

Appendix A

Curriculum guide follows:

MEMORANDUM OF UNDERSTANDING

Between the

Corbett School District

And the

Corbett Education Association/East County Bargaining Council

Carrie Church Date
Corbett EA Co-President

Todd Mickalson Date
Board Chairperson

XXXXXXXXXX Date
OEA Consultant

XXXXXXXXXX Date
CBC Chairperson

MEMORANDUM OF UNDERSTANDING

Between the
Corbett School District
And the

Corbett Association of Classified Employees/Oregon Education Association

Due to considerable financial hardship on the part of the Corbett School District, Corbett School District employees will be furloughed for six days during the 2024-2025 school year: June 2, 3, 4, 5, 9, 10, 2025.

During the period of this agreement, members will be furloughed the final six days of the originally approved Corbett School District 2024-2025 calendar and have their salary reduced in a proportionate amount equally over a six month period of January - June, 2025. Part time members will be prorated (based on percentage of FTE) and workload will be prorated (same percentage of FTE). There will be no expected work and no duties of any purpose for any reason on furlough days.

Members health benefits, leave accruals and PERS contribution percentage rates shall be maintained and be unchanged by this agreement.

Article 12, B 4 of the current agreement would be amended to:
"Members will have the option to rollover up to one unused personal day from the 2024-2025 school year to the 2025-2026 school year. Members must make a written request for this rollover on or before June 14."

No other portion of the contract is modified

This agreement shall expire on June 30, 2025 and is not precedent setting for future agreements.

For the Association

For the District

Tanya Hayden Date
CACE President

Derek Fialkiewicz Date
Superintendent

XXXXXXXXXX Date
OEA Consultant

Todd Mickalson Date
Board Chairperson

MEMORANDUM OF UNDERSTANDING

Between the

Corbett School District

And the

Corbett Association of Classified Employees/Oregon Education Association

OSBA Model Sample Policy

Code: AC

Adopted:

Nondiscrimination and Civil Rights

{Required policy. 34 CFR § 106.45 requires grievance procedures for complaints of sex discrimination. OAR 581-021-0655(3) requires policy regarding civil rights coordinators.}

The district **does not discriminate on any basis listed below and** prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex², sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

~~{The Board designates the [insert position title(s)] as the district's civil rights coordinator.} [The Board directs the superintendent to designate the district's civil rights coordinator and make contact information available to staff, students and parents.]{³}~~

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating,

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. "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 ~~(as amended by House Bill 2935 (2021))~~.

² 34 CFR § 106.10 provides "discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."

³ ~~{For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}~~

threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

[The [insert position title(s)] is the district's civil rights coordinator.]

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
 - a. The notice of nondiscrimination⁴ required by OAR 581-021-0045; and
 - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. ^{5}[Satisfy the training requirements in OAR 581-021-0660 (2)-(3)] [~~Satisfy the following training requirements:~~

⁴ The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

⁵ {OAR 581-021-0655(3)(a) requires the district adopt a policy including the requirements in OAR 581-021-0660, including the training requirements referenced and listed here. The district can meet this requirement by choosing either of the two bracketed options.}

- a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Identifying discrimination and reports of discrimination;
 - (5) Responding to reports of discrimination;
 - (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
 - (7) Preventing discrimination in public school programs and activities;
 - (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;
 - (9) Tracking and documenting reports of discrimination.
- b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.⁶

END OF POLICY

⁶ Training must first be completed by June 30, 2025.

Legal Reference(s):

ORS 174.100	ORS 659A.006	OAR 581-002-0001—002-0005
ORS 192.630	ORS 659A.009	OAR 581-021-0045
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0046
ORS 332.505	ORS 659A.030	OAR 581-021-0047
ORS 408.230	ORS 659A.040	OAR 581-021-0650 - 0665
ORS 659.805	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.815	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.850 - 659.860	ORS 659A.236	OAR 581-075-0001 - 075-0005
ORS 659.865	ORS 659A.309	OAR 581-075-0901
ORS 659A.001	ORS 659A.321	OAR 839-003
ORS 659A.003	ORS 659A.409	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act ~~of 1990~~/**Americans with Disabilities Act Amendments Act**, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2020~~2024).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

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

~~Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).~~

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 and OAR 581-021-0038. Review Board policy AC - Nondiscrimination and Civil Rights for consideration of Title IX and sex-based discrimination.}

¹The 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^{2} 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~~

The district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.³

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

² ~~{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.}~~

³ Other complaint policies and administrative regulations that may apply include, but are not limited to: AC - Nondiscrimination and Civil Rights; ACB - Every Student Belongs; GBEA - Workplace Harassment, GBNA - Hazing, Harassment, Intimidation, Menacing, or Cyberbullying - Staff; GBNA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements; GBNA/JHFE - Suspected Abuse of a Child Reporting Requirements; and JFCF - [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, Title IX Coordinator, civil rights coordinator, or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

{⁴} Sexual harassment of students, staff members or third parties⁵ 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
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁶.

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

⁴ {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.}

⁵ "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.

⁶ "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.

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, ^{7}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):

^{Dr. OF SWP}
{8}[Name], [position] at [phone] or [email]

[This individual is] responsible for accepting and managing complaints of sexual harassment. Persons wishing to make a report should ~~contact them using~~ use the above contact information. The person[s] designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. ~~[9]This person is also designated as the Title IX coordinator.] See GBN/JBA 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.

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 ~~immediately~~ report their concerns to district officials, this includes officials such as the principal,

⁷ {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.}

⁸ {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.}

⁹ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

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. [¹⁰] 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.]

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

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:

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;

¹⁰ {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.}

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.

Notice

When a person¹¹ 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 include¹²:

¹¹ 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.

¹² Remember confidentiality laws when providing any information.

1. Name and contact information for all person 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.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

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.

[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;
1. 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 activity¹³;
2. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
3. "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;
4. "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
5. "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.

¹³ "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))

[Person or position] is designated as the Title IX coordinator [and can be contacted at [insert phone number]]. 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.¹⁴

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.¹⁵ The district shall treat complainants and respondents equitably by providing supportive measures¹⁶ to the complainant and by following a grievance procedure¹⁷ 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.¹⁸

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.¹⁹ 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);

¹⁴ [Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.]

¹⁵ (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.

¹⁶ (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.¹⁶ 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))

¹⁷ 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).

¹⁸ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁹ 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(e))

1. ~~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~~
2. ~~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 Secretary²⁰, or both.]~~

No Retaliation

~~Neither the district or any person may retaliate²¹ 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	

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 (2020/2024).
 Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

²⁰ ~~Of the United States Department of Education.~~

²¹ ~~Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.~~

OSBA Model Sample Policy

Code: IKF
Adopted:

Graduation Requirements**

{If the district has additional credit or graduation requirements above the state requirements, the district is required to include those additional credits and graduation requirements in policy (see OAR 581-022-2000(1)). OAR 581-022-2115(13) requires districts to also have a policy on student-initiated test impropriety (model language to meet this requirement is also in policy II – Assessment Program); OAR 581-022-2120 requires districts to have a policy about proficiency in Essential Skills in student languages of origin (currently waived through the 2027-28 school year); OAR 581-022-2020(3) requires districts to establish criteria for the certificate of attendance in policy.}

The Board establishes graduation requirements for awarding of a high school diploma, a modified diploma, an extended diploma and ~~an alternative certificate~~ a certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. ~~A foster child~~ In foster care¹;
2. Experiencing houselessness²;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker;~~or~~
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program;
or
7. ³Enrolled in an approved recovery school under ORS 336.680.

For any student identified above, the district shall accept any credits earned by the student in an educational program⁴ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

¹ As "Foster child" is defined in ORS 30.297.

² {ORS 329.451(2) and OAR 581-022-use the term "homeless."} See OAR 581-022-2000 for additional information.

³ Applies to high school diplomas awarded on or after January 1, 2026.

⁴ "Educational program in this state" means an educational program that is provided by a school district, a public charter school, an approved recovery school (applies to diplomas awarded on or after January 1, 2026), the Youth Corrections Education

Diploma

A high school diploma will be awarded to students⁵ in grades 9 through 12 who complete a minimum of {⁶}24 credits which include at least:

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in language arts⁷ (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (~~including shall include 0.5 unit of US civics⁸ credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for US and world history, [civics,] geography, and economics (including personal finance) and ⁹financial literacy~~);
5. ¹⁰One-half credit of higher education and career path skills;
6. ¹¹One-half credit of personal financial education;
7. One credit in health education;
8. One credit in physical education; and
9. Three credits in career and technical education, the arts or world languages¹² (units shall be earned in any one or a combination).

Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long-term care or treatment facility described in ORS 343.962961 or a hospital identified in ORS 343.261.

~~⁵ Students who were first enrolled in grade 9 during the 2022-2023 school year or first enrolled in grade 9 in any previous school year.~~

⁶ {If the district has additional credit or graduation requirements beyond the state minimum of 24, the district is required to include those additional credits and graduation requirements in the following list.}

⁷ "Language arts" includes reading, writing and other communications in any language, including English.

⁸ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁹ This requirement is replaced with a one-half credit of personal financial education requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year.

¹⁰ Higher education and career path skills becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

¹¹ Personal finance education becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

¹² "World languages" includes sign language, heritage languages and languages other than a student's primary language.

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined ~~in OAR 581-022-2000~~ above, a student must¹³:

1. ¹⁴Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)); and
4. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010 (3):

1. The student Hhas a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. The student Hhas a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits ~~which shall~~with at least 13 of those credits to include:

1. Three credits in language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));

¹³ ~~[The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).]~~

¹⁴ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

5. ¹⁵One-half credit in personal financial education;
6. ¹⁶One-half credit in higher education and career path skills;
7. One credit in health education;
8. One credit in physical education; and
9. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

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

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. ¹⁷Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
2. Develop an education plan and build an education profile; and
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)).

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in ~~learning expectations~~the achievement level, construct, or ~~content that is to be measured, grade level standard, or~~ measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student’s assessment may adjust the administration of the assessment and/or the assessment’s achievement standard. The IEP or 504 team must inform the student’s parent that the use of a modification on an assessment will result in an invalid assessment;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student’s progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified ~~Smarter Balanced~~statewide assessment.

¹⁵ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹⁶ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹⁷ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

A student's school team (which must include an adult student, parent/guardian of the student) shall decide ~~that~~ if a student ~~should~~ will work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

~~Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.~~

For students with a documented history as described above, the district shall annually provide the parents or guardians of students, beginning in grade five or after such documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

[¹⁸] Essential Skills

The district [will] [will not] allow English Language Learner (ELL) students to demonstrate proficiency in Essential Skills in the student's language of origin for a high school diploma or a modified diploma.

The district will develop procedures to provide local performance assessment options as described in the *Local Performance Assessment Manual*, in the ELL student's language of origin, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will [establish an appeal process] [follow Board policy KL - Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.]

Extended Diploma

¹⁸ {[OAR 581-022-2120(2) requires districts to have "policy whether to allow ELL students to demonstrate proficiency in all required Essential Skills in the students' language of origin." OAR 581-022-2120(4) waives this requirement through the 2027-28 school year.] Therefore, these two sections, i.e., Essential Skills and Essential Skills Appeal, are not required to be in policy at this time. The district could elect to keep the language and the bracketed portion of this footnote.}

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a **high school diploma** while receiving **reasonable modifications** and accommodations.

To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than ~~six~~ **6** credits in a self-contained special education classroom, and will include:
 - a. Two credits in mathematics;
 - b. Two credits in language arts;
 - c. Two credits in science;
 - d. Three credits in history, geography, economics or civics;
 - e. One credit in health;
 - f. One credit in physical education; and
 - g. One credit in the arts or a world language; **and**
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

~~Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.~~ For students with a documented history, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such documented history has been established, the following:

1. **Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and**
2. **A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.**

Alternative Certificates

~~Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.~~

~~Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.~~

Certificate of Attendance

A ¹⁹certificate of attendance²⁰ will be awarded to students who:

1. [Have maintained regular full-time attendance²¹ for at least four years beginning in grade nine;
2. Do not satisfy requirements for a high school diploma, modified diploma or extended diploma; and
3. Have a documented history²².]

For students with a documented history²³, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such a documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any required reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Other District Responsibilities

The district will ensure that all students have onsite access to the appropriate resources and courses to achieve a high school diplomas, a modified diplomas, an and extended diplomas, or an alternative certificate at each high school in the district. The district will provide [age-appropriate and developmentally appropriate] literacy instruction to all students until graduation.

The district may not deny a student ~~the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student~~ who has the documented history listed under the ~~above~~ modified diploma or extended diploma requirements outlined above the

¹⁹ {The Board shall define criteria for a certificate of attendance. OAR 581-022-2200 (3). See the Oregon Department of Education's [Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992](#). }

²⁰ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate which are in effect on the day before July 1, 2024.

²¹ {There is no established definition of "regular full-time attendance. The district should review any existing attendance definitions, consider the needs of students in the district and establish clear criteria. This should include how excused and unexcused absences are counted. A few options are provided. }

["Regular full-time attendance" means not being absent for more than 10 percent of school days that the student is enrolled in a school year. See OAR 581-020-0631 for definition of chronic absenteeism. Excused absences [are considered absences for this purpose] [will not be counted against a student.]]

["Regular full-time attendance" means not having eight or more unexcused absences in any four-week period during which school is in session. See ORS 339.065 for definition of irregular attendance. This will be calculated on an annual basis and equates to having unexcused absences for less than 20 percent of the days or class periods during which school is in session.]]

²² "Documented history" means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

²³ "Documented history" means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

opportunity to pursue a diploma with more stringent requirements, for the sole reason the student has the document history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is an emancipated minor or who has reached the age of 18 (adult student) at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall must receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in the later of 4 years after starting the ninth grade 9, or until the student reaches the age of 21 years if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy complete the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in less than four 4 years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate a certificate of attendance shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or an alternative certificate a certificate of attendance shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and. wWhen added together, the district will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that are is required to be provided to students who are attending a public high school. The district may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate a certificate of attendance or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate a certificate of attendance is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students may opt-out of the [Smarter Balanced or alternate Oregon Extended Assessment](#) Oregon statewide assessments in language arts and/or mathematics by completing the Oregon Department of Education’s Opt-out Form²⁴ and submitting the form to the district.

The district will issue a high school diploma [pursuant to Oregon law \(ORS 332.114\)](#) to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)

[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)

[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

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

Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992, published by the OREGON DEPARTMENT OF EDUCATION.

²⁴ Oregon Department of Education page for: [30-day notice and opt-out form](#)

OSBA Model Sample Policy

Code: JBA/GBN
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 and OAR 581-021-0038. Review Board policy AC - Nondiscrimination and Civil Rights for consideration of Title IX and sex-based discrimination.}

¹The 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^{2} 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.~~

The district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.³

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

~~² {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.}~~

³ Other complaint policies and administrative regulations that may apply include, but are not limited to: AC - Nondiscrimination and Civil Rights; ACB - Every Student Belongs; GBEA - Workplace Harassment, GBNA - Hazing, Harassment, Intimidation, Menacing, or Cyberbullying - Staff; GBNA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements; GBNA/JHFE - Suspected Abuse of a Child Reporting Requirements; and JFCF - [Hazing,] Harassment, Intimidation, Bulling, [Menacing,] Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, Title IX Coordinator, civil rights coordinator, or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

{⁴} Sexual harassment of students, staff members or third parties⁵ 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
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁶.

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

⁴ {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.}

⁵ "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.

⁶ "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.

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, [⁷]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):

⁸[Name], [position] at [phone] or [email]

[This individual is] responsible for accepting and managing complaints of sexual harassment. Persons wishing to make a report should ~~contact them using~~ use the above ~~contact~~ information. The person[s] designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. [⁹]This person is also designated as the Title IX coordinator.] ~~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.

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 [~~immediately~~] report their concerns to district officials, this includes officials such as the principal,

⁷ {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.}

⁸ {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.}

⁹ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

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. ^{10}]

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

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:

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;

¹⁰ {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.}

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.

Notice

When a person¹¹ 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 include¹²:

¹¹ 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.

¹² Remember confidentiality laws when providing any information.

1. Name and contact information for all person 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.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

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.

[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 activity¹³;
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 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.

¹³ "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))

[Person or position] is designated as the Title IX coordinator [and can be contacted at [insert phone number]]. 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.¹⁴

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.¹⁵ The district shall treat complainants and respondents equitably by providing supportive measures¹⁶ to the complainant and by following a grievance procedure¹⁷ 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.¹⁸

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.¹⁹ 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);

¹⁴ [Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.]

¹⁵ (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.

¹⁶ (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.¹⁶ 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))

¹⁷ 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).

¹⁸ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁹ 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))

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 Secretary²⁰, or both.]~~

No Retaliation

~~Neither the district or any person may retaliate²¹ 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	
ORS 342.700	ORS 659.850	OAR 581-021-0038
ORS 342.704	ORS 659A.006	OAR 584-020-0040
ORS 342.708	ORS 659A.029	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 (2020/2024).
 Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
 Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

²⁰~~Of the United States Department of Education.~~

²¹~~Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.~~

OSBA Model Sample Policy

Code: JFE
Adopted:

Pregnant and/or Parenting Students**

{Required policy. The requirement for policy comes from ORS 336.640.}

The district shall not discriminate in its education program or activity against any student based on their current, potential, or past pregnancy, parenting, or related conditions. No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood. A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all district-sponsored activities ~~unless physically unable~~. The district shall ensure that pregnant and/or parenting students receive special services as necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law.

~~No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood.~~

The district shall, in considering and obtaining special services for pregnant and/or parenting students:

1. Inform pregnant and/or parenting students and their parents of the availability of such services in the district, education service district or in the community.
2. Facilitate the provision of such services, including counseling, life skills and parenting education, childcare, transportation, career development and health and nutrition services to pregnant and/or parenting students.
3. Inform pregnant and/or parenting students and their parents of the availability of resources provided by other agencies, including health and social services.
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and/or parenting students.
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

[When a district employee is notified of a student's pregnancy or related condition by the student or a person who has a legal right to act on behalf of the student, the employee will provide notice to that person. The notice will include:

1. The Title IX Coordinator's contact information;
2. That the Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure the student's equal access to the district's education program or activity;
3. The district's responsibilities under Title IX; and

Other

No result available.

Other

4. The district's notice of nondiscrimination.]

[The student will be allowed access to a lactation space¹ [described in Board policy GBDA – Expression of Milk [or Breastfeeding]].]

The superintendent [or designee] will develop guidelines^{2} necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

ORS 336.640
ORS 339.010

ORS 339.030
OAR 581-021-0046

OAR 581-023-0100(3)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).

¹ A lactation space must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. (34 CFR 106.40(b)(3)(v))

² {Guidelines are required according to ORS 336.640 but does not rise to the level of an administrative regulation. A sample form is available to support developing a student's required individual written plan (OAR 581-023-0100(3)).}

ReferenceChecks

No result available.

OSBA Model Sample Policy

Code: JHCD
Adopted:

Medications**/*

{Required policy. The requirement for policy comes from ORS 339.866 (2).}

The district recognizes administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary to allow the student to attend school. Therefore, the district allows medication, including injectable medications, to be administered to a student by designated personnel and the administration of medication by a student to themselves without assistance from designated personnel, subject to criteria established by the district and in accordance with Oregon law.

The district shall designate personnel authorized to administer medications to students. Medications, including injectable medications, may be administered by designated district personnel as part of a formal delegation by a registered nurse. Annual training shall be provided to designated personnel in accordance with law. The training will align with the ODE Medication Administration Training and include discussion of this policy, procedures and materials, including but not limited to, procedures outlined in administrative regulation JHCD-AR - Medications.

When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon, treatment for adrenal insufficiency, or another medication to a student as prescribed and/or as otherwise allowed by Oregon law.

A current first-aid/CPR/AED card is required for designated personnel.

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The district may revoke permission given to a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication, as determined by district personnel.

Medications will be handled, stored, monitored, disposed of and records maintained in accordance with law and established district procedures governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a backup medication is kept at a reasonably, secure location in the student’s classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

No result available.

Other

No result available.

Other

[¹] A non-injectable short-acting opioid antagonist may be administered to any student or other individual by district personnel (whether or not they have received training on administering medications) on district premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an opioid overdose.

A school administrator, teacher or other school employee, may administer a short-acting opioid antagonist to a student who experienced or is experiencing an opioid overdose without written permission and instructions of the student’s parents or guardian.]

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

The superintendent shall develop administrative regulations to meet the requirements of law and the implementation of this policy.

END OF POLICY

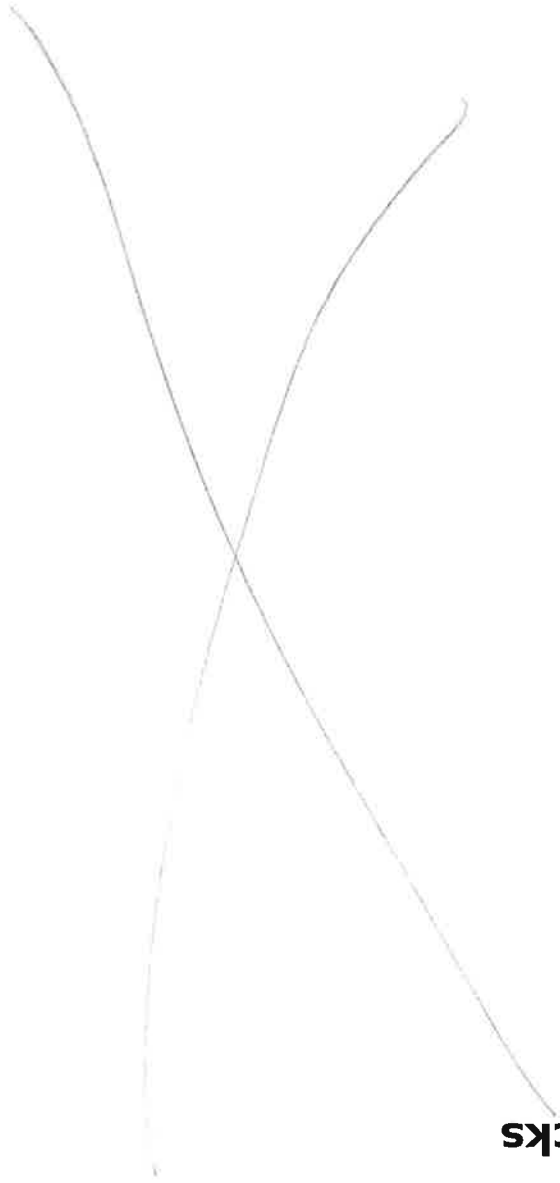
Legal Reference(s):

- | | | |
|------------------------------|--------------------------------|--------------------------------|
| <u>ORS 332.107</u> | <u>OAR 166-400-0010(17)</u> | <u>OAR 581-022-2220</u> |
| <u>ORS 339.866 - 339.871</u> | <u>OAR 166-400-0060(29)</u> | <u>OAR 851-047-0000 - 0030</u> |
| <u>ORS 433.800 - 433.830</u> | <u>OAR 333-055-0000 - 0035</u> | |
| <u>ORS 689.800</u> | <u>OAR 581-021-0037</u> | |

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.
House Bill 1552 (2024).

No result available.

¹ {The district is not required to provide or administer this medication. If the district does not intend to provide or administer this medication, there is no requirement to include this language in this policy.}



ReferenceChecks
No result available.

OSBA Model Sample Policy

Code: JHCD/JHCDA
Adopted:

D

Medications**/*

(This policy is recommended for deletion.)

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to them self, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to them self prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The district shall designate personnel authorized to administer medications to students. Annual training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE). When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

[Current first-aid and CPR cards are strongly encouraged for designated personnel.] [A current first-aid and CPR card is required for designated personnel.]

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy or a need to manage asthma, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication. A request to the

¹ Under proper notice given to the district by a student or student's parent or guardian.

district to administer or allow a student to self-administer prescription medication shall include a signed prescription and treatment plan from a prescriber².

A request to the district to administer or allow a student to self-administer nonprescription medication that is not approved by the Federal Drug Administration (FDA) shall include a written order from the student's prescriber that meets the requirements of law.

A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law³, is required and will be kept on file.

If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.

Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a backup prescribed autoinjectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

[⁴Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an overdose of an opioid drug.]

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration, in good faith and pursuant to state law, of prescription and/or nonprescription medication.

² A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

³ Subject to ORS 109.610, 109.640 and 109.675.

[⁴ The district is not required to provide or administer this medication. If the district plans on providing and administering this medication this policy language and other associated bracketed policy language is required. If the district does not plan to provide or administer this medication, do not include this language or other associated bracketed language in this policy.]

A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in Oregon Revised Statute (ORS) 339.866, if that person in good faith and pursuant to state law, assisted the student in self-administration of the medication.

A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages as a result of the use of medication if that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine[, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who that person believes in good faith is experiencing an overdose of an opioid drug].

The district and the members of the Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith, on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district, administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine[, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who the person believes in good faith is experiencing an overdose of an opioid drug].

The superintendent shall develop administrative regulations as needed to meet the requirements of law and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 109.610](#)
[ORS 109.640](#)
[ORS 109.675](#)
[ORS 332.107](#)
[ORS 339.866 - 339.871](#)

[ORS 433.800 - 433.830](#)
[ORS 475.005 - 475.285](#)
[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)

[OAR 333-055-0000 -055-0115](#)
[OAR 581-021-0037](#)
[OAR 581-022-2220](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

OSBA Model Sample Administrative Regulation

Code: AC-AR(1)

~~Adopted~~ Revised/Reviewed:

Discrimination or Civil Rights Complaint Procedure

{Required administrative regulation. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination, including sex discrimination, complaint procedures. Districts are required to designate civil rights coordinators who have a responsibility to “oversee investigations of complaints alleging discrimination.” Districts are also required to have Title IX Coordinators. The district should consider the coordinators’ roles in the complaint process and adjust the procedures as appropriate.}

Any person, including students, staff, visitors and third parties, may file a complaint.

[The district may have additional responsibilities addressing reports and complaints, including but not limited to, those found in the following policies and their associated administrative regulations:

1. AC-AR(2) - Sex-Based Discrimination under Title IX;
2. ACA - Americans with Disabilities Act;
3. ACB - Every Student Belongs;
4. GBEA - Workplace Harassment;
5. GBM - Staff Complaints;
6. GBMA - Whistleblower;
7. GBN/JBA - Sexual Harassment;
8. GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff;
9. GBNA/JHFF - Reporting of Suspected Sexual Conduct with Students;
10. GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements;
11. IIA - Instructional Materials**;
12. JFCF - [~~Hazing,~~] Harassment, Intimidation, Bullying, [~~Menacing,~~] Cyberbullying, Teen Dating Violence, or Domestic Violence – Student**; and
13. KL - Public Complaints.]

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints of sex-based discrimination received by the district, in addition to the procedures outlined below, must follow additional requirements in AC-AR(2) - Sex-Based Discrimination Complaints.

{¹} Complaints may be oral or in writing and ~~must~~ may be filed with the [principal] or civil rights coordinator. Any staff member that receives an oral or written complaint shall report the complaint to the [principal]. If a complaint is filed with the civil rights coordinator, the civil rights coordinator will forward it to the [principal]. If a complaint is filed with the [principal], the [principal] will notify the civil rights coordinator of the complaint. The civil rights

¹ {For district information. The district must include a timeline at each step. If a written decision is not issued within 30 days at any step, or 90 days overall, the complainant can appeal the complaint directly to the Oregon Department of Education. (OAR 581-075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025))}

coordinator will oversee the investigation^{2} conducted by the [principal or designee] and ensure the investigation is resolved.

The [principal] shall ensure that any required notices are provided.³

The [principal] shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within [10] school days of receipt of the complaint.

Step 2: If the complainant wishes to appeal the decision of the [principal], the complainant may submit a written appeal to the superintendent [or designee] within [five] school days after receipt of the [principal]'s response to the complaint.

The superintendent [or designee] shall review the [principal]'s decision within [five] school days and may meet with all parties involved. The superintendent [or designee] will review the merits of the complaint and the [principal]'s decision. The superintendent [or designee] will respond in writing to the complainant within [10] school days.

Step 3^{4}: If the complainant is not satisfied with the decision of the superintendent [or designee], a written appeal may be filed with the Board within [five] school days of receipt of the superintendent's [or designee's] response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative [at the next regular or special Board meeting] [at a Board meeting]. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within [30] days of receipt of the appeal by the Board.

If the [principal] is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent [or designee]. The superintendent will notify the civil rights coordinator.

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. [The Board may refer the investigation to a third party.] The Board chair will direct notification to the civil rights coordinator.

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. The Board chair will direct notification to the civil rights coordinator.

² {The investigator can be someone other than the civil rights coordinator or principal.}

³ See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Administrative regulation AC-AR(2) - Sex-Based Discrimination Under Title IX
3. Board policy GBN/JBA - Sexual Harassment

⁴ {Individuals tasked with making decisions regarding complaints for types of discrimination may be required to be trained prior to making those decisions. See July 2022 Dear Colleague letter.}

Complaints against the Board chair may start at Step 3 and be referred directly to the ~~[district counsel]~~ ~~[Board vice chair]~~. The ~~[Board vice chair]~~ will direct notification to the civil rights coordinator.

All complaints, including those starting at Step 2 or later, will meet all legal requirements. The civil rights coordinator will oversee these requirements.

{⁵} The timelines established in each step of this procedure may be extended ~~upon mutual consent of the district and the complainant in writing, but will not be longer than 30 days from the date of the submission of the complaint at any step~~ by [the district for good cause. Any extension will be communicated to the parties and include a reason for the delay] ~~[mutual agreement between the district and complainant]~~. ~~The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.~~

The complainant, if a person who resides in the district[,] [or] a parent or guardian of a student who attends school in the district [or a student,] is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step (unless the district and complainant have agreed in writing to a different time period for that step) or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁶ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

Charter Schools of which the District Board is a Sponsor

[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator). A complainant may appeal and will submit to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025.)

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator), for which the

⁵ {If the extension of timelines is by mutual agreement, the ability of the complainant to appeal to the Deputy Superintendent of Public Instruction at 30 or 90 days is stalled until the end of the agreed upon extension.}

⁶ An appeal must meet the criteria found in OAR 581-~~002-0005~~(1)(a)075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

district Board has jurisdiction, and recognizes a decision reached by the Board of [name of public charter school] as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).]

OSBA Model Sample Administrative Regulation

Code: JHCD-AR
Adopted:

Medications**/*

{Required administrative regulation. The requirement comes from ORS 339.866 (2).}

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated district personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions¹

- a. ["Administer" means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner or the practitioner's authorized agent; or (2) the patient or research subject at the direction of the practitioner. (ORS 689.005)]
- b. "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as severe pain in the lower back, abdomen or legs, vomiting, diarrhea, dehydration, low blood pressure or loss of consciousness. (ORS 433.800)
- c. "Adrenal insufficiency" means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones. (ORS 433.800)
- d. "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention. (ORS 339.866)
- e. "Delegation" means a formal delegation of a nursing procedure by a registered nurse to district personnel in accordance with the Oregon Nurse Practice Act. (OAR Chapter 851)
- f. "Designated personnel" means the school personnel designated and trained to administer medication pursuant to district policy and procedure.
- g. "Medication" means medication that is not injected; premeasured doses of epinephrine that are injected; medication that is available for treating adrenal insufficiency; and Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug. "Medication" also means any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies. "Medication" does not include nonprescription sunscreen. (ORS 339.866; ORS 339.867)
- h. "Nonprescription medication" means nonprescription drugs as defined in ORS 689.005, which means drugs that may be sold without prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. (OAR 581-021-0037)
- i. "Notice of a diagnosis of adrenal insufficiency" means written notice to the district from the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's primary care provider that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat

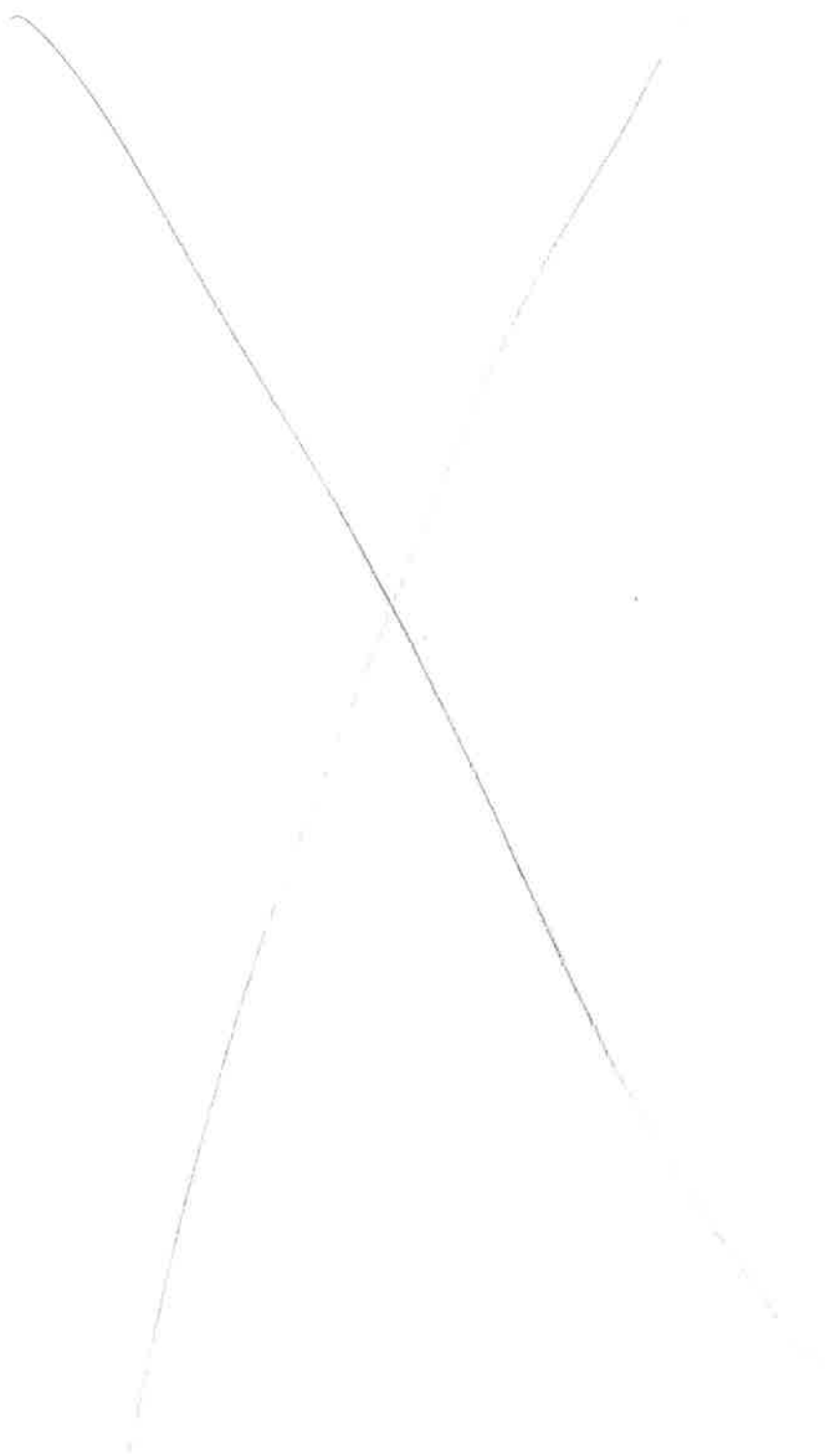
No result available.

Transcript

¹ There are several laws that apply to medications in schools. Some of these laws have unique definitions that may apply in specific situations. If the applicable law uses a definition that varies from the definition here, use the definition in the law.

Transcript

No result available.



adrenal insufficiency crisis, and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered. (OAR 581-021-0037)

- j. ["Opioid overdose" means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids. (ORS 689.800)]
- k. "Prescriber"² means a "practitioner" as defined in ORS 689.005, which means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research: (a) in this state; or (b) in another state or territory of the U.S. if the person does not reside in Oregon and is registered under the federal Controlled Substances Act. (OAR 581-021-0037)
- l. "Prescription medication" means a "prescription drug" as defined in ORS 689.005, which means a drug that is: required by federal law, prior to being dispensed or delivered, to be labeled with "Caution: Federal law prohibited dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.
- m. "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen, or dust. (ORS 339.866)
- n. "Short-acting opioid antagonist" means any short-acting drug approved by the U.S. Food and Drug Administration for the complete or partial reversal of an opioid overdose. (ORS 689.800)

2. Designated Staff/Training

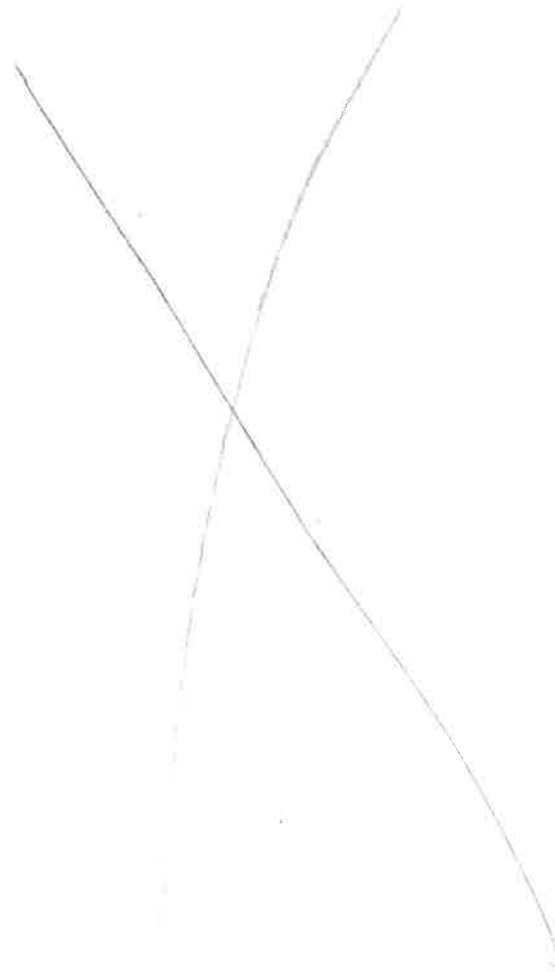
- a. Medications, including injectable medications, may be administered by trained personnel as part of a formal delegation by a registered nurse.
- b. The principal, in consultation with the school nurse, will designate district personnel authorized to administer prescription or nonprescription medication to a student which takes into account when the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school-or district-sponsored activities, and may include when a student is in a before-school or after-school care program on school-owned property when required by law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules, policy and this administrative regulation.
- c. The district will provide staff who are designated personnel to administer prescription or nonprescription medication access to a school nurse.
- d. The principal will ensure the annual training required by Oregon law is provided to designated district personnel. Training must be conducted by a qualified trainer, which is a person who is familiar with the delivery of health services in a school setting and who is either a registered nurse licensed by the Oregon State Board of Nursing or a prescriber. District personnel designated to administer epinephrine, glucagon, and medication to treat adrenal insufficiency shall be trained using related training developed by the Oregon Health Authority (OHA). The first training and every third training thereafter shall be provided in-person³. During

² A registered nurse who is employed by a district or local public health authority to provide nursing services at a district may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the district for not more than 90 days.

³ An online training may qualify as "in-person" when these measures are met: content is provided via synchronous, interactive online sessions with a trainer and learners visible on screen; trainers must be licensed and work within their scope of practice;

Cover Letter

No result available.



subsequent years, designated district personnel may complete an online training so long as a trainer is available following the training to answer questions and provide clarification.

- e. The training for district personnel will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, discussion of the following: safe storage, administration, handling and disposing of medications; accessibility of medication during an emergency; record keeping; whether response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring; emergency medical response procedures following administration of the medication; confidentiality of health information; and assessment of gained knowledge. Training as recommended and/or approved by ODE will be used.
- f. The district shall maintain documentation of district personnel's completion of training in accordance with OAR 166-400-0010.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained district personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic response, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering Short-Acting Opioid Antagonists

[⁴] A short-acting opioid antagonist may be administered by any district personnel⁵ to any student or other individual, on school premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an overdose of an opioid drug.

The [principal] [or [school] [district] nurse] shall immediately notify the parent or guardian of a minor student enrolled in a school within the district when a short-acting opioid antagonist is administered to the student while at school, on school property under the jurisdiction of the district or at any activity under the jurisdiction of the district.]

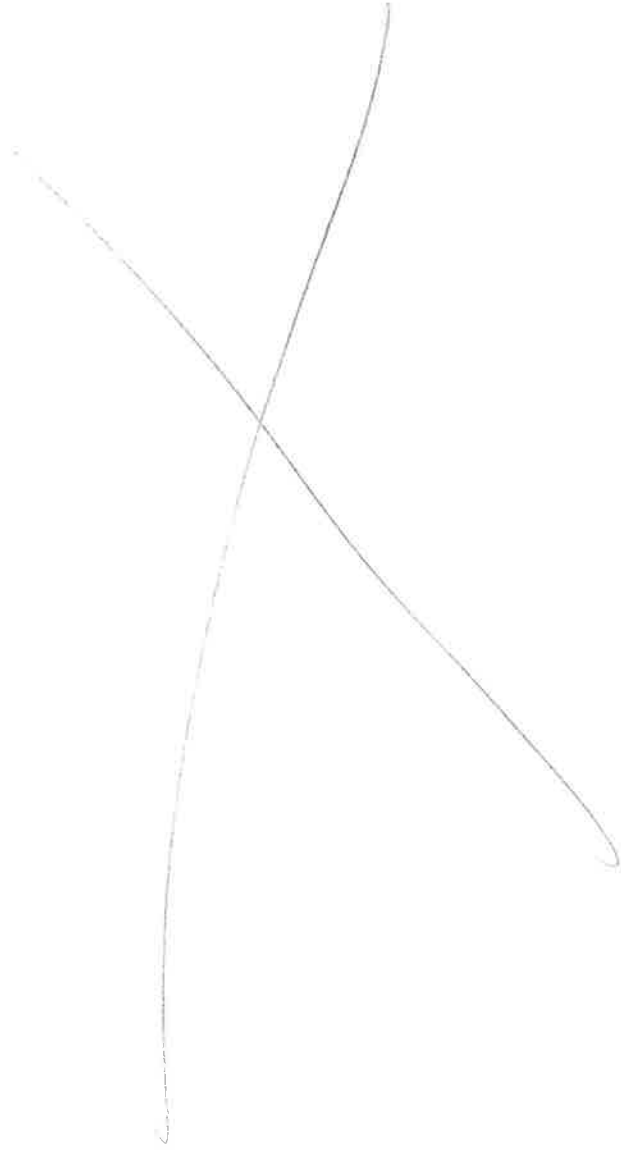
The district shall provide to the parent or legal guardian of each minor student enrolled in a school in the district information regarding short-acting opioid antagonists. The information will include at least:

- a. A description of short-acting opioid antagonists and their purpose;
- b. A statement regarding, in an emergency situation, the risks of administering to an individual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting opioid antagonist;
- c. A statement identifying which schools in the district, if any, have short-acting opioid antagonists, and the necessary medical supplies to administer short-acting opioid antagonists, onsite and available for emergency situations; and

and include in-person, skills demonstration for training developed by the Oregon Health Authority for epinephrine, glucagon, and for medication to treat adrenal insufficiency.

⁴ [If the district plans to provide for, and administer a short-acting opioid antagonist, this bracketed language is highly recommended. If the district does not intend to provide and/or administer this medication, there is no requirement to include this language.]

⁵ Including district personnel who have not received medication administration training.



No result available.

Other

- d. A statement that a representative of the district may administer a short-acting opioid antagonist to a student in an emergency if the student appears to be unconscious and experiencing an opioid overdose.

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a district-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and/or in transit to or from a school or a district-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal of the school the student attends will designate one or more district personnel to receive training and be responsible for administering the medication to treat adrenal insufficiency to a student in the event the student exhibits symptoms the district personnel believe in good faith indicate the student is experiencing symptoms of adrenal crisis;
- b. The designated personnel will successfully complete required training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis;
- c. The student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will develop an individualized health care plan for the student;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available district staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian; and
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber;
 - (vii) Signature of the prescriber.

Cover Letter
No result available

No result available.

Resume

The prescription medication is provided in the original prescription packaging by the student's parent or guardian. The prescription label prepared by a pharmacist at the direction of the prescriber, will be sufficient to meet this requirement if it contains the information listed in (i)-(vi) above.

(2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:

- (a) The nonprescription medication is necessary for the student to remain in school;
- (b) The nonprescription medication is:

- (i) Provided in the original manufacturer's container by the student's parent or guardian; or
- (ii) Is part of the district's stock medication program in compliance with the Oregon Board of Pharmacy rules including OAR 855-035-0005.

(c) The written instruction and permission from the student's parent or guardian for the administration of the nonprescription medication⁶ includes:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions, if any; and
- (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

(d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- (viii) Signature of the prescriber.

No result available.

Certification

⁶ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 6.a.(2)(d).

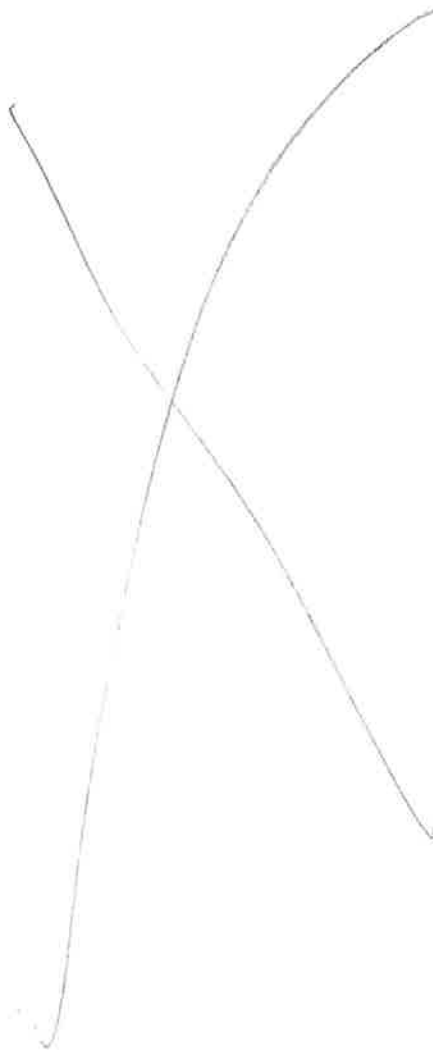
Transcript
No result available.



- b. The principal or designee will require an individualized health care plan or allergy plan be developed for every student with a need to manage asthma or a known life-threatening allergy. A plan will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic responses, and include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity;
- c. A student being administered a medication may be monitored by designated personnel to monitor the student's response to the medication;
- d. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- e. It is the student's parent or guardian's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- f. It is the student's parent or guardian's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- g. In the event a student refuses medication, the parent or guardian will be notified immediately. No attempt will be made to administer medication to a student who refuses a medication;
- h. Any error in administration of a medication will be reported to the parent or guardian immediately and documented on a medication administration record. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- i. Medication shall not be administered until the necessary permission form and written instructions have been submitted and received as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer prescription or nonprescription medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) The written permission from a parent or guardian and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a district setting.



No result available.

Other

- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication⁷ and must have:
- The written permission of the student's parent or guardian;
 - The student's name affixed to the manufacturer's original container; and
 - The permission to self-administer medication from a building administrator.
- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
- The written permission of the student's parent or guardian; and
 - A written order from the student's prescriber that includes:
 - Name of the student;
 - Name of the medication;
 - Dosage;
 - Method of administration;
 - Frequency of administration;
 - A statement that the medication must be administered while the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school or district-sponsored activities;
 - Other special instructions, if any; and
 - Signature of the prescriber.
- A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
 - A student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
 - The sharing and/or borrowing by a student of any medication with another student is strictly prohibited⁸;
 - The district personnel will request backup medication, when the medication is to treat a student's asthma or severe allergy emergency, from the student's parent or guardian. Backup medication, if provided by a student's parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
 - A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
 - The permission for a student to administer medication to themselves may be revoked if the student does not responsibly self-administer the medication or abuses the use of the medication as determined by district personnel;
 - A student may be subject to discipline, up to and including expulsion, as appropriate for violations of these procedures;

-No result available.

⁷ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 7.a.(3).

⁸ [Except for short-acting opioid antagonists.]

Referencelletter

No result available.

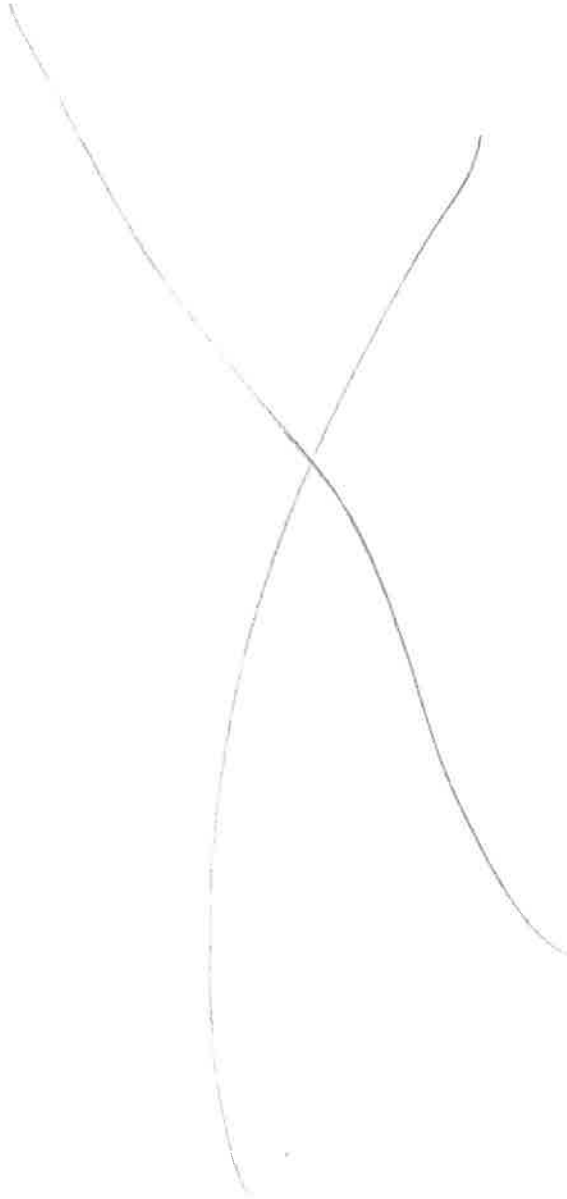
- i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication[.] [;]
- j. [The district allows the application of and use by students of nonprescription sunscreen, including sunscreen that contains para-aminobenzoic acid, without any required documentation from a licensed health care professional per ORS 339.874.]

8. Handling, Monitoring and Safe Storage of Medication Supplies for Administration of Medication

- a. Any medication must be delivered to the school in its original manufacturer's or current prescription container, accompanied by the permission form and written instructions, as required above.
- b. Prescription medication must always be the most current prescription and kept in the original, labeled container.
- c. Nonprescription medication must be kept in original manufacturer's bottle or box.
- d. [Never administer medication sent to school in unlabeled containers.]
- e. [Never repackage medication into a plastic bag or other container for any reason.]
- f. [Medication in any form categorized as a sedative, stimulant, anti-convulsive, narcotic analgesic or psychotropic medication will be counted or measured by designated personnel or parent or guardian in the presence of another district employee upon receipt [and initialed by the two individuals who counted or witnessed the procedure], documented in the student's medication administration record (MAR) and routinely monitored during storage and administration. Any discrepancies will be reported to the [school] [district] nurse or principal immediately and documented in the student's MAR. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.]
- g. Designated personnel will follow the written instructions of the prescriber and the student's parent or guardian, and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.
- h. [Medication will be secured as follows:
 - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box in a secure area;
 - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator or in a separate refrigerator used solely for the storage of medication in a secure area;
 - (3) Access to medication storage keys will be limited to the principal and designated personnel.]
- i. [Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.]
- j. When medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian immediately.

9. Emergency Response

- a. Designated personnel will immediately call 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects and allergic reactions, including the administration of epinephrine. The parent or guardian, [school] [district] nurse and principal will be notified immediately.
- b. Adverse reactions which result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately.



No result available.

ReferenceChecks

- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.
- d. Any available staff will immediately call 911 when a short-acting opioid antagonist is administered to any student or other individual on district premises.

10. Disposal of Medications

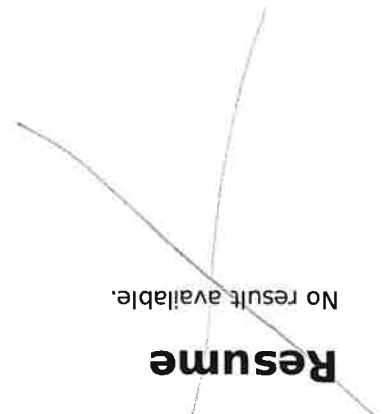
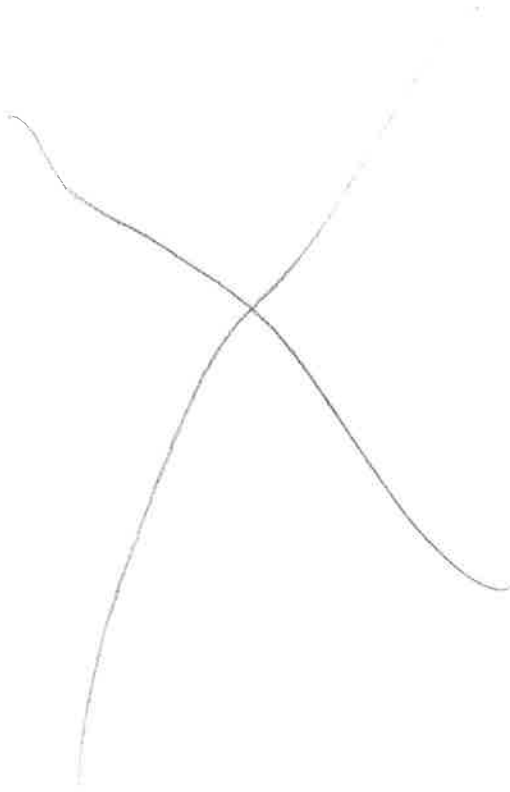
- a. [Medication not picked up by the student's parent or guardian, at the end of the school year or within [five] school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in the presence of another school employee. The medication may be disposed through a designated drug take-back collection program or in a nonrecoverable fashion as follows:
 - (1) Medication will be removed from its original container and personal information will be destroyed;
 - (2) Mix with an undesirable substance, e.g., coffee grounds, used cat litter;
 - (3) Place in a plastic bag or other sealable container, e.g., such as an empty plastic container; and
 - (4) Place the sealed container with the mixture in the trash as close to garbage pickup time as possible, to prevent theft and misuse.]
- b. [Prescriptions will never be flushed down the toilet or drain or burnt with other waste.]
- c. [Sharps and glass will be disposed of in accordance with state guidelines.]
- d. [All medication will be disposed of by designated personnel following DEQ guidelines and documented on the student's MAR as described below.]

11. Transcribing, Recording and Record Keeping

- a. A medication administration record (MAR) will be maintained for each student administered medication by the district. [The MAR will be in paper⁹ or electronic form and will include, but not be limited to:
 - (1) The full name of the student, date of birth, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.]
- b. A MAR for medication administered as part of an IEP goal should be maintained in the IEP record at the end of each school year.

~~No result available.~~
Transcript

⁹ If a paper record is kept, the record will be documented in blue or black ink, and never in pencil or with use of white-out.



No result available.

Resume

- c. All records relating to administration of medications, including permissions and written instructions, will be maintained. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- d. All records relating to the training of designated district personnel will be maintained by the district in accordance with applicable provisions of OAR 166-400-0010.
- e. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with school personnel with a legitimate educational interest in the student or others authorized by the parent or guardian in writing or others as allowed under state and federal law.

[Non-liability Provisions for Administration of Prescription and Nonprescription Medications and Short-Acting Opioid Antagonists

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher or other school employee in good faith administers nonprescription medication to a student pursuant to written permission and instructions of the student’s parents or guardian.

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher or other school employee in compliance with the instructions of a physician, physician assistant, nurse practitioner, naturopathic physician or clinical nurse specialist, in good faith administers prescription medication to a student pursuant to written permission and instructions of the student’s parents or guardian.

A person may not maintain an action for injury, death or loss that results from acts or omissions of a school administrator, teacher or other school employee during the administration of a short-acting opioid antagonist unless it is alleged and proved by the complaining party that the school administrator, teacher or other school employee was grossly negligent in administering the short-acting opioid antagonist unless other conditions exist and which are outlined in Oregon law in ORS 339.870.

The civil and criminal immunities provided for above do not apply to an act or omission accounting to gross negligence or willful and wanton misconduct.

Non-Liability Provisions for Self-Administration and Autoinjectable Epinephrine

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student’s self-administration of medication, as described in ORS 339.866, if the school administrator, school nurse, teacher or other school employee, in compliance with the instructions of the student’s Oregon licensed health care professional, in good faith assists the student’s self-administration of the medication, if the medication is available to the student pursuant to written permission and instructions of the student’s parent, guardian or Oregon licensed health care professional.

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-

No result available.
 Certification

Cover Letter

No result available.



administer the medication regardless of whether the student or individual has a prescription for epinephrine.

The district and the members of a district Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine; and the person administered the autoinjectable epinephrine on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district.

The civil and criminal immunities described above (which are identified in ORS 339.871) do not apply to an act or omission to gross negligence or willful and wanton misconduct.]

~~No result available.~~
Certification



Transcript

No result available.

OSBA Model Sample Administrative Regulation

Code: GBN/JBA-AR(1)
Revised/Reviewed:

D

Sexual Harassment Complaint Procedure

(This AR is recommended for deletion.)

{¹} Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
E			

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within [30] days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent[or designee]. Such appeal must be filed within [10] working days after receipt of the Step 1 decision. The superintendent[or designee] will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within [5] working days of receipt of the appeal. The superintendent[or designee] shall provide a written decision to the complainant within [10] working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent [or designee]

{¹ Align with same positions identified in policy.}

D in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's[or designee's] decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within [30] working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's[or designee's] decision in Step 2 is final².

E The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent[or designee]. The superintendent[or designee] will cause the required notices to be provided. The superintendent[or designee] will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within [10] working days of receipt by the superintendent[or designee], the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

² [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

L

E

T

E

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

D

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

[Name of District]
[Address] | [Phone]

WITNESS DISCLOSURE FORM

D

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

T

E

OSBA Model Sample Administrative Regulation

Code: JBA/GBN-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

(This AR is recommended for deletion.)

{¹} Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy JBA/GBN - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy JBA/GBN - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within [30] days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent [or designee]. Such appeal must be filed within [10] working days after receipt of the Step 1 decision. The superintendent [or designee] will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within [5] working days of receipt of the appeal. The superintendent [or designee] shall provide a written decision to the complainant within [10] working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent [or designee]

{¹ Align with same positions identified in policy.}

D in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's[or designee's] decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within [30] working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's[or designee's] decision in Step 2 is final².

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent[or designee]. The superintendent[or designee] will cause the required notices to be provided. The superintendent[or designee] will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within [10] working days of receipt by the superintendent[or designee], the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

² [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

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[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

D
Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

[Name of District]
[Address] | [Phone]

WITNESS DISCLOSURE FORM

D

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

E

L

Any Other Information: _____

E

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

T

E

OSBA Model Sample Administrative Regulation

Code: GBN/JBA-AR(2)

Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

(This AR is recommended for deletion.)

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“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.⁴ 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.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

1. [Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

1. [Educational programming];[.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹⁶; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within [15] days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
2. Appeals (from receipt of appeal): [60] days;
3. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudice of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.^{19}

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

^{19} If a district does not have a website, the district must make these materials available upon request for inspection by members of the public. }

OSBA Model Sample Administrative Regulation

Code: JBA/GBN-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure *(This AR is recommended for deletion.)*

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“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.⁴ 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.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.}

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

1. [Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

1. [Educational programming];[.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹⁶; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within [15] days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): [90] days;
2. Appeals (from receipt of appeal): [60] days;
3. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.^{19}

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

^{19} If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.}

OSBA Model Sample Policy

Code: JHCD/JHCDA-AR
Adopted:

Medications**/*

(This AR is recommended for deletion.)

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions

- a. "Medication" means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies. [Medication also includes naloxone or any similar medication that is in any form available for the safe administration and that is designed to rapidly reverse an overdose of an opioid drug.]
- b. "Prescription medication" means any medication that under federal or state law requires a prescription by a prescriber.
- c. "Nonprescription medication" means medication that under federal law does not require a prescription from a prescriber.
- d. "Adrenal crisis" means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- e. "Adrenal insufficiency" means adrenal insufficiency as defined in ORS 433.800.
- f. "Notice of a diagnosis of adrenal insufficiency" means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's primary care provider that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- g. "Prescriber"² means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.

[¹ If the district plans to provide and/or administer naloxone in the district this language and other associated bracketed language is required. If the district does not plan to provide and/or administer naloxone in the district do not include this language or other associated bracketed language.]

² A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

- h. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- i. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.
- j. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- k. “Designated personnel” means the school personnel designated to administer medication pursuant to district policy and procedure.

2. Designated Staff/Training

- a. The principal will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by Oregon law is provided to designated personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. A copy of the district’s policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- e. [A statement that the designated personnel has received the required training will be signed by the staff member and filed in the district office.]

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

4. [3Administering Naloxone or Other Similar Medication to a Student or Other Individual

Naloxone or any other similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an opioid overdose.]

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;
- b. The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health Authority;
- c. The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:

[3 Ibid. p. 1.]

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- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions from the prescriber, if any; and
- (vii) Signature of the prescriber.

The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

(2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:

- (a) The nonprescription medication is necessary for the student to remain in school;
- (b) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;
- (c) The written instruction from the student's parent or guardian for the administration of the nonprescription medication includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions, if any; and
 - (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

- b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- d. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;
- f. Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent[, and documentation will be made on the district's Accident/Incident Report form]. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- g. Medication shall not be administered until the necessary permission form and written instructions have been submitted as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma, diabetes and/or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a school setting.

- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:

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- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
- (b) The student's name affixed to the manufacturer's original container; and
- (c) The permission to self-administer medication from a building administrator.

- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:

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- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
- (b) A written order from the student's prescriber that includes:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- (viii) Signature of the prescriber.

- b. The student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- c. Sharing and/or borrowing of any medication with another student is strictly prohibited;
- d. For a student who has been prescribed bronchodilators or epinephrine, the designated personnel will request that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- e. Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;
- f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
- g. Permission for a student to administer medication to themselves may be revoked if the student violates the Board policy and/or this administrative regulation;
- h. A student may be subject to discipline, up to and including expulsion, as appropriate;
- i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.

8. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students

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- a. Medication administered by designated personnel to a student or self-administered by a student, must be delivered to the school in its original container, accompanied by the permission form and written instructions, as required above.
 - b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
 - c. Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian, and training guidelines as may be recommended by the ODE for administering all forms of prescription and/or nonprescription medications.
 - d. Medication will be secured as follows:
 - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box [used solely for the storage of medication];
 - (2) Medications requiring refrigeration will be stored in a [locked box in a refrigerator] [separate refrigerator used solely for the storage of medication];
 - (3) Access to medication storage keys will be limited to the principal and designated personnel.
 - e. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
 - f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.

9. Emergency Response

- a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian[, school nurse] and principal will be notified immediately.
- b. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.
- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

10. Disposal of Medications

a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within [five] school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a nonrecoverable fashion as follows:

- (1) Medication will be removed from its original container and personal information will be destroyed;
- (2) Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water; and
- (3) Mixed with an undesirable substance, e.g., coffee grounds, kitty litter, flour; and
- (4) Placed in impermeable non-descriptive containers, e.g., empty cans or sealable bags, and placed in the trash.

Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so.

Other medication will be disposed of in accordance with established training procedures including sharps and glass.

b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in Section 10, below.

11. Transcribing, Recording and Record Keeping

a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:

- (1) The name of the student, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
- (2) Student refusals of medication;
- (3) Errors in administration of medication;
- (4) Incidents of emergency and minor adverse reaction by a student to medication;
- (5) Discrepancies in medication supply;
- (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.

b. All records relating to administration of medications, including permissions and written instructions, will be maintained in a separate medical file apart from the student's education record file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).

c. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.