

**CENTENNIAL SCHOOL DISTRICT 28JT
GOVERNING BOARD MEETING**

Virtually via the Zoom App
Wednesday, July 22, 2020

Work Session at 6:30 PM

A G E N D A

1. **CALL TO ORDER - Board Chair, Pam Shields**
 1. Adoption of Agenda for July 22, 2020
2. **INTRODUCTION OF GUESTS (Optional)**
3. **APPROVAL OF MINUTES**
 1. Board Minutes from July 8, 2020 2
4. **PUBLIC FORUM**
5. **REPORTS**
 1. Superintendent's Report - Dr. Coakley
 2. Budget Update - Cheryl Wangeman
 3. Reopening Schools Update - Dr. Coakley
6. **CONFIRMATION ITEMS (Confirmed en masse)**
 1. **Site Council Minutes**
 2. **Miscellaneous Items**
 3. **Financial Statements**
 4. **Enrollment Reports**
 5. **Human Resources**
 6. **Business/Operations**
 1. Approval of Real Estate Services Contract 10
 7. **Board Policies (Deletions/Legal Reference Changes Only)**
 8. **Student Services**
 9. **Student Travel**
 10. **Organizational Business**
7. **BOARD ACTION ITEMS**
 1. **OLD BUSINESS**
 2. **NEW BUSINESS**
 1. First Read: Policy GBA - Equal Employment Opportunity - James Owens 15
 2. First Read: Policy GBL - Personnel Records - James Owens 18
 3. First Read: Policy GBLA - Disclosure of Information - James Owens 21
 4. First Read: Policy GBN/JBA & AR - Sexual Harassment - James Owens 24
8. **FUTURE AGENDA ITEMS**
9. **ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board Secretary, Pamela Jordan, 503-760-7990.

CENTENNIAL SCHOOL DISTRICT
GOVERNING BOARD MINUTES
July 8, 2020

A Regular Session of the Board of Trustees of Centennial School District was held Wednesday, July 8, 2020, beginning at 7:39 p.m. virtually via the Zoom App.

The following Directors were in attendance: Rod Boettcher, Ernie Butenschoen, Sumitra Chhetri, Co-Chair Rhonda Etherly, Ronald “Jess” Hardin, Amanda Schroeder and Chair Pam Shields.

The following district administrative team members also were in attendance:

Paul Coakley	Superintendent
James Owens	Assistant Superintendent/Director of HR
Cheryl Wangeman	CEO of Business and Operations
Carol Fenstermacher	Chief Communications Officer
Denise Wright	Director, Student Services
Tina Acker	Director, Curriculum & Student Learning
Mairi Scott-Aguirre	Principal, CHS
Candice Vickers	Principal, Centennial Park School
Pamela Jordan	Recording Secretary

An Executive Session of the Board of Trustees of Centennial School District was held Wednesday, July 8, 2020, beginning at 6:30 PM in the Virtually via the Zoom App.

1. CALL TO ORDER - After Executive Session

1. 1. Adoption of Agenda for July 8, 2020

Chair Shields called for a motion to adopt the July 8, 2020 agenda.

Director Hardin moved and Director Schroeder seconded the motion.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

2. INTRODUCTION OF GUESTS (Optional)

2. 1. Jesse Fonseca, CSD Student Representative to the Board

CHS Principal Mairi Scott-Aguirre introduced Jesse Fonseca and shared his background. “Jesse Fonseca will be a junior this coming fall. He is very involved in choir and speech and debate. He is a natural leader in the classroom. I first met him when a Health 1 class was meeting with

congressman Earl Blumenauer in an event sponsored by Rite Aid. The event was around the Prescription Drug Safety Network. Jesse was the speaker for many of the students involved. His leadership qualities were apparent. I remembered this event when we were looking for a student school board representative. I thought that Jesse had been involved in FBLA, that is a place that many students gain their leadership skills. He had not. Ms. Hardin did know him and did know that he had the skills to be an effective student representative to the school board. Jesse is an outstanding student as well. He will be able to speak from the perspective of students involved in the performing arts and speech and debate. He also connects with many student groups throughout the school. He has always attended school in Centennial School District. His mother also works for the district as an interpreter.”

Chair Shields welcomed Mr. Fonseca to the Board.

Mr. Fonseca said he is excited to serve as student rep to the Board. Jesse shared that he is also part of the Team Science Alliance at OMSI, where he works with the presentation and design of displays. He also volunteered at the Multnomah County Library with the Summer Reading Program.

3. APPROVAL OF MINUTES

3. 1. Board Meeting Minutes from June 17, 2020

Chair Shields called for a motion to approve the minutes of the June 17, 2020 Board Meeting. Director Schroeder moved and Director Butenschoen seconded the motion.

Director Schroeder asked that the misspelling of her name be corrected in the minutes. Otherwise they were fine.

The Board Secretary agreed to correct the misspelling.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

4. PUBLIC FORUM

There were no speakers during the Public Forum.

5. ELECTION OF BOARD OFFICERS

Chair Shields opened the floor to nominations for Board Officers for the 2020 - 2021

Director Butenschoen nominated Chair Shields for Board Chair. There were no other nominations.

Chair Shields then called for vote on the nomination.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

Chair Shields then called for nominations for Co-Chair for the CSD Board of Governors.

Director Butenschoen nominated Co-Chair Director Etherly for Co-Chair.

Chair Shields called for a vote on the nomination.

The following Directors voted in favor of the nomination: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

6. REPORTS

6. 1. Superintendent's Report - Dr. Paul Coakley

Superintendent Coakley began his report by sharing the Oregon Department of Education's recently released statewide guidance reopening schools for the 2020-2021 school year.

The state's primary objective is to maximize face to face learning, while protecting the health of students and staff.

ODE presented three instructional models for the coming year:

- On-site
- Hybrid
- Comprehensive Distance Learning

The Centennial School District is considering Hybrid and Comprehensive Distance Learning.

Information received from the district's survey 20% of families want a full on-line option for learning next school year. The district will be reaching out to those people to get more information about what they would like to see for on-line learning.

Dr. Coakley also said the district will continue providing meals when students are in school, and have grab and go options when students are not attending school in person. Supports for special education, ELI and for historically

underserved students will continue next year with distance learners as well as students attending school in person.

The superintendent gave information about enrollment changes, stating that CSD is seeing a spike in students leaving to attend on-line schools, and changes in enrollment will impact budgets.

Although the district is waiting for information regarding federal and state dollars for education, administrators must move forward at this time with a 5% across the board budget cuts. Dr. Coakley found this news difficult to share, and added that more information will be shared with the staff and Board later this week.

The district is also waiting for guidance around extra-curricular activities for the coming school year. The Oregon State Athletic Association is expected to release recommendations for sports at the end of July.

7. CONFIRMATION ITEMS (confirmed en masse)

Chair Shields called for a motion to approve the Confirmation Items en-masse.

Director Schroeder moved and Director Butenschoen seconded the motion.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

7. 1. Site Council Minutes

7. 2. Miscellaneous Items

7. 3. Financial Statements

7. 4. Enrollment Reports

7. 5. Human Resources

7. 5. 1. Resignations

7. 5. 2. Retirement

7. 6. Business/Operations

7. 7. Board Policies (Deletions/Legal Reference Changes Only)

7. 7. 1. Policy JGE - Expulsions - Dr. Paul Coakley

7. 7. 2. Policy KL & KL-AR - Public Complaints - Dr. Paul Coakley

7. 7. 3. Policy ECACB - Drones - Dr. Paul Coakley

7. 7. 4. Policy DBDB - Fund Balance - Cheryl Wangeman

7. 7. 5. Policy DLC-AR - Expense Reimbursement - Cheryl Wangeman

7. 8. Student Services

7. 9. Student Travel

7. 10. Organizational Business

- 7. 10. 1. Designate U. S. Bank (160th & Division branch) as Depository for CSD Funds for 2020-2021
- 7. 10. 2. Designate CSD Asbestos Hazard Emergency Response Act Person
- 7. 10. 3. Resolution to Indemnify and Hold Harmless District Personnel and Directors for Asbestos Related Defense and Settlement Costs
- 7. 10. 4. Designation of Newspaper for Publication of Legal Notices
- 7. 10. 5. Appoint Pauly, Rogers & Co., PC Auditor for 2020-2021 Fiscal Year Financial Statements

8. BOARD ACTION ITEMS

8. 1. OLD BUSINESS

8. 2. NEW BUSINESS

- 8. 2. 1. First Reading: Policy JHH - Student Suicide Prevention

Denise Wright told the Board this policy strengthens and builds out more what we've been doing. The state requires that districts throughout Oregon adopt a suicide prevention plan. Mrs. Wright told the Board that suicide is the third leading cause of death for people aged 15 – 24, and the fourth leading cause of death for students 10 – 14.

There is a group in Multnomah County, Mrs. Wright said, that focuses on student mental health issues and suicide prevention. The group meets monthly. This group shares resources, and receives guidance and assessment tools CSD uses to protect students.

Board members asked if there was an accompanying AR to guide the crafting of a plan for the district.

Director Wright said there was not, but she would be happy to share the plan with the Board once it is written. She did share that building counselor, school psychologists, and outside providers are primarily tasked with suicide prevention.

Chair Shields stated that although this is technically a first read of policy JHH, if there were no objections, she would like to ask for a vote to approve the policy now, skipping the second reading at a later meeting. Board members agreed with the suggestion.

Chair Shields then called for a motion to approve policy JHH-Student Suicide.

Director Hardin moved and Director Boettcher seconded the motion.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

8. 2. 2. Adopt New Or. Dept. Of Revenue Indexed Rates and Limits for the Construction Excise Tax - Cheryl Wangeman

Director Wangeman told the board that once a year to maximize dollars we can receive as a school district we ask the board to approve a resolution that allows the district to collect taxes on residential structures coming for the new year. The entities applying the tax for the district are The City of Portland, the City of Gresham, the City of Happy Valley, and Clackamas County. The tax rates were provided to the Board in the meeting's packet of documents. The rates are indexed to inflation. As new buildings go in the district will have money for capital construction and maintenance.

Chair Shields then called for a motion to adopt the new state department of revenue's indexed rates and limits for the construction excise tax.

Director Boettcher moved and Director Etherly seconded the motion.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

8. 2. 3. Bond Authorization and Resolution - Cheryl Wangeman

Director Wangeman said this item authorizes her or Dr. Coakley to sell \$65 million of bonds as approved by voters in May. It also authorizes Dr. Coakley or Mrs. Wangeman to select the entities that will help the transaction.

Chair Shields then called for a motion to the bond authorization and resolution.

Director Butenschoen moved and Director Boettcher seconded the motion.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

Following the vote, Chair Shields stated that the Board will also take up another item under New Business – authorization of the sale of district property, and to put the first \$4 million dollars from the sale into a district reserve account.

8.2.4. Approve Resolution for the Sale of CSD’s Marie Street and Undeveloped Butler Creek properties and Placing the first \$4 million from the Sale into a Reserve Account

Director Wangeman said the money from the sale of property would be placed into a committed account and can only be removed by action through the Board. Mrs. Wangeman said the reserve fund amount impacts the district’s bond rating.

Chair Shields then opened the floor to questions.

Director Boettcher worries that the \$4 million reserve might not be enough, particularly knowing that the district will most likely go out for another bond in a few years.

Mrs. Wangeman said the Board can ask for the amount placed in reserve be increased to \$6 or \$8 million dollars.

Director Schroeder said she agreed with Director Boettcher. She asked that the resolution be amended to placing the first \$7 million in reserves.

Chair Shields called for a motion to amend the property sale resolution.

The following Board members voted for the amendment: Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields. Director Butenschoen voted no.

Chair Shields called for a motion to approve the amended property sale resolution.

The following Directors voted in favor of the motion: Butenschoen, Boettcher, Chhetri, Etherly, Hardin, Schroeder and Shields.

9. FUTURE AGENDA ITEMS

Chair Shields said there will be an additional July meeting, on July 22nd. This meeting will be a Board work session.

Director Schroeder asked that the Zoom meetings be made visible for everyone. Currently, only Board members and other invited guests can participate by video.

Others attend the meeting via telephone. She would like everyone to at least be able to see any documents presented at the meetings.

In addition, Director Schroeder stated that the Board needs to have a representative from OSEA and CEA at the meetings, just as the district has a student representative.

Dr. Coakley said there will be an update on school reopening guidance from the state, the district's plans for reopening, and additional budget information.

10. **ADJOURNMENT**

Before adjournment the following Directors shared points of personal privilege.
Butenschoen: Food for Families had a very good turn out earlier today, and a number of local churches came to help.

Hardin: Thanked the Board Officers for their hard work, and also welcomed the new student representative, Jesse Fonseca.

Schroeder: Asked that Orion Held receive a Certificate of Appreciation from the Board for his willingness to play music at a fundraising dinner for support of the recently passed bond measure.

Chair Shields adjourned the meeting at 8:59 p.m.

CENTENNIAL SCHOOL DISTRICT
18135 S.E. Brooklyn
Portland, OR 97236
(503) 760-7990

CONFIRMATION

TO: Board of Directors

DATE: July 22, 2020

SUBJECT: Approval of Real Estate Services Contract

Request for approval of the attached contract regarding real estate services. The contract proposed mirrors that of two neighboring districts both in content and fees. The firm was recommended by a nearby district and responded to the RFP questions.

Approval of the contract is recommended.

This Master Service Agreement Contract (“Contract”) is made and entered into by and between:

“SERVICE PROVIDER”
Macadam Forbes, Inc.
1800 SW First Ave., Suite 650
Portland, OR 97201

AND

“DISTRICT”
Centennial School District 28j
18135 SE Brooklyn,
Portland OR 97236

Attention: Rhys Konrad

Attention: Cheryl Wangeman

SUPERSEDING EFFECT: This Contract supersedes all prior oral or written agreements, if any, between the above parties. This Contract and the terms and conditions pursuant to RFP 2020/06 with agreed exceptions and clarifications shall prevail if any conflicts with the submitted proposal from Macadam Forbes, Inc. and shall constitute the entire agreement between the parties with respect to the Scope of Work to be performed under this Contract.

SCOPE OF WORK: The Service Provider shall furnish all the services and materials necessary in accordance with this contract, the terms and conditions of RFP # 2020/06, and the Service Provider’s response thereto.

PERIOD OF PERFORMANCE:

- a. **CONTRACT PERIOD.** The Scope of Work to be accomplished under this Contract shall be performed during the period of 7/22/2020 to 6/30/2021.
- b. **RENEWAL OPTION.** This Contract may be renewed upon mutual agreement of the District and the Service Provider for up to TWO (2) additional years.
- c. **A PURCHASE ORDER** will include dates of commencement and substantial completion per transaction.

CLARIFICATIONS:

- a. **CONFIDENTIALITY OF INFORMATION AND MATERIALS.** Service Provider shall hold and maintain District related proprietary information and materials developed and/or obtained by the Service Provider in strictest confidence. Disclosure of proprietary information by the Service Provider may be made only with advance written consent of the District.
- b. **NON-ASSIGNMENT OF AGREEMENT:** This Agreement is non-assignable by either party.
- c. **SUBCONTRACTORS:** Subcontractors may not be utilized by Service Provider with relationship to this Agreement without the advance written consent of the District.

- d. **HOLD HARMLESS:** The Service Provider shall hold harmless, indemnify, and defend the District, its officers, agents, and employees for all claims, suits or actions of any nature arising out of any act, error, or omission of the Service Provider, its officers, subcontractor, agents or employees whether actual or alleged, during or resulting from the work describes under this contract except liability arising out of the sole negligence of the District.
- e. **AUTHORIZED DISTRICT PERSONNEL:** District personnel authorized by the District regarding this Agreement shall be the following: Paul Coakley, James Owens or Cheryl Wangeman, or their designee(s).
- f. **SERVICE PROVIDER REPRESENTATIVES:** Primary Service Provider representatives to the District shall be Rhys Konrad and Kevin VandenBrink. Service Provider shall give written notification to the District if Primary Service Representative(s) change.
- g. **EXCLUSIVE RIGHT TO REPRESENT:** In consideration of the services to be rendered by Service Provider to the District, Service Provider shall have an exclusive right to represent the District for all matters in the Scope of Services. This exclusive right to represent and the terms and conditions contained herein shall be limited to each Project as defined.

CONTRACTOR AGREES TO:

- a. Develop strategies for sale of properties.
- b. Work with the District to negotiate land sales with buyers and prospects.
- c. Handle all other customary activities and services associated with real estate transactions. Services may include consultation with District officers relating to the sale of real estate.
- d. Assist the District in all aspects of real estate services including but not limited to land sales, improved property sales, leasing, and acquisition.
- e. Consult with the District in matters relating to current real estate values, utility costs, municipal services and facilities, and local zoning issues.
- f. Assist the District in determining whether properties now owned by the District should be held leased, traded, or disposed of.
- g. Provide District with objective information about properties being considered for acquisition, disposal. Leasing or development.
- h. Work with District staff and legal counsel during evaluation and/or negotiating process.
- i. Provide guidance, and due diligence within the scope of expertise, during the evaluation or properties, including, without limitation, environmental assessments, wetlands issues, transportation issues, condition of title, and values.
- j. Assist the District during the “closing process”
- k. When request attend and/or participate in committee meetings.

COMPENSATION OF CONTRACTOR:

Commissions on Sales

Commissions on Sales excluding single-family residences

5% of the sales price for the first \$2,000,000.00; and
4% of the sales price from \$2,000,000.01 to \$4,000,000.00; and
3% of the sales price over \$4,000,000.01

Commissions on Sales involving single-family residences

6% of the first \$500,000.00 of the sales price and
5% of the sales price from \$500,000.01 to \$2,000,000.00; and
4% of the sales price from \$2,000,000.01 to \$4,000,000.00; and
3% of the sales price over \$4,000,000.01

Commissions on sales of property are due in full only upon the close of the transaction.

Commissions on Leases

5% of the aggregate rent for the first 60 months of lease term; and
2.5% of the aggregate rent for any remaining lease term.

Commissions on leases are due and payable within 30 days upon the Districts receipt of the initial lease revenue. The intent is to pay on a monthly basis during the term of the lease. The District cannot bind/spend funds not received.

Commissions on Acquisitions

In the event property is acquired by the District, all efforts will be made to have the commission paid by the seller/lessor. In the event that, as a result of negotiations a property seller will not pay a commission, the Client will pay the agreed upon fee as compensation to Broker per the schedule above.

For sales where Contractor provides limited services, the above commission rates shall be adjusted to a rate between 25% and 50% of the rate schedule above. Client and Broker will agree to this rate in writing before Broker provides services on the specific transaction.

No compensation will be provided without a written acknowledgement by the District in advance of services provided.

IN WITNESS WHEREOF, the parties hereto have executed this Contract, attest:

CENTENNIAL SCHOOL DISTRICT

MACADAM FORBES, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

CENTENNIAL SDCHOOL DISTRICT RFP # 2020/06 AND SERVICE PROVIDER RESPONSE ARE HEREBY INCORPORATED BY REFERENCE.

CENTENNIAL SCHOOL DISTRICT
18135 S.E. Brooklyn
Portland, OR 97236
(503) 760-7990

NEW BUSINESS

TO: Board of Directors

DATE: July 22, 2020

SUBJECT: First Reading: Policy GBA – Equal Employment Opportunity

House Bill 2341 (2019) makes it an unlawful employment practice for an employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitations of an employee or applicant’s pregnancy, childbirth, or related medical condition. The bill provides exemptions for a reasonable accommodation that requires significant difficulty or expense that imposes an undue hardship on district operations. It exempts districts with fewer than six employees.

Additionally, Senate Bill 479 (2019) made ORS 659A.082 part of the definition of workplace harassment involving discrimination of an employee’s service in a uniformed service.

If the district has required policy GBA – Equal Employment Opportunity in its policy manual, review the new language and readopt.



Code: GBA
Adopted: 11/88
Revised/Readopted: 3/15/89; 8/28/91; 3/08/06;
12/12/07; 5/13/09; 9/28/11;
4/09/14; 5/10/17
Orig. Code: 2510; 4300

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the American with Disabilities Act Amendments Act of 2008 (ADA) and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

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

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

³ The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[ORS 174.100](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 652.210 - 652.220](#)
[ORS 659.850](#)
[ORS 659.870](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)
[ORS 659A.820](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

House Bill 2341 (2019)
Senate Bill 479 (2019)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2012); 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 (2019).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (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 (2012).
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 (2012).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act

CENTENNIAL SCHOOL DISTRICT
18135 S.E. Brooklyn
Portland, OR 97236
(503) 760-7990

NEW BUSINESS

TO: Board of Directors

DATE: July 22, 2020

SUBJECT: First Reading: Policy GBL – Release of Personnel Records

Senate Bill 155 aligns Oregon law with federal law, further changes Oregon law to address sexual misconduct by school employees towards students, and implements recommendations contained in the report. The bill includes the following changes:

- Any verbal, physical, written, or electronic communications by school employees towards young people, with narrow exceptions for conduct required by job responsibilities and occurring without sexual intent;
- Expands and clarifies responsibilities of certain state agencies to investigate allegations of abuse or sexual conduct in schools by specifically creating a tiered structure for reports of potential sexual abuse and conduct: first to law enforcement; then to the Department of Human Services (DHS); then to the Teacher Standards and Practices Commission (TSPC) or the Oregon Department of Education (ODE); and then to school districts;
- Places a 90-day timeline on investigations by the TSPC and ODE; •Requires school districts to establish policies on appropriate electronic communications between students and staff;
- Prohibits any termination or resignation agreements between the district and employees that may delay, impair, or suppress an investigation; and
- Changes several definitions to bring Oregon statutes into compliance with federal law.
- All initial reports of suspected abuse or sexual conduct must be first reported to a licensed administrator. This is a major change from current law which allows reports to be given to any designated school employee.

Review the recommendations and consider adopting the recommended changes.



Code: GBL
Adopted:

Personnel Records *

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions ~~to be~~ placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee ~~or designee~~ may arrange with the [personnel] office to inspect the contents of ~~his/her~~ their personnel file on any day the [personnel] office is open for business;
2. Others designated ~~in writing~~ by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out ~~his/her~~ their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff ~~designated by the superintendent~~;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. [Employees of the personnel office];

8. Attorneys for the district or the district’s designated representative on matters of district business;
9. ~~The disciplinary records[†] of a district employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.345 or 192.355 and shall be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.~~ Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, ~~or the Teacher Standards and Practices Commission, or the Oregon Department of Education, a district shall provide the records of investigations of suspected child abuse by a district employee in~~ conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in ~~his/her~~ their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with [the district’s public records procedures] [Board policy KBA - Public Records]. [The district will attempt to notify the employee of the request and that the district believes it is legally required to disclose certain records.]

END OF POLICY

Legal Reference(s):

[ORS 339.370 – 339.374](#)
[ORS 339.388\(7\)-\(9\)](#)

[ORS 342.143](#)
[ORS 342.850](#)

[ORS 652.750](#)
[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2012~~8~~); 29 C.F.R. Part 1630 (2016~~9~~); 28 C.F.R. Part 35 (2016~~9~~).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

[†] ~~“Disciplinary records” is defined as records related to a personnel discipline action or materials or documents supporting that action.~~

CENTENNIAL SCHOOL DISTRICT
18135 S.E. Brooklyn
Portland, OR 97236
(503) 760-7990

NEW BUSINESS

TO: Board of Directors

DATE: July 22, 2020

SUBJECT: First Reading: Policy GBLA – Disclosure of Information

Senate Bill 155 aligns Oregon law with federal law, further changes Oregon law to address sexual misconduct by school employees towards students, and implements recommendations contained in the report. The bill includes the following changes:

- Any verbal, physical, written, or electronic communications by school employees towards young people, with narrow exceptions for conduct required by job responsibilities and occurring without sexual intent;
- Expands and clarifies responsibilities of certain state agencies to investigate allegations of abuse or sexual conduct in schools by specifically creating a tiered structure for reports of potential sexual abuse and conduct: first to law enforcement; then to the Department of Human Services (DHS); then to the Teacher Standards and Practices Commission (TSPC) or the Oregon Department of Education (ODE); and then to school districts;
- Places a 90-day timeline on investigations by the TSPC and ODE; •Requires school districts to establish policies on appropriate electronic communications between students and staff;
- Prohibits any termination or resignation agreements between the district and employees that may delay, impair, or suppress an investigation; and
- Changes several definitions to bring Oregon statutes into compliance with federal law.
- All initial reports of suspected abuse or sexual conduct must be first reported to a licensed administrator. This is a major change from current law which allows reports to be given to any designated school employee.

Review the recommendations and consider adopting the recommended changes.



Code: GBLA
Adopted:

Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil rights of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.
2. ~~The disclosure is of the disciplinary records[†] of a district employee who has been convicted of a crime listed in Oregon Revised Statute (ORS) 342.143. These records are generally not exempt from disclosure under ORS 192.345 or ORS 192.355. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.~~ Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. ~~The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.~~ The disclosure is a result of a request from law enforcement, Oregon Department of Human Services, Teacher Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. No later than 20 days after receiving a request under ORS 339.374(1)(b), ~~an education provider that,~~ the district, if it has or has had an employment relationship with the applicant shall disclose the

[†] ~~“Disciplinary records” is defined as records related to a personnel discipline action or materials or documents supporting that action.~~

information requested ~~and any disciplinary records that must be disclosed as provided by ORS 339.388(7).~~

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.374](#)

[ORS 339.378](#)
[ORS 339.388\(7\),\(8\),\(9\)](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)

OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.

CENTENNIAL SCHOOL DISTRICT
18135 S.E. Brooklyn
Portland, OR 97236
(503) 760-7990

NEW BUSINESS

TO: Board of Directors

DATE: July 22, 2020

SUBJECT: First Reading: Policy GBN/JBA & AR - Sexual Harassment

House Bill 3077 (2019) provides a new definition of sexual harassment (includes sexual assault), clarifies certain aspects of the reporting and investigating process, and requires the allocation of resources to support individuals who report sexual harassment.

In 1997, the Legislative Assembly enacted statutes requiring school district policies for sexual harassment reporting and investigation. In the 2018 session, the Legislature passed House Bill 4150, which updated those protections. House Bill 3077 expands those policies. It requires a new definition of harassment, clarifies certain aspects of the reporting and investigation process, and requires allocation of resources to support individuals who report sexual harassment,

It is recommended that the district review the recommended language, revise and recommend the Board readopt the policy and revise and review the administrative regulation.

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

(This version of Sexual Harassment model policy is recommended for deletion; see new version in this May 2020 Policy Update issue.)

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members, or third parties who are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop, by other students, staff members, Board members or third parties. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. “District” includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

Sexual harassment of students, staff members or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff members;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance or with a staff member’s ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, staff members or third parties.

Examples of sexual harassment may include, but not be limited to, 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 sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any students, staff members or third parties who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the principal, compliance officer or superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint by a student, student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.

The initiation of a complaint in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant, any terms or conditions of employment or work environment of the staff member complainant or any terms or conditions of employment or work or educational environment of a third-party complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in ¹[all grade 6 through 12 schools] [all schools]. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

¹ [Posting in "in grade 6 through 12 schools" is the minimum requirement per ORS 342.700.]

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)
[ORS 342.850](#)

[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)
HB 4150 (2018)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

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

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Code: GBN/JBA
Adopted:

Sexual Harassment

The district is committed to the elimination of sexual harassment in district schools, activities and programs. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment: of students by staff members, other students or third parties; of staff members by students, other staff members or third parties; and of third parties by staff members and students. This policy applies to third parties who are on or immediately adjacent to school grounds or district property, are at any school-sponsored or district-sponsored activity or program, or are off school or district property, if a student or staff member acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. “District” includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. [The prohibition also includes off duty conduct which is incompatible with a staff member’s district job responsibilities.]

All staff members, students, and third parties are subject to this policy.

Sexual harassment of students, staff members or third parties 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 interferes with a student’s educational program or activity or that creates an intimidating, offensive or hostile educational environment; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with the staff member’s ability to perform the job or that creates an intimidating, offensive or hostile work environment; or unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and
3. Assault when sexual contact occurs without the student’s, staff member’s or third party’s consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Examples of sexual harassment may include, but not be limited to, [[¹]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 sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

All complaints or reports about behavior that may violate this policy shall be promptly investigated.

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official so that the district official (and the reporting staff member when the victim of the harassment is a student or third party) may coordinate efforts to 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 that are 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 staff member 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, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint from a student or the student’s parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(5) to the complainant.

The person who initiated the complaint and if applicable the student’s parents or person’s parents shall be notified when the investigation is initiated and concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal student confidentiality laws.

The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participates in the investigation. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

[¹ OAR 581-021-0038 requires that the policy include a “list of examples of harassing behaviors covered by policy”. The bracketed list in this policy reflects OSBA’s recommendations. The district does have discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school district’s legal counsel.]

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board. Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in ²~~[all grade 6 through 12 schools]~~[all schools]. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[² Posting in "in grade 6 through 12 schools" is the minimum requirement per ORS 342.700.]

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

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

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

OSBA Model Sample Policy

Code: GBN/JBA-AR
Revised/Reviewed:

Sexual Harassment Complaint Procedure

(This version of Sexual Harassment model administrative regulation is recommended for deletion; see new version in this May 2020 Policy Update issue.)

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights;
2. Information about the internal complaint processes available through the school or district that the complainant may pursue;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

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

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. 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 information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant 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. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the 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 3 If a complainant is not satisfied with the decision at step 2, 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 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within [10] working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will notify the complainant 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, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint to the Board. 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. The Board chair shall notify the complainant 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

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.

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 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 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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SEXUAL HARASSMENT COMPLAINT FORM

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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 of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

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: _____

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Code: GBN/JBA-AR
Revised/Reviewed:

Sexual Harassment Complaint Procedure

[Principals,] [the compliance officer] [and the superintendent] [~~has~~] [have] responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complaints;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and

7. Notice that students who report information 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.

This written notification must:

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

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant 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 information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant 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. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the 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 3 If a complainant is not satisfied with the decision at step 2, 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 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within [10] working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant 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, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. 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. The Board chair shall notify the complainant 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

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.

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 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 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.

Centennial School District

18135 SE Brooklyn St.
Portland, Oregon 97236-1049
503-760-7990

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of 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: _____

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WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____