

School Board Work Session  
Wednesday, October 18, 2023 Following  
conclusion of 5:30 p.m. Regular Meeting

Kalmiopsis Elementary/Room 51  
650 Easy St  
Brookings, Oregon 97415

## **Agenda**

1. Call Meeting to Order
2. Policy Preview
  - Executive Summary of Policy Proposals that may come to the Board for "First Read" at November 2023 Regular Meeting.
3. Future Work Session Topics
4. Recess from Public Session to Executive Session
  - To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.(ORS 192.660(2)(i))
5. Adjourn Executive Session and Return to Public Session
6. Adjournment



# Executive Summary

**Meeting Date:** Work Session preview October 18, 2023; First Reads planned at Regular Board Meeting, Nov. 15, 2023

**Agenda Item:** School Board Proposed Policy Updates and Adoptions

**Item Type:** Informational

**Administrator:** Supt. Helena Chirinian

**Objective:** Preview the “August 2023” batch of policy updates recently received from Oregon School Boards Association after changes in law made during the 2023 State Legislative Session.

Background:

## **OSBA Policy Updates**

OSBA provides quarterly policy updates that include revisions recommended due to changes in state and federal laws and guidelines. In addition, our district subscribes to an additional service where OSBA staff review the impacted BHSD policies specifically and apply the updated language and appropriate revisions. BHSD staff then reviews these recommendations and the board is asked to consider them in a series of readings in a public session.

## CHANGES IN LAW DURING THE 2023 LEGISLATIVE SESSION

Many other bills were passed that impact policy. Some of these bills are already in effect.

Policies will be updated in future releases from OSBA. These include:

- JGA – Corporal Punishment, JGAB-AR – Use of Restraint or Seclusion (SB 577 (2023));
- GCDA/GDDA – Criminal Records Checks and Fingerprinting (updates to OAR 581-021-0511);
- IGBHE – Expanded Options Programs (HB 2275 (2023));
- GBN/JBA – Sexual Harassment (HB 2280 (2023));
- Abbreviated day (SB 819 (2023) and others);
- Procurement
- Graduation requirements

- Abuse reporting hotline

The policies below may be presented to the Board as a “first reading” on Nov. 15, 2023.

**SECTION 1 - First Readings**

Policy & Title	BHSD Policy History	Summary
<p><b>BD/BDA – Board Meetings, Optional</b></p>	<p>Code: BD/BDA            Adopted: 1/18/88            Revised/Readopted: 10/22/03; 6/14/06; 2/17/10; 10/16/13; 11/16/16; 2/16/22</p> <p>Orig. Code: BD/BDA</p>	<p><b>Summary</b>            House Bill 2805 (2023) and House Bill 2806 (2023) added new provisions to Public Meetings Law and executive sessions, expanded Oregon Government Ethics Commission (OGEC) oversight of public meetings law, and added provisions requiring a board member to receive mandatory public meetings training.</p> <p>As a result of HB 2805, a person who believes the district has violated identified provisions of public meetings law may be able to file a grievance with the district in accordance with law. The new public meetings law provisions to file a grievance become effective in September 2023. The new public meetings law provisions for executive sessions (HB 2806), which now include considering matters relating to the safety of the board, district staff and volunteers and the security of district facilities and meeting spaces, as well as considering matters relating to cyber security infrastructure and responses to cyber security threats, are effective now.</p> <p>The new board member training requirement takes effect January 1, 2024.</p> <p><b>Collective Bargaining Impact</b>            None</p> <p><b>Local District Responsibility</b>            Review the recommended changes for policies BD/BDA – Board Meetings, and BDC – Executive Sessions, propose to the board for reoption.</p> <p>Policy(ies) and ARs Impacted by these Revisions            BD/BDA – Board Meetings, Optional            BDC – Executive Sessions, Optional</p>

<p><b>BDC – Executive Sessions, Optional</b></p>	<p>Code: BDC          Adopted: 1/18/88          Revised/Readopted: 10/22/03; 10/16/13; 11/16/16;           4/15/20          Orig. Code(s): BDC</p>	<p>Reason for updates: Same as above (BD/BDA).</p>
<p><b>EFA – Local Wellness, Required</b></p>	<p>Code: EFA          Adopted: 9/21/05          Readopted: 7/19/06; 4/18/12; 1/15/14; 6/17/15; 2/17/16; 12/06/17</p>	<p><b>Summary</b>          House Bill 3199 (2023) revised physical education requirements for upper elementary grades from 225 minutes down to “an average of 150 minutes during each school week, as calculated over the duration of the school year.” As was with previous law, grade 6 students must meet standards in the school where they are taught, i.e., if taught in same school as grade 5 and below, each student must “participate in physical education for the entire school year for at least 150 minutes during each school week.  <b>Collective Bargaining Impact</b>          None  <b>Local District Responsibility</b>          Review the district’s current policy EFA – Local Wellness, and if the PE requirements are included as goals under the Physical Activity and Education section, revise it to include the new requirements. If the district has not yet updated policy EFA – Local Wellness, consider doing it now. An updated version of EFA would not require EFA-AR, so review the board’s manual and rescind EFA-AR if the board updates policy EFA; there is no longer an OSBA model for EFA-AR.          Policy(ies) and ARs Impacted by these Revisions          EFA – Local Wellness, Required</p>
<p><b>GCBDA/GDBDA – Family Medical Leave *, Highly</b></p>	<p>Code: GCBDA/GDBDA          Adopted: 2/17/10</p>	<p><b>Summary</b>          During the 2023 Legislative Session, multiple bills were passed amending Paid Family</p>

<p><b>Recommended, Version 1 or 2</b></p>	<p>Revised/Readopted: 10/22/03; 3/04/10; 1/15/14;</p> <p>11/14/17</p>	<p>Medical Leave Insurance (PFMLI) and the Oregon Family Leave Act (OFLA). Additionally, administrative rules have been implemented. The changes to these policies reflect those amendments. These leave laws apply differently to districts based on the number of employees that a district has. Version 1 of GCBDA/GDBDA - Family Medical Leave * and its Administrative Regulation (AR) are for districts with 50 or more employees (the district is subject to OFLA and employees may be eligible for FMLA). Version 2 of GCBDA/GDBDA - Family Medical Leave * and its AR are for districts with between 25 and 50 employees (the district is subject to OFLA, but employees will generally not be eligible for FMLA). If the district has fewer than 25 employees, OSBA does not recommend using either of the versions of GCBDA/GDBDA and its AR unless the district wants to make these benefits available to its employees. Changes to additional GCBDA/GDBDA's-A R's will be made in future updates.</p> <p>GCBDF/GDBDF- Paid Family Medical Leave Insurance * is not based on employee size. Version 1 of GCBDF/GDBDF Paid Family Medical Leave Insurance * and the AR are designed for districts using Paid Leave Oregon (through the Oregon Department of Employment). Version 2 of GCBDF/GDBDF- Paid Family Medical Leave Insurance * is for districts using an equivalent plan (there is no accompanying AR). Version 2 of GCBDF/GDBDF had no changes and therefore is not included in this update.</p> <p><b>Collective Bargaining Impact</b> Districts may need to bargain aspects of these policies.</p> <p><b>Local District Responsibility</b> The board should delete current GCBDA/GDBDA – Family Medical Leave * and GCBDA/GDBDA-AR(1) -Family Leave* and replace them with one of the new versions. If the district is using Paid Leave Oregon (Employment Department) to administer PMFLI, the board should update version 1 of GCBDF/GDBDF – Paid Family Medical Leave Insurance * and GCBDF/GDBDF-AR – Paid Family Leave Insurance (PMFLI). If the district</p>
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		<p>is using an equivalent plan for PFMLI, the board should keep version 2 of GCBDF/GDBDF – Paid Family Medical Leave Insurance * (no changes and not included in this update). If a district is using an equivalent plan, OSBA recommends that they work with the equivalent plan provider to developing procedures.</p> <p><b>Policy(ies) and ARs Impacted by these Revisions</b>  GCBDA/GDBDA – Family Medical Leave *, Highly Recommended, Version 1 or 2  GCBDA/GDBDA-AR(1) – Family Leave *, Highly Recommended, Version 1 or 2  GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Highly Recommended, Version 1 (Version 2 has no changes and is not included in this update)  GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance (PMFLI), Highly Recommended</p>
<p><b>GCPC/GDPC – Retirement of Staff *, Optional</b></p>	<p>New policy proposed by OSBA, no previous BHSB policy</p>	<p><b>Summary</b>  The only change resulting from passing House Bill 2296 (2023) extends the sunset for the 2019 law revision to the end of 2034. This summary has been provided just to inform about this change.</p> <p><b>Collective Bargaining Impact</b>  Review collective bargaining agreements for any provisions relating to employee retirement.</p> <p><b>Local District Responsibility</b>  There are no changes to policy language resulting from revisions created by House Bill 2296. Update to legal references only.</p> <p>Policy(ies) and ARs Impacted by these Revisions  GCPC/GDPC – Retirement of Staff *, Optional</p>
<p><b>LBE – Public Charter Schools**, Highly Recommended</b></p>	<p>Code: LBE  Adopted: 7/19/06  Revised/Readopted: 4/15/15; 7/17/19</p>	<p><b>Summary</b>  Some changes to law governing attendance at virtual public charter schools have become effective with passing of House Bill 3204 (2023). Districts may still deny enrollment if more than three percent of students residing</p>

		<p>in the district are attending a virtual public charter school not sponsored by the district. However, there are several permanent changes, two of which include a requirement to complete the percentage calculation at least twice each year and a decision by a district to not give approval requires notice to be issued by the district within 10 calendar days of receiving notice from the parent of intent to enroll their student.</p> <p>Such notice must now include information about the calculations which supports denial, in addition to the existing requirements to provide information about the right to appeal to the State Board and other online options available to the student (read Oregon Revised Statue (ORS) 338.125 as amended by HB 3204).</p> <p>Additionally, a student is now not required to gain approval from the district where the student now resides, if the student enrolled in a virtual public charter school while living in another school district, and has maintained continuous enrollment in that school since moving into the district where the student currently resides (HB 3204).</p> <p>A second bill, Senate Bill 767 (2023), created new law added to Chapter 338 governing the operation of a nonvirtual public charter school by a public charter school in a nonsponsoring school district and revised ORS 332.158. The bill does exempt schools in operation prior to the effective date of the new law, if other requirements outlined in the new provisions are met. Read the bill (SB 767) to gain further understanding of the requirements.</p> <p>Both of these new bills are effective now.</p> <p><b>Collective Bargaining Impact</b> None</p> <p><b>Local District Responsibility</b> If the district previously adopted policy LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, and wishes to continue the practice established by policy, update policy language and submit to the board for readoption. The language in LBEA was previously part of recommended language in policy LBE - Public Charter Schools** until creation of LBEA. The district should review their version of LBE and if</p>
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		<p>adopted prior to 2021, consider an update to LBE as well. In policy LBE, review the recommended changes and readopt this highly recommended language.</p> <p><b>Policy(ies) and ARs Impacted by these Revisions</b></p> <p>LBE – Public Charter Schools**, Highly Recommended</p> <p>LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, Conditionally Required</p>
<p><b>LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, Conditionally Required</b></p>	<p>New policy proposed by OSBA, no previous BHSD policy</p>	<p>Same as above (LBE)</p>

**Recommendation (for Nov. 15 Regular Board Meeting):** Review and consider readoption of policies listed above.

**Suggested motion #1:** *“I move to pass the policies listed in Section 1 of the School Board Policy executive summary to a second reading as presented.”*

**Suggested motion #2:** *“I move to pass policy \_\_\_\_\_ as presented (or amended) to a second reading.”*

# Brookings-Harbor School District 17C

Code: LBEA  
Adopted:

## **Resident Student Denial for Virtual Public Charter School Attendance\*\***

{Conditionally Required. This policy is required if the district plans to deny enrollment of a student to attend a virtual public charter school. OAR 581-026-0007}

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will semiannually, [by October 1 and April 1], calculate the percentage of students residing in the district, who are attending a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school.

A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment.

If the district is not approving the enrollment, the district must respond with a decision to not give approval within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;
2. The right to appeal the decision to the State Board of Education;
3. A list of two or more other online options available to the student; and
4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
5. The number of students residing in the district enrolled in public charter schools located in the district;
6. The number of students residing in the district enrolled in virtual public charter schools;
7. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
8. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

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If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 338.125](#)

[OAR 581-026-0305](#)

[OAR 581-026-0310](#)

[House Bill 3024](#) (2023).

# Brookings-Harbor School District 17C

Code: LBE  
Adopted: 7/19/06  
Revised/Readopted: 4/15/15; 7/17/19

## Public Charter Schools

Public charter schools may be established as a new public school or a virtual public school, from one or more existing public schools in the district or a portion of the school, or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution, or encompass all the schools in the district unless the district is composed of only one school.

~~The district recognizes that public charter schools offer an opportunity to create new, innovative and more flexible ways of educating students in an atmosphere of learning experiences based on current research and development.~~ Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to ~~one or more of~~ the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

An applicant must submit a complete public charter school proposal that meets the requirements of Oregon law, and includes other information required by the district in the application process. The public charter school will be located and operated within the sponsoring district except where authorized by law.

The public charter school employer will be determined with each proposal. If the district is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the district is not the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.

~~Public charter schools may be established as a new public school, from an existing public school or a portion of the school or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution or encompass all the schools in the district unless the district is composed of only one school.~~

~~The Board will not approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant and adverse impact on the quality of the public education of students residing in the district. To meet the eligibility criteria for Board approval, a public charter~~

~~school proposal must meet the requirements of Oregon law, Board policy, and regulation. Upon request of the Board, the public charter school applicant must furnish in a timely manner any other information the Board deems relevant and necessary to conduct a complete and good faith evaluation of the charter school proposal.~~

The district will determine if it has any ~~vacant or unused~~ ~~or underutilized~~ buildings and make a list of such buildings; buildings. Buildings may be made available for public charter school use, subject to Board approval. ~~Approved use may be limited to instructional purposes only. Appropriate use fees will be determined by the Board. Public charter school use outside the district's instructional day will be subject to Board policy KG—Community Use of District Facilities and Board policy~~ ~~accompanying administrative regulation.~~

[Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials are available.<sup>1</sup> Students must adhere to state law, Board policies, regulations, and rules concerning student conduct and discipline.] [Public charter school students shall not be permitted to participate in district curricular programs.<sup>2</sup>]

Public charter school students in grades K-8 may participate in their resident district's activities that are offered before or after regular school hours. Public charter school students in grades 9-12 may participate in their resident district's available activities that are sanctioned by the Oregon School Activities Association (OSAA) when the requirements found in Oregon law are met.

~~The public charter school employer will be determined with each proposal. If the district [will] [is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the district is not] the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.~~

~~The district will not~~ provide instructional materials, lesson plans, or curriculum guides for use in a public charter school.

~~The district will semiannually by October 1 and April 1<sup>3</sup> calculate the number of students residing in the district who are enrolled in a virtual public charter school. When the percentage is three percent or above, the district may choose to not approve additional students for enrollment to any virtual public charter school, subject to the requirement in Oregon Administrative Rule (OAR) 581-026-0305(2).~~

~~The district is only required to use data that is reasonably available to the district including but not limited to the following for such calculation:~~

- ~~1. The number of students residing in the district enrolled in the schools within the district;~~
- ~~10. The number of students residing in the district enrolled in public charter schools located in the district;~~
- ~~11. The number of students residing in the district enrolled in virtual public charter schools;~~
- ~~12. The number of home-schooled students who reside in the district and who have registered with the educational service district; and~~

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<sup>1</sup> This does not apply to the Oregon law related to OSAA-sanctioned activity participation.

<sup>2</sup> Unless allowed by Oregon law related to OSAA-sanctioned activity participation.

<sup>3</sup> Per OAR 581-020-0342 (7)(a) the district must choose annual, semi-annual or other date used for calculation; dates are provided as a recommendation only.

13. ~~The number of students who reside in the district enrolled in private schools located within the school district.~~

~~A parent may appeal a decision of a school district to not approve a student for enrollment to a virtual public charter school to the State Board of Education.~~

The superintendent will develop administrative regulations ~~for public charter schools~~ to include, but not limited to, the proposal process, review, and appeal procedures, and program evaluation, renewal, and termination ~~and charter agreement provisions~~.

END OF POLICY

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**Legal Reference(s):**

[ORS 327.077](#)  
[ORS 327.109](#)  
[ORS 332.107](#)  
[ORS 338](#)  
[ORS 339.141](#)  
[ORS 339.147](#)  
[ORS 339.450](#)  
[ORS 339.460](#)  
[OAR 581-026-0005 - 0710](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).  
[Senate Bill 767](#) (2023).

# Brookings-Harbor School District 17C

Code: GCPC/GDPC  
Adopted:

## Retirement of Staff \*

{Senate Bill (SB) 1049 (2019) made it possible for employees to retire under PERS and work for a PERS-covered employer, without hour restrictions in most situations. House Bill (HB) 2296 (2023) extends this law to 2034. The law does not require districts to allow PERS-retired employees to work in the district, rather, leaves the decision up to the district. OSBA encourages districts to evaluate the situation (including financial impacts) prior to making a decision regarding these employees. If districts do allow retired employees to return to work, OSBA recommends working with legal counsel to develop criteria and procedures that can be consistently implemented. Also consider the bargaining impacts of the selected practice.}

To assist the district in its planning efforts, staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

[Retiring employees are encouraged to coordinate with PERS and the [Human Resources Department] to ensure that all requirements are met. The superintendent will develop requirements, limitations and procedures for employment as a PERS-retiree. {<sup>1</sup>}

*{Regarding PERS-workback, there are three main options for districts, please choose one of the following:}*

[When an employee of the district retires under PERS, that employee's employment with the district will terminate. Individuals who have retired under PERS are not eligible for employment in the district.]

{OR}

[When an employee of the district retires under PERS, that employee's employment with the district will terminate. PERS-retired individuals may apply for open positions with the district.<sup>2</sup>{<sup>3</sup>}

{OR}

[District employees will be allowed to retire under PERS and return to their position in the district [only for the remainder of the school year]{<sup>4</sup>.<sup>5</sup>}

END OF POLICY

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<sup>1</sup> {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

<sup>2</sup> There must be a break in service for retired employees returning to work.

<sup>3</sup> {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

<sup>4</sup> {Districts can limit workback, but must consider equity pay laws when developing any criteria.}

<sup>5</sup> There must be a break in service for retired employees returning to work.

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**Legal Reference(s):**

[ORS Chapter 237](#)  
[ORS Chapter 238](#)  
[ORS Chapter 238A](#)  
[ORS 243.303](#)  
[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).  
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).  
OR. CONST., art. IX, §§ 10-13.  
[House Bill 2296](#) (2023).

# Brookings-Harbor School District 17C

Code: GCBDA/GDBDA  
Adopted: 2/17/10  
Revised/Readopted: 10/22/03; 3/04/10; 1/15/14;  
11/14/17

## Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA)<sup>{1}</sup>, of 1993, the Oregon Family Leave Act (OFLA)<sup>{2}</sup>, of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA), Paid Family Medical Leave Insurance (PFMLI) of 2009 and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

~~FMLA applies to districts with 50 or more employees within 75 miles of the employee's worksite, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50-employee test does not apply to educational institutions for determining employee eligibility.~~

~~OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.~~

In order for an employee to be eligible for the benefits under FMLA, the employee ~~he/she~~ must have been employed by the district for at least 12 months, ~~and~~ have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 district employees within 75 miles of the worksite.

Generally, in ~~in~~ order for an employee to be eligible for the benefits under OFLA, the employee ~~he/she~~ must work an average of 25 hours or more per week during the ~~and have been employed at least~~ 180 calendar days immediately prior to the first day of the start of the requested ~~family medical leave of absence~~. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins; there ~~There~~ is no minimum average number of hours worked per week. Special requirements apply during public health emergencies ~~when determining employee eligibility for parental leave~~.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

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<sup>{1}</sup> Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee "is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite." See 29 CFR 825.110(a)(3). Consequently, FMLA applies to districts with fewer than 50 employees, but individual employees will not be eligible to receive benefits.}

<sup>{2}</sup> OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)}

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>3</sup>, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.<sup>4</sup>

Federal and state leave entitlements generally run concurrently.

The superintendent [or designee] will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

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**Legal Reference(s):**

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<sup>3</sup> The wages are not required to have been earned for work in the district.

<sup>4</sup> See OAR 471-070-1010 for additional information.

[ORS 332.507](#)  
[ORS 6579B.010](#)

[ORS 659A.090](#)  
[ORS 659A.093](#)  
[ORS 659A.096](#)  
[ORS 659A.099](#)  
[ORS 659A.150 - 659A.186](#)  
~~[ORS 659B.010](#)~~  
[OAR 839-009-0200 - 0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).  
Senate Bill 999 (2023).

# Brookings-Harbor School District 17C

Code: EFA

Adopted:

## Local Wellness

{Required. Title 7 C.F.R. 210.31(a) requires local education agencies to “establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast Program...”. The law describes the policy as “a written plan that includes” various components intended to improve student wellness. This policy is designed to meet the requirements for a wellness policy and provide the framework for the district’s plan. Previously these requirements were split between the policy and an administrative regulation (AR). All required and/or related content is now included in the model policy, therefore OSBA recommends deleting the AR if the district previously included it in the board’s policy manual. Districts should consult with stakeholders in the process of adoption and incorporate language that meets the unique needs of the district.}

The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The program shall reflect the Board’s commitment to providing adequate time for instruction that fosters healthy eating through nutrition education and promotion, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate.

[The district superintendent or designee shall establish a Wellness Advisory Committee to advise the district in the development, review and update of the local wellness policy.]

### POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

#### Implementation

The district shall manage and coordinate the implementation of this local wellness policy.

Implementation will consist of, but not be limited to, the following:

1. Delineating roles, responsibilities, actions and timelines specific to each school;
2. Generating and disseminating information about who will be responsible to make what change, by how much, where and when;
3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;
4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and

5. Establishing specific goals for nutrition promotion and education, physical activity[, physical education] and other school-based activities that promote student wellness.

The Board designates the [superintendent] [principal(s)] to be responsible for ensuring each school meets the goals outlined and complies with this policy.

### **[Record Keeping**

The district will retain the following records to document compliance with the local wellness policy requirements at the district's administrative offices:

1. The written local wellness policy;
6. Documentation to demonstrate the policy has been made available to the public;
7. Documentation of efforts to review and update the local wellness policy, including an indication of who participates in the update and the methods the district uses to make stakeholders aware of their ability to participate;
8. Documentation to demonstrate compliance with the annual public notification requirements;
9. Documentation of the district's most recent assessment on the implementation of the local wellness policy;
10. Documentation to demonstrate the most recent assessment on the implementation of the local wellness policy has been made available to the public.]

### **Notification of Policy**

The district will inform the public about the content and implementation of the local wellness policy, and post the policy and any updates to the policy on the district website annually. Included will be, if available, the most recent assessment of the implementation, and a description of the progress being made in attaining the goals of the policy.

The district will publicize the name and contact information of the district or school official(s) leading and coordinating the policy and information on how the public can get involved with the local wellness policy. This information will be published on the district's website and in district communications.

### **Triennial Progress Assessments**

At least once every three years, the district will evaluate the implementation of this policy and its progress with a triennial assessment and produce a progress report that will include:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
11. The extent to which the district's policy compares to model local school wellness policy<sup>{1}</sup>; and
12. A description of the progress made in attaining the goals of the district's policy.

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<sup>1</sup> {Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

The district will publish the triennial progress report on the district website when available. The district will update or modify the policy based on results of the triennial assessment.

### **Community Involvement, Outreach and Communications (Review of, and Updating Policy) <sup>{2}</sup>**

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy. The district will communicate information about opportunities [in community news, on the district’s website, on school websites, and/or in district or school communications]. The district will ensure that communications are culturally and linguistically appropriate to the community.

Parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the Board, school administrators, and the general public will be solicited to participate in the periodic review and update of the local school wellness policy.

### **[Wellness Advisory Committee <sup>{3}</sup>**

The district supports a wellness advisory committee to assist the development, implementation, and periodic review and update of the local wellness policy. The superintendent or designee will be a member of this committee.

The district will publicize information about the wellness advisory committee [in community news, in communications to parents, and/or on websites operated by the district] to communicate to parents, students and the community at large to explain the committee’s purpose, process and an invitation to volunteer.

1. The wellness advisory committee membership will include, to the extent possible, but not be limited to:
  - a. Parents, caregivers and students;
  - b. Representatives of the school nutrition program (e.g., school nutrition director);
  - c. Physical education and/or health education teachers;
  - d. School health professionals (e.g., school nurses, physicians, dentists, health educators and other allied health personnel who provide school health services);
  - e. Mental health and social services staff (e.g., school counselors, psychologists, social workers, or psychiatrists);
  - f. School administrators (e.g., superintendent, assistant superintendent, principal, vice principal);
  - g. Board members;
  - h. Supplemental Nutrition Assistance Program (SNAP) education coordinators;
  - i. Healthcare professionals and/or other health related professionals (e.g., dietitians, doctors, nurses, dentists); and
  - j. Members of the general public.

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<sup>2</sup> {USDA Local school wellness policy [resource](#); CDC [resource](#); CDC Healthy Schools [resource](#); USDA Local school wellness policy [outreach toolkit](#) and communication resource from [Alliance for a Healthier Generation.](#)}

<sup>3</sup> {A Wellness Advisory Committee is not required. If the district chooses to have a committee, the district should amend the language here to establish the membership and responsibilities of the committee. [School Wellness Committee Toolkit](#) published by the Alliance for a Healthier Generation}

13. The committee, appointed by the superintendent or designee, will meet to organize and vote on a committee chair and a secretary prior to or at the beginning of the school year. The chair and secretary will serve for one year minimum and may be reappointed.
14. The wellness advisory committee will meet [four] times per year to review of the local wellness policy.
15. The committee will facilitate the development, review and update of the wellness policy, and evaluate each participating school’s compliance with the policy.

The district will create building-level committees to establish school-specific goals and activities that implement this policy. A school coordinator will be designated to support compliance with this policy.]

#### **NUTRITION PROMOTION AND NUTRITION EDUCATION**

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based strategies and techniques and nutrition messages and by creating food environments that support healthy nutrition choices.

[Nutrition promotion and nutrition education shall be a sequential and integrated focus on improving students’ eating behaviors, reflect evidence-based strategies and be consistent with state and local district health education standards.]

To promote nutrition education in the schools, the principal is responsible for ensuring the following goals are implemented:

1. <sup>{4}</sup>[Students and staff will receive consistent nutrition messages throughout the school environment;
16. Nutrition education is provided throughout the student’s school years as part of the district’s age-appropriate, comprehensive nutrition program[ (which includes the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, and handling and storage related to food and eating)], and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;
17. Nutrition education will include culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;
18. Teachers will receive curriculum-specific training;
19. Parents and families are encouraged through school communications to send healthy snacks/meals and [reusable] water bottles with their student to school;
20. Families and community organizations are involved, to the extent practicable, in nutrition education;

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<sup>4</sup> {The goals listed are examples; districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to “review and consider evidence-based strategies and techniques” (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

21. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes);
22. Materials on how to assess one’s personal eating habits, set goals for improvement and achieve those goals.]

Nutrition promotion, including marketing and advertising nutritious foods and beverages to students, will be implemented consistently through a comprehensive and multi-channel approach, (e.g., in the classroom, cafeteria and at home) by staff, teachers, parents, students and the community.

To ensure adequate nutrition promotion, the following goals will be implemented:

1. <sup>{5}</sup>[Information about available meal programs is distributed prior to or at the beginning of the school year and at other times throughout the school year;
2. Information about availability and location of a Summer Food Service Program (SFSP) is distributed;
3. Nutrition promotion materials are sent home with students, published on the district website, and distributed at parent-teacher conferences;
23. Families are invited to attend exhibitions of student nutrition projects or health fairs;
24. Physical activity is a planned part of all school-community events.]

### **School Meals**

[Schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition program(s), administered through the Oregon Department of Education (ODE)[.] [which may include the NSLP[,] [and] [the SBP,] [Fresh Fruit & Vegetable Program (FFVP),] [After School Snack Program (ASSP),] [Special Milk Program (SMP),] [Summer Food Service Program (SFSP),] [Supper programs] [or others].] [The district also operates additional nutrition-related programs and activities including Farm-to-School programs, school gardens, Breakfast in the Classroom, Mobile Breakfast carts or Grab ‘n’ Go Breakfast.]

The district’s available meal program(s) will operate to meet meal pattern requirements and dietary specifications in accordance with the Healthy, Hunger-Free Kids Act and applicable federal laws and regulations.

The [principal(s)] will support nutrition and food services operation as addressed in Board policy EFAA – District Nutrition and Food Services and its accompanying administrative regulation EFAA-AR – Reimbursable Meals and Milk Programs.

### **[Water**

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<sup>5</sup> {The goals listed are examples; districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to “review and consider evidence-based strategies and techniques” (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.]

### **Competitive Foods and Beverages**

The district controls the sale of all competitive foods. All foods and beverages outside the reimbursable school meal programs that are **sold** to students on the school campus during the school day will meet or exceed Smart Snacks Standards<sup>6</sup>.

### **Celebrations and Rewards/Incentives**

All foods and beverages offered on the school campus [will meet or exceed] [are encouraged to meet] the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, and classroom snacks brought by parents. [Food will not be used as a reward or incentive.] [This information will be conveyed to staff and parents.]

### **[Fund Raising**

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fund raisers on the school campus during the school day. Such requests to conduct a fund raiser will be submitted to the [principal] for approval before starting.]

### **Food and Beverage Marketing in Schools**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards for competitive foods set by the USDA.

[The district (i.e., school nutrition services, athletics department, PTA, PTO) will review existing contracts, new contracts and equipment, and product purchase or replacement to reflect the applicable food and beverage marketing guidelines.]

### **PHYSICAL ACTIVITY AND PHYSICAL EDUCATION**

A quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minute requirements in order to meet ODE’s physical education content standards and state law.

Physical activity should be included in the school’s daily education program for grades [pre-]K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

In order to ensure students are afforded the opportunity to engage in physical education and physical activity in the school setting, the following goals are established:

1. {?}[Physical education will be a course of study that focuses on students’ physical literacy and

<sup>6</sup> Oregon Department of Education, [Oregon Smart Snacks Standards](#)

<sup>7</sup> {The goals listed are examples; districts are required to include goals in the policy. Districts are encouraged to evaluate needs and resources and to develop specific goals. Districts are required to “review and consider evidence-based strategies and techniques” (7 CFR 210.31(c)(1)). Model Wellness Policy resource published by the [Alliance for a Healthier Generation](#). OSBA makes no representation of its compliance by providing this resource.}

- development of motor skills;
25. Staff encourages and provides support for parental involvement in their children’s physical education;
  26. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;
  27. Instruction, provided by adequately prepared teachers, i.e., licensed or endorsed to teach physical education, will meet the state adopted academic content standards for physical education (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities annually;
  28. {<sup>8</sup>}Every public school student in [pre-]kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade [5] [6] shall participate for a least 150 minutes during each school week, and students in grades [6] [7] through 8 for at least an average of 150 minutes during each school week, as calculated over the duration of a school year;
  29. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of all classes or courses as part of a well-rounded education;
  30. Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be used as a punishment or a reward;
  31. {<sup>9</sup>}At least 50 percent of the weekly physical education class time in grades K through 8 shall be devoted to actual physical activity;
  32. Physical activity is a planned part of all school-community events;
  33. Materials promoting physical activity are sent home with students and published on the district website.]

[{<sup>10</sup>}A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of their individualized health plan, developed by the district.]

### **Other Activities that Promote Student Wellness**

The district will integrate wellness activities throughout the entire school environment (districtwide). The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward

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<sup>8</sup> {Districts are required to provide the specified number of physical education minutes, but are not required to include them as goals or in this policy. If the district operates K-5 elementary schools, select “5” in the first bracket and “6” in the second bracket. If the district operates K-6 elementary schools, select “6” in the first bracket and “7” in the second bracket.}

<sup>9</sup> {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

<sup>10</sup> {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

the same set of goals promoting student well-being, optimal development and strong educational outcomes.

The district will provide the following activities and encourage the following practices which promote local wellness:

1. [Scoliosis screenings;
34. Safe Routes to Schools Program;
35. Physically active family and community engagement activities for families to learn about healthy eating or to practice being active together (e.g., skate night, fun run, dance night);
36. Nonfood-related fund raisers;
37. Physical activity energizers during transitions from one subject to another;
38. Intramural sports;
39. Monthly/Weekly school walks;
40. Assemblies which focus on wellness issues such as the importance of breakfast, healthy beverages, and how students and staff can incorporate 60 minutes of physical activity into their day;
41. Use of alternates to food as rewards in the classroom;
42. Creation of connections between out-of-school time (OST) programs that involve staff members from OST programs, both school- and community-based, in school initiatives that address healthy eating, such as school wellness teams or wellness committees;
43. Integration of social, emotional and mental health supports into school programs (e.g., promote a positive school climate where respect is encouraged and students can seek help from trusted adults);
44. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;
45. Include wellness as a standing agenda item for school-based meetings (e.g., staff meetings, site council meetings, PTO).]

#### [<sup>{11}</sup>Employee Wellness<sup>{12}</sup>

The district encourages staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of staff may also influence the health and learning of students. The physical and mental health of staff is integral to promoting and protecting the health of students and helps foster their academic success. The district's Employee Wellness Program will promote health, reduce risky behaviors of employees and identify and correct conditions in the workplace that can

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<sup>11</sup> {This language is optional and is not required by state or federal law.}

<sup>12</sup> {CDC resources for [school employee wellness](#) and [workplace health promotion](#)}

compromise the health of staff, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will collaborate with community partners to identify programs, services and/or resources to compliment and enrich employee wellness endeavors.

The district's Employee Wellness Program may include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees' needs and interests;
46. Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;
47. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;
48. Education and resources to help employees make decisions about health care; and
49. Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

The district encourages participation from all employees. "Employees" are not limited to instructional staff (i.e., teachers and instructional assistants), but includes all administrators and support staff.

The following groups are seen as essential for establishing, implementing and sustaining an effective employee wellness program:

1. School personnel who implement existing wellness programs in the district (i.e., employee wellness committee);
50. District personnel who implement health programs for students (e.g., school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other staff); and
51. Decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program (e.g., Board members, superintendents, human resource administrators, fiscal services administrators and principals).]

#### [DEFINITIONS

1. "Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.
52. "Food and beverage marketing"<sup>[13]</sup> is defined as advertising and other promotion in schools. Food

and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.

53. “Oregon Smart Snacks Standards”<sup>14</sup> means the State’s minimum nutrition standards for competitive foods and beverages (ORS 336.423).
54. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day[, i.e., at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities].
55. “School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction of the school that are accessible to students during the school day.]

END OF POLICY

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**Legal Reference(s):**

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<sup>13</sup> [This term includes, but is not limited to, the following: brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container; displays, such as on vending machine exteriors; corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance.); corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district; advertisements in school publications or school mailings; free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.]

<sup>14</sup> Oregon Department of Education, [Oregon Smart Snacks Standards](#)

# PROPOSED

[ORS 327.531](#)  
[ORS 327.537](#)  
[ORS 329.496](#)  
[ORS 332.107](#)  
[ORS 336.423](#)

[OAR 581-051-0100](#)  
[OAR 581-051-0305](#)  
[OAR 581-051-0306](#)  
[OAR 581-051-0310](#)  
[OAR 581-051-0400](#)

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b (2018).  
National School Lunch Program, 7 C.F.R. Part 210 (2022).  
School Breakfast Program, 7 C.F.R. Part 220 (2022).  
[House Bill 3199](#) (2023).

# Brookings-Harbor School District 17C

Code: **EFA**  
Adopted: 9/21/05  
Readopted: 7/19/06; 4/18/12; 1/15/14; 6/17/15; 2/17/16; 12/06/17

## Local Wellness Program

The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The program shall reflect the Board's commitment to providing adequate time for instruction that fosters healthy eating through nutrition education and promotion, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate.

The input of staff (including, but not limited to, physical education and school health professionals), students, parents, the public, the Board, school administrators, representatives of the school food authority and public health professionals will be encouraged in the development of wellness policy. The Board shall establish a Wellness Advisory Committee to advise the district in the creation of the local wellness policy. The superintendent or designee will develop guidelines as necessary to implement the goals of the local wellness plan and ensure compliance of such policy.

### WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

#### Implementation Plan

The district shall develop and maintain a plan to manage and coordinate the implementation of this wellness policy.

The plan will:

1. Delineate roles, responsibilities, actions and timelines specific to each school;
2. Include information about who will be responsible to make what change, by how much, where and when;
3. Include specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, and in food and beverage marketing; and
4. Include specific goals and objectives for nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

In an effort to measure the implementation of this policy, the Board designates the superintendents the person who will be responsible for ensuring each school meets the goals outlined in this policy.

### **Record Keeping**

The district will retain the following records to document compliance with the requirements of the wellness policy at the district's administrative offices.

1. The written wellness policy;
5. Documentation demonstrating that the policy has been made available to the public;
6. Documentation of efforts to review and update the local wellness policy, including an indication of who is involved in the update and the methods the district uses to make stakeholders aware of their ability to participate;
7. Documentation to demonstrate compliance with the annual public notification requirements;
8. The most recent assessment on the implementation of the local wellness policy;
9. Documentation demonstrating the most recent assessment on the implementation of the local wellness policy has been made available to the public.

### **Annual Notification of Policy**

The district will make available to the public annually, an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of the policy. The district will make this information available through the district website and/or districtwide communications. The district will also publicize the name and contact information of the district or school official(s) leading and coordinating the policy, as well as information on how the public can get involved with the local wellness policy.

### **Triennial Progress Assessments**

At least once every three years, the district will evaluate compliance with the local wellness policy, to assess the implementation of the policy and produce a triennial progress report that will include:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
10. The extent to which the district's policy compares to model wellness policy; and
11. A description of the progress made in attaining the goals of the district's policy.

The district or school will actively notify households/families of the availability of the triennial progress report.

### **Revisions and Updating the Policy**



The district will update or modify the local wellness policy based on the results of the annual School Health Index<sup>1</sup> and triennial assessments and/or as district priorities change; community needs change; wellness goals are met; new health science, information and technology emerge; and new federal or state guidance or standards are issued. The local wellness policy will be assessed and updated as indicated at least every three years following the triennial assessment.

**Community Involvement, Outreach and Communications**

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy through a variety of means appropriate for the district. The district will also ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the district and individual schools are communicating important school information with parents.

**NUTRITION PROMOTION AND NUTRITION EDUCATION**

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, by creating food environments that encourage healthy nutrition choices and by encouraging participation in school meal programs. Students and staff will receive consistent nutrition messages throughout the school environment. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by staff, teachers, parents, students and the community.

**School Meals**

All schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition programs, administered through the Oregon Department of Education (ODE), including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), Fresh Fruit & Vegetable Program (FFVP), Special Milk Program (SMP), Summer Food Service Program (SFSP), Supper programs[or others]. The district also operates additional nutrition-related programs and activities including Farm-to-School programs, school gardens, Breakfast in the Classroom, Mobile Breakfast carts or Grab 'n' Go Breakfast.

**Staff Qualifications and Professional Development**

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA Professional Standards for Child Nutrition Professionals.

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<sup>1</sup> If the district is using a different assessment or additional assessments, add to the list here or replace as needed.

## **Water**

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.

## **Competitive Foods and Beverages**

All foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards<sup>2</sup>. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

## **Celebrations and Rewards**

All foods offered on the school campus are encouraged to meet the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, classroom snacks brought by parents, rewards and incentives.

## **Fund Raising**

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fund raisers on the school campus during the school day.

## **Food and Beverage Marketing in Schools**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards.

"Food and beverage marketing" is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.

## **PHYSICAL ACTIVITY AND PHYSICAL EDUCATION**

Physical activity should be included in the school's daily education program for grades pre-K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be withheld as punishment for any reason.

The Board realizes that a quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minute requirements<sup>3</sup> in order to meet the ODE's physical education content

standards and state law<sup>4</sup>. Every public school student in kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate for a least 120<sup>5</sup> minutes during each school week, and students in grades 6 through 8 for at least 225<sup>6</sup> minutes per school week.

At least 50 percent of the weekly physical education class time shall be devoted to actual physical activity. Instruction, provided by adequately prepared teachers, will meet the state adopted academic content standards for physical education (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities.

12.

A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of their individualized health plan, developed by the district.<sup>7</sup>

### **Employee Wellness**

The district encourages staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of staff may also influence the health and learning of students. The physical and mental health of staff is integral to promoting and protecting the health of students and helps foster their academic success. The district's Employee Wellness Program will promote health, reduce risky behaviors of employees and identify and correct conditions in the workplace that can compromise the health of staff, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will work with community partners to identify programs, services and/or resources to compliment and enrich employee wellness endeavors.

### **Other Activities that Promote Student Wellness**

The district will integrate wellness activities throughout the entire school environment (districtwide), not just in the cafeterias, other food and beverage venues and physical activity facilities.

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<sup>2</sup>[Oregon Department of Education, Oregon Smart Snacks Standards](#)

<sup>3</sup> The physical education minute requirements, revised in Senate Bill 4 (2017), now have a two-year delay on implementation for elementary schools, and a four-year delay on implementation for middle schools.

<sup>4</sup> Ibid. p. 4

<sup>5</sup> These are the minimum PE requirements in elementary schools for school year 2019-2020.

<sup>6</sup> These are the minimum PE requirements in middle schools (grades 6 through 8) for school year 2022-2023.

<sup>7</sup> Ibid. p. 5

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The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complimentary, not duplicated and work toward the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

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END OF POLICY

**Legal Reference(s):**

- [ORS 327.531](#)
- [ORS 327.537](#)
- [ORS 329.496](#)
- [ORS 332.107](#)
- [ORS 336.423](#)

- [OAR 581-051-0100](#)
- [OAR 581-051-0305](#)
- [OAR 581-051-0306](#)
- [OAR 581-051-0310](#)
- [OAR 581-051-0400](#)

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b (2018).  
 National School Lunch Program, 7 C.F.R. Part 210 (2022).  
 School Breakfast Program, 7 C.F.R. Part 220 (2022).  
[House Bill 3199](#) (2023).

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# Brookings-Harbor School District 17C

Code: BDC  
Adopted: 1/18/88  
Revised/Readopted: 10/22/03; 10/16/13; 11/16/16;  
4/15/20  
Orig. Code(s): BDC

## Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be included as an agenda item of an existing meeting [in accordance with ~~convened by the~~ Board policy BDDC -~~chair upon request of three~~ Board Meeting Agenda] ~~members~~ or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, the ~~by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660, during a regular, special or emergency meeting.~~ The presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.<sup>1</sup> (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer<sup>2</sup>, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))

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<sup>1</sup> This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. Prior to holding an executive session under ORS 192.660(2)(a), the Board must ensure

- a. The vacancy has been advertised;
- b. Regular hiring procedures have been adopted;
- c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and
- d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

<sup>2</sup> To determine whether the individual involved is considered a public officer, consult with legal counsel.

5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
1. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))
2. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))
3. To review the expulsion of a minor student from a public elementary or secondary school. (~~+~~ORS 332.061(1)(a))
9. To ~~review~~ discuss matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
10. Hearings on the expulsion of a minor ~~student~~ students or examination of the confidential records of a student ~~including~~; and
11. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential except as provided by law. Board members and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required by law.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.045](#)  
[ORS 332.061](#)

OR. ATTY. GEN. Public Records and Meetings Manual.  
Oregon Government Ethics Commission, [Staff Advisory Opinion](#) No. 22-106S  
[House Bill 2806](#) (2023)

# Brookings-Harbor School District 17C

Code: **BD/BDA**  
Adopted: 1/18/88  
Revised/Readopted: 10/22/03; 6/14/06; 2/17/10;  
10/16/13; 11/16/16; 2/16/22  
Orig. Code: BD/BDA

## Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening<sup>1</sup> of a quorum of the Board as the district’s governing body to make a decision<sup>2</sup> or to deliberate<sup>3</sup> toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Board ~~governing body~~, i.e. a work session. “Meeting” does not include any on-site inspection ~~The affirmative vote~~ of any project or program the attendance ~~majority~~ of members of the Board at any national, regional or state association ~~is required~~ to which the Board or its members belong ~~transact any business~~.

The affirmative vote of the majority of members of the Board is required to transact any business. All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. ~~[For information~~ ~~Information on~~ how to give or submit public comment ~~[it is outlined in Board policy BDDH - Public Comment at Board Meetings<sup>4</sup> ] [and /or] [posted on the district’s website].]~~

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law<sup>5</sup>. The Board may attend training sessions outside the district boundaries but

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<sup>1</sup> “Convening” means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

<sup>2</sup> “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

<sup>3</sup> “Deliberation” means discussion or communication that is part of a decision-making process.

<sup>4</sup> ~~When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting~~, ~~at the designated portion of the agenda,~~ by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

<sup>5</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice ~~those with disabilities~~, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they ~~are~~ were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

~~[If requested to do so at least [72]48 hours before a meeting held in public, the Board will make a reasonable good faith effort to provide translation services. {6}]~~

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

~~[The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.]~~

#### 1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. ~~[A special meeting may also be scheduled if less than a quorum is present at a meeting, or additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons.]~~ At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

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{<sup>6</sup> Districts are encouraged to evaluate translation needs and resources prior to adding this language. A district may decide that translating the agenda, minutes or other documents, or public comment is sufficient.}

## 2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such ~~communication. Electronic~~ communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

### Communications outside of a Board meeting

~~Electronic communications~~ may contain:

- a. Communications to, between or among members of a governing body that are:
- b. Purely factual or educational in nature ~~Agenda item suggestions;~~
- c. ~~Reminders regarding meeting times, dates~~ and that convey no deliberation or decision on any matter that might reasonably come before the Board (including ~~places;~~
- d. ~~Board meeting~~ agendas and ~~or~~ information concerning agenda items);
  - (1) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
  - (2) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or
- e. ~~One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);~~
- f. Individual responses to questions posed by community members, subject to other limitations in Board policy.

[E-mails sent to other Board members will have the following notice:

*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by public meetings law.*]-

## 3. Private or Social Meetings

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

## 4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. [The Board [may make] [is discouraged from making] official decisions during a work session.] [Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.]-

## 5. Executive Sessions

Executive sessions may be held [as an agenda item] during regular, special or emergency meetings for a reason permitted by law. [~~(See Board policy BDC - Executive Sessions)~~]

Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.<sup>7</sup>

### <sup>{8}</sup> [Mandatory Training

Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGEC) at least once during the Board member’s term of office and shall verify attendance in accordance with OGEC procedures.]

END OF POLICY

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### Legal Reference(s):

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<sup>7</sup> See House Bill 2805 (2023) Section 5(2) for requirements of the response.

<sup>8</sup> {This is required for Board members in districts with total expenditures for a fiscal year of \$1 million or more. This number will be reviewed by OGEC at least once every five years. If the district has total expenditures of less than \$1 million, this language can be kept, but “shall” should be replaced with “is encouraged to.”}

[ORS Chapter 192](#)

[ORS 255.335](#)

[ORS 332.040 - 332.061](#)

[ORS 433.835 - 433.875](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

OR. ATTY. GEN. Public Records and Meetings Manual.

[House Bill 2805](#) (2023).