

LANE EDUCATION SERVICE DISTRICT	BOARD MEETING
1200 Hwy 99 N	Tuesday, January 7, 2025
Eugene, Oregon 97402	Regular Meeting: 6:00 PM

**LANE ESD BOARD MEETING
AGENDA**

Tuesday, January 7, 2025

1. 5:00 PM Executive Session

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action.

An executive session may be convened by the Board chair, upon request of three Board members or 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 ORS 192.660 for holding such session and by noting the subject of the executive session.

The Board of Directors of Lane ESD will conduct an Executive Session to consider information or records that are exempt by law from public inspection (ORS 192.660(2)(f)) and 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))

Superintendent Scurto

2. Call Regular Meeting To Order

Board Chair

3. Change in Public Meeting Requirements

Senate Bill 1502 requires public education governing boards of common or union high school districts, education service districts, community college districts, and public universities... to post video or audio recordings of each meeting to the district, college, or university website or social media site within seven days of the meeting. If a board's facilities lack broadband internet, then the board may post audio instead of video on its website or social media site. The bill exempts school districts of less than 50 students in resident average daily membership (ADMr). The bill also exempts from these requirements any meeting or portion of a meeting that is conducted in executive session.

Similarly, OSBA has posted a public meetings [FAQ](#) that includes information on [SB 1502](#) and they will be putting out updates to their public meetings policies in February.

Additionally, HB 2805 (2023) **requires all school board members to complete public meeting training once per term of office.** OSBA will be hosting a webinar scheduled for February 6 from 5 to 6:30 pm that will be open to administrators, board members and board secretaries with information on both topics.

More information from the OSBA webpage:

House Bill 2805 (2023): This bill, effective January 1, 2024, introduced several changes that expanded the definition of a "meeting," clarifying procedures, and gave additional oversight to OGEC:

- **Expanded what counts as a meeting:** The definition of "convening" in ORS 192.610 was broadened to include more communications between public body members.
- **Formal Grievance Process:** HB 2805 established a mandatory grievance process for anyone who believes a governing body violated the PML. The process requires a person to file a written grievance with the public body within 30 days of the alleged violation. The public body must **respond in writing within 21 days** and must send a copy of both the grievance and written response to OGEC.
- **Expanded OGEC Oversight:** OGEC's authority to review and investigate complaints was expanded to cover **any provision** of ORS 192.610 to 192.690, not just executive sessions.
- **Mandatory Training:** Members of governing bodies with total expenditures of \$1 million or more are now required to attend training on the Public Meeting Law (PML) at least once per term of office.

Senate Bill 1502 (2024): This bill specifically requires governing bodies of certain educational institutions to publish video recordings of their public meetings:

- **Applies To:** School districts with ADM of more than 50 students, education service districts, and community colleges
- **Recording Requirements:** Public bodies at these institutions must make a video recording of all their meetings and post the recordings online within seven days. An audio recording is allowed if broadband internet access is unavailable.
- **Exceptions:** The law does not apply to executive session meetings.

How has the definition of a "meeting" changed? HB 2805 significantly changed the definition of "meeting" by broadening what constitutes "convening." Previously, the law focused on physical gatherings of public body members or the use of technology for contemporaneous communication. Now, the following are also considered forms of "convening" and could trigger the requirements of the PML:

- **Serial Electronic Written Communication:** A series of communications among members of a governing body, such as emails, texts, or social media messages, even if they are not communicating at the same time, can constitute a public meeting if it occurs among a quorum of the public body members.
- **Use of an intermediary:** Using a third party to relay information or facilitate communication among members of a governing body can also be considered a meeting if it occurs among a quorum of public body members.

When are communications among a quorum of public body members NOT considered a public meeting? Some types of communications among public body members are excluded from the definition of a "meeting." These are generally considered "non-substantive" and include:

- Purely factual or educational communications which don't involve deliberation or decision-making.
- Communications that are not related to any matter that could reasonably be foreseen to come before the governing body for deliberation or decision.
- Communications related to scheduling, leaves of absence, or other similar administrative matters.
- Attendance at professional conferences or on-site inspections, if the members do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.

Which groups/committees must follow the PML requirements? Oregon's Public Meetings Law applies to all governing bodies of a public body. A governing body is two or more members with the authority to make decisions for, or recommendations to, a public body on matters of policy or administration. There are two main categories of governing bodies: (1) decision-making bodies, which have the power to make binding decisions for a public body and act on its behalf; (2) advisory bodies, which provide recommendations to another governing body on policy or administration. The following are examples of bodies which are NOT subject to PML:

- **Fact-Gathering Bodies:** If a body's sole purpose is to gather factual information for a governing body and it lacks decision-making or recommendation authority, it

is not subject to the PML. However, if it determines facts or looks at competing factual information to make a recommendation, it is a body subject to the PML.

- **Bodies Advising Individual Public Officials:** These are bodies appointed by a single public official to provide recommendations solely to that official. The PML does not apply if the official has authority to act on the recommendations without passing them on to another governing body.

What are the training requirements for public officials under the revised law? HB 2805 mandates training on Oregon's Public Meetings Law for all members of governing bodies that have total expenditures of \$1 million or more in a fiscal year. This training must be completed at least once during each term of office. Each public body member is responsible for maintaining a record of attendance at the required training. The training can be provided by OGEC or an organization approved by OGEC (OSBA has requested approval of its public meetings law training).

What are the penalties for violating the Public Meetings Law? OGEC has the authority to impose civil penalties on public officials for violations of the Public Meetings Law. According to ORS 244.350, the penalties can be up to:

- **\$1,000 per violation** for most violations of the public meetings law, depending on various factors such as the number of violations, whether there was intentional disregard for the law, and actions taken to prevent future violations.
- **No penalty:** If the governing body acted on the advice of its legal counsel, a penalty may not be imposed.

Superintendent Scurto, Board Chair

4. Welcome

Guests attending the meeting will be introduced.

Board Chair

5. Public Participation

This is an opportunity for the audience to address the Board on topics either on, or not on, the agenda. There will also be opportunities for the audience to comment on specific agenda items as the Board addresses them.

Comments Regarding Staff Members - Speakers may offer objective criticism of ESD operations and programs. The Board will not hear comments regarding any individual ESD staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a complaints involving a staff member. The association contract governing the employee's rights will be followed. A commendation involving a staff member

should be sent to the superintendent, who will forward it to the staff member, his/her supervisor and the Board.

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point. To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card and has been invited to speak by the Board chair, will be allowed three minutes.

Any person, who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

6. Lane Education Service District Statement of Accountability: Land Acknowledgement

Lane ESD acknowledges that the lands we call Lane County - the lands that sustain our children, our future, and our collective well-being - are the traditional ancestral home of the Kalapuya, Siuslaw, Molalla, and other indigenous people who have lived in Lane County since time immemorial. Native children, families, and communities bear witness to a legacy of displacement and forced relocation. As an educational institutions we are accountable for addressing the current and former silencing, erasure and genocide of native people in Oregon and Turtle Island. We aim to join with indigenous people, honoring their resilience, courage, and self-determination in a purposeful pursuit of justice.

Today indigenous people -- alive, diverse, and vibrant -- live in and contribute to the culture of Lane County. We are all blessed by their presence.

- We commit to support our own, Lane ESD staff, and student learning about indigenous peoples of Oregon, the history, culture, current concerns, and the role of educational institutions in the genocide of Native/Indigenous people and tribes and in the possibilities for repair and justice. As an ESD we will support and encourage the implementation of Tribal History/Shared History curriculum with all our educational partners.
- The board also commits to building relationships that would help us understand the lived experiences of our native students' families and communities and how LEED impacts our students, in collaboration with the superintendent.
- The board will review and update the spoken Statement of Accountability Land Acknowledgement annually during our annual organizational meeting or when needed.

Members of the Board

Lane ESD Board of Directors Land Acknowledgement

7. Agenda Review

Board Chair

8. Action Items

Board Chair

A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately.

Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda.

Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item.

If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Lane ESD Board Meeting Minutes of October 1, 2024
2. Lane ESD Board Meeting Minutes of December 8, 2024
3. Human Resource Report, dated December 20, 2024

Board Chair

HR Board Report - January 2025	17
LESD Board Minutes - December 3 2024	19
LESD Board Minutes - October 1 2024	26

B. Accept Investigative Findings Presented In Executive Session

DIRECTOR MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts findings and recommendations made by legal counsel that was shared during the Executive Session.

Board Chair

C. Accept Financial Report

BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for November 2024.

Superintendent Scurto

November 2024 Financial Report

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D. Declare Board Appreciation Month

School Board Recognition Month is celebrated in January to honor the unpaid elected volunteers who serve on Oregon's 197 local school boards, our 19 education service district boards and our 17 community college boards.

WHEREAS, Education Service District Boards exist to meet the diverse education needs of the school districts and students in their regions; **WHEREAS**, ESD boards focus resources on providing vital, innovative and cost-effective strategies to meet those diverse needs; **WHEREAS**, ESD boards help establish the vision for educational excellence in what students should know and be able to do; **WHEREAS**, ESD boards are accountable to the community for assisting the districts they serve to increase student achievement; **WHEREAS**, ESD boards create a climate that supports the philosophy that all children can learn, targeting resources, strategies and services to students who need special help to reach this goal; **WHEREAS**, ESD boards build collaborative relationships based on trust, teamwork and shared accountability; and

WHEREAS, ESD boards are committed to continuous education and training on issues related to best practices in education services for their districts;

NOW, THEREFORE, We hereby declare *our* appreciation to the members of the Lane ESD Board of Directors and proclaim January 2025 to be **Education Board Recognition Month**.

We urge all citizens to join *us* in recognizing the dedication and hard work of ESD board members in preparing today's students for tomorrow's world.

Superintendent Scurto

E. Approve 2025-27 Local Service Plan - Year One

The Lane Superintendents' Council approved the 2025-27 Local Service Plan - Year One at its December 17 meeting.

According to ORS 334.175, services provided by an education service district shall be provided according to a local service plan developed by the education service district and component school districts. Further, after being adopted by the board of the education service district, be approved on or before March 1 by resolution of two-thirds of the component school districts that are a part of the education service district and that have at least a majority of the pupils included in the average daily membership of the education service district.

Superintendent Scurto is currently scheduled to visit the following component school district boards:

Blachly School District, January 8, 6:00 p.m.
Springfield Public Schools, January 13, 7:00 p.m.
McKenzie School District, January 15, 5:30 p.m.

Superintendent Scurto, Board Chair

Lane ESD 2025-2027 Local Service Plan - Year One

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F. Approve Grant

Lane ESD shall pursue federal, state or private grants or other such funds that will assist the ESD in meeting adopted Board and ESD goals.

Proposals for external funds will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use his/her judgment in approving it for submission. The superintendent will review the proposal with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

The Board shall, before acceptance of such funds, consider the district's obligations, expectations or encumbrances when the grant ceases.

The Americorps planning grant can support staffing costs, travel, materials, and other costs necessary to conduct research and engage community

members and partners in planning activities related to Team Oregon Build projects and partners. The year-long planning grant will allow existing partners to look at community projects, participating schools, and interested community partners to identify problems in the community(ies) where Lane ESD focuses its efforts. We will use reputable/current/local data from the past several years of Constructing a Brighter Future and Team Oregon Build. AmeriCorps members can be an effective tool to engage the community, and we want to explore this possibility with the planning grant. Lane ESD believes that AmeriCorps members could potentially be an effective tool for addressing the community need that TOB is trying to address; contribute to improved educational outcomes for students across Lane County and prepare students for success post high school.

BE IT RESOLVED that the Board of Directors of Lane ESD approve the Americorps Planning Grant as submitted to the Board.

Superintendent Scurto

Americorps Planning Grant

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G. Adopt Policy Updates

The Board shall exercise its rule-making power by adopting policies consistent with the Oregon Revised Statutes, Oregon Administrative Rules or opinions of a court of competent authority, for its own governance and for the organization and operation of Lane ESD.

Such policies may be adopted, amended or repealed at any Board meeting provided that the proposed adoption, amendment or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding meeting until approved or rejected and except that the Board may adopt, amend or repeal policies at any meeting of the Board in the event of an actual emergency, as determined at the sole discretion of the Board. Additionally, when in the best interests of the district immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies shall be adopted, amended or repealed by the affirmative vote of four or more Board members.

BE IT RESOLVED that the Board of Directors of Lane ESD adopt policies first read and reviewed at its December 2024 meeting, as listed.

1. AC: Nondiscrimination and Civil Rights

The U.S. Department of Education recently released amendments to the Title IX regulations. These regulations went into effect on August 1, 2024, and made significant changes to complaint procedures for discrimination on the basis of sex. The previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX regulations. Board policy GBN/JBA Sexual Harassment still addresses sexual harassment under Oregon law, but GBN/JBA-AR(1) Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) Federal Law (Title IX) Sexual Harassment Procedure are both recommended for deletion in lieu of revised AC-AR(1) Discrimination or Civil Rights Complaint Procedures and new AC-AR(2) Sex-Based Discrimination under Title IX.

Lane ESD existing policy AC ([click here](#))

Superintendent Scurto

AC Nondiscrimination and Civil Rights

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2. GBN/JBA and JBA/GBN: Sexual Harassment

The U.S. Department of Education recently released amendments to the Title IX regulations. These regulations went into effect on August 1, 2024, and made significant changes to complaint procedures for discrimination on the basis of sex. The previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX regulations. Board policy GBN/JBA Sexual Harassment still addresses sexual harassment under Oregon law, but GBN/JBA-AR(1) Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) Federal Law (Title IX) Sexual Harassment Procedure are both recommended for deletion in lieu of revised AC-AR(1) Discrimination or Civil Rights Complaint Procedures and new AC-AR(2) Sex-Based Discrimination under Title IX.

Lane ESD existing policies GBN/JBA and JBA/GBN ([click here](#)).

Superintendent Scurto

GBN_JBA Sexual Harassment

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JBA_GBN Sexual Harassment

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9. Discussion/Reports

A. Legislative Update

Superintendent Scurto will provide an update in legislative activities if there are any updates.

Superintendent Tony Scurto

B. Superintendent Report

Superintendent Tony Scurto

C. Component District Board Visits - Local Service Plan

Visits to component district board meetings are scheduled. Component districts have until March 1, 2025 to approve the 2025-27 Local Service Plan - Year One.

The following component board visits are currently calendared (assigned Board Member):

Blachly School District, January 8, 6:00 p.m.
Springfield Public Schools, January 13, 7:00 p.m.
McKenzie School District, January 15, 5:30 p.m.

Bethel:	Sydney Kissinger	Mapleton:	Nora Kent
Blachly:	Nora Kent	Marcola:	Vanessa Truett
Creswell:	Sherry Duerst-Higgins	McKenzie:	Leslie Harris
Crow-Applegate-Lorane:	Leslie Harris	Oakridge:	Linda Hamilton
Eugene 4J:	Linda Hamilton	Pleasant Hill:	Rose Wilde
Fern Ridge:	Sydney Kissinger	Siuslaw:	Nora Kent
Junction City:	Linda Hamilton	South Lane:	Sherry Duerst-Higgins
Lowell:	Rose Wilde	Springfield:	Vanessa Truett

Superintendent Tony Scurto

D. OAESD Spring Conference

The Board will discuss attendance at the OAESD Spring Conference, May 7-9, 2025 at the Sunriver Resort.

OAESD will be using the Sched platform for event information and registration this year. In order to register for the event, **each attendee will need their own Sched Account.** Attendees that do not already have an account, will need to create an account at Sched.com. Each person will need to use their own email when creating their account. This is free to do. Once registration is opened, OAESD will send out the Spring Conference event page link, along with the password needed for the event registration.

The Sunriver Room Block is open and ready for reservations.

Board Chair

E. Policy First Reads

The Board shall exercise its rule-making power by adopting policies consistent with the Oregon Revised Statutes, Oregon Administrative Rules or opinions of a court of competent authority, for its own governance and for the organization and operation of Lane ESD. The Board accepts the definition of policy set forth by the National School Boards Association:

School Board policies are statements which set forth the purposes and prescribe in general terms the organization and program of a school system. They create a framework within which the superintendent and his/her staff can discharge their assigned duties with positive direction. They tell what is wanted.

Such policies may be adopted, amended or repealed at any Board meeting provided that the proposed adoption, amendment or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding meeting until approved or rejected and except that the Board may adopt, amend or repeal policies at any meeting of the Board in the event of an actual emergency, as determined at the sole discretion of the Board. Additionally, when in the best interests of the district immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

House Bill 4160 (2024) changed the definition of student; changing a student who left school or graduated from high school "within 90 days" to "within one calendar year", and is in effect as of July 1, 2024 and is included in the

recommended revisions.

Local ESD Responsibility: Adopt updated language in the required policy GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements.

Policy(ies) Impacted by these Revisions:

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements, Required

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements, Required

Superintendent Scurto

GBNAA_JHFF G1 68

JHFF_GBNAA G1 71

F. Administrative Rule Update(s)

Administrative rules are detailed directions governing the operation of Lane ESD.

The superintendent is authorized to formulate such administrative rules appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the ESD. Such administrative rules shall be binding on the employees of Lane ESD and the students in the classrooms of the ESD until modified or repealed.

All new or amended administrative rules will become effective on the day after being approved by the superintendent unless an alternative effective date is specified. When approved by the superintendent, administrative rules shall be distributed to staff and other individuals, as appropriate.

The superintendent will make administrative rules available to the Board. The Board may review any administrative rule and may direct its revision if, in the Board's judgment, such rule is not consistent with adopted policies.

Superintendent Scurto has revised Administrative Rules AC-AR(1) Civil Rights Complaint Procedure and AC-AR(2) Sex-Based Discrimination Under Title IX. These changes are based upon the U.S. Department of Education's recently released amendments to the Title IX regulations.

These regulations went into effect on August 1, 2024, and made significant changes to complaint procedures for discrimination on the basis of sex. The

previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) - Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX regulations. Board policy GBN/JBA - Sexual Harassment still addresses sexual harassment under Oregon law, but GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Procedure are both recommended for deletion in lieu of revised AC-AR(1) - Discrimination or Civil Rights Complaint Procedures and new AC-AR(2) - Sex-Based Discrimination under Title IX.

Superintendent Scurto

DRAFT AC R 1 G1 (12_30_24) 74

DRAFT AC R 2 G1 (12 30 24) 78

10. Information from Administrative Staff

The directors of Human Resources and Title Programs, Special Education, Business Services, Technology and School Improvement have submitted written reports to the Board on matters of interest concerning his/her area of responsibility.

Administrative Staff

HR Board Report - January 2025 (summary) 90

January 2025, IT Board Report 91

SI Board Report - January 2025 93

11. Board Member Reports and Comments/Agenda Planning

Lane ESD Board, Liaisons, Advisors

A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

Board Chair

B. Board Member Reports

Board members are asked to submit their reports in writing to be attached to Boardbook. Reports can be sent to the Executive Assistant in advance of the meeting.

As Board Members prepare their reports, please consider the following questions:

1. What programs did I visit over the last month? What committees did I participate in?
2. What is the connection to the LESD services and programs to the component districts or community?
3. What significance or meaning does the activity have to the broader community?
4. What are the next steps or follow-up activities planned?

Sherry Duerst-Higgins
Linda Hamilton

Leslie Harris

Nora Kent
Sydney Kissinger

Vanessa Truett: Activities through December include-

LCC winter music festival. Several Springfield SB members in attendance. North Eugene Choir showcased.

Recovery High School Meeting at Lane ESD.
Grand Opening and Winter Fundraiser for the Lavender Network. Event was crowded, with lots of accommodations. Karaoke, s'mores station, teen center. Crafts, selfie station and Photos with Santa. Tours of building which houses Transponder and HIV Alliance (Building donated by Methodist church on Maxwell.)

Rose Wilde

Andy Grzeskowiak, Superintendents' Council Advisor
Erin Zygaitis, Community Advisor
Mike Anderson, Liaison, Creswell School District

Board, Advisors, Liaisons

12. Announcements/Correspondence

Board Chair

A. Acknowledgements and Recognition

Superintendent Tony Scurto

B. Kudos

Kudos to: Jose Pleitez-Sanchez

Reported by: Christina Okesson

Reason: The technology department staff members have voted to recognize Jose as our IT employee of the month (December). Statements made: "Over the last couple weeks Jose worked outside normal business hours to remediate critical vulnerabilities on core networking infrastructure." "Jose is always dependable, driven, and hard working, and is the first to volunteer." "Jose has been a rockstar working on our network equipment replacement project, which included extensive PD to learn a new system."

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit:
www.lesd.k12.or.us/forms/kudos.html

Administrators

C. Announcements

Board Chair

1. **Lane ESD Board Member Activities and Opportunities**
2. **Component District Board Meeting Dates**

13. Adjournment

- The next regular meeting is scheduled to be held Tuesday, February 4, 2025, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

HUMAN RESOURCES REPORT TO LANE ESD BOARD

December 20, 2024

CLASSIFIED STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	White, Elizabeth	Instructional Assistant	12/31/2024	
	Patil, Jaya	Instructional Assistant	12/31/2024	
	Reyes, Valerie	Instructional Assistant	12/31/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

LICENSED STAFF (Action)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	Heyer, David	School Nurse	12/17/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

PROFESSIONAL STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>				
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

MANAGEMENT STAFF (Action)

	Employee Name	Position	Effective Date	Notes
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<i>Appointments</i>			
<i>Leaves of Absence</i>			
<i>Discontinuation of Employment</i>			
<i>Change of Status</i>			

VACANCY NOTICES (Information)

Posting #	Position	Closing Date	Notes
966	Speech Language Pathologist	6/12/2024	In process
992	Sign Language Interpreter	Open pool	In process
1006	Instructional Assistant, At-Large	Open pool	In process
1019	Instructional Assistant, Life Skills	Open pool	Filled
1053	Teacher, Life Skills (Middle School)	Open pool	In process
1058	Instructional Assistant, Life Skills	Open pool	Filled
1059	Instructional Assistant, Life Skills	Open pool	In process
1061	Teacher, Life Skills (Transitions)	Open pool	In process
1066	Instructional Assistant, Life Skills	Open pool	In process
1068	Instructional Assistant, Life Skills	Open pool	Filled
1069	School Nurse	Open pool	Filled
1071	Instructional Assistant, Life Skills	Open pool	In Process
1072	Instructional Assistant, Life Skills	Open pool	In Process
1085	Behavioral Health Pathway Specialist (Temporary 6/30/2026)	Open pool	In Process
1087	Senior Accounting Specialist	1/10/2025	In Process
1094	Instructional Assistant, Life Skills	Open pool	Filled
1095	teacher, Life Skills (Transitions) (Temporary)	12/30/2024	In Process
1096	Instructional Assistant, Life Skills	1/13/2025	In Process



LANE EDUCATION SERVICE DISTRICT

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Eugene, OR 97402

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www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

LANE EDUCATION SERVICE DISTRICT

1200 Hwy 99 N
Eugene, Oregon 97402

Board of Directors

December 3, 2024
Regular Meeting 5:30 PM

1. Call Regular Meeting To Order

Chair Sherry Duerst-Higgins called the meeting to order at 5:30 p.m.

2. Welcome

Board members present: Chair Sherry Duerst-Higgins, Vice-Chair Leslie Harris, Linda Hamilton, Nora Kent (remote), Sydney Kissinger, Vanessa Truett, and Rose Wilde

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Human Resources Executive Director Morgan Christensen, Business Services Executive Director Olivia Meyers Buch, Executive Director of Special Education Molly Gillett, School Improvement Co-Director Cassadie Mitchell, Chief Information Officer Brandon Webb, recording secretary Julie Simmonds (remote)

Advisors/Liaisons Present: Dave McGrath (Superintendents' Council Liaison), Mike Anderson (Component District Board Liaison)

Guests Present: Mary White (LCEA), John Quetzalcoatl Murray (KEPW)

3. Public Participation

There was no public comment.

4. Agenda Review

The agenda was reviewed.

5. Lane Education Service District Statement of Accountability: Land Acknowledgement

Director Wilde read aloud:

Lane ESD acknowledges that the lands we call Lane County - the lands that sustain our children, our future, and our collective well-being - are the traditional ancestral home of the Kalapuya, Siuslaw, Molalla, and other indigenous people who have lived in Lane County since time immemorial. Native children, families, and communities bear witness to a legacy of displacement and forced relocation. As an educational institution we are accountable for addressing the current and former silencing, erasure and genocide of native people in Oregon and Turtle Island. We aim to join with indigenous people, honoring their resilience, courage, and self-determination in a purposeful pursuit of justice.

Today indigenous people -- alive, diverse, and vibrant -- live in and contribute to the culture of Lane County. We are all blessed by their presence.

1. We commit to support our own, Lane ESD staff, and student learning about indigenous peoples of Oregon, the history, culture, current concerns, and the role of educational institutions in the genocide of Native/Indigenous people and tribes and in the possibilities for repair and justice. As an ESD we will support and encourage the implementation of Tribal History/Shared History curriculum with all our educational partners.
2. The board also commits to building relationships that would help us understand the lived experiences of our native students' families and communities and how LESD impacts our students, in collaboration with the superintendent.

3. The board will review and update the spoken Statement of Accountability Land Acknowledgement annually during our annual organizational meeting or when needed.

6. Presentation: Youth Voice

Lane ESD's Dr. Shareen Springer presented to the Board on activities related to engaging students and Youth Voice. Students from component districts participated in the presentation. Students included Eva Perez (Junction City), Mars Hernandez (Springfield), Miranda Ryker (Springfield), Olivia Staten (Junction City), and Eden Moses (Springfield).

7. Action Items

7.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately.

Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda.

Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item.

If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Lane ESD Board Meeting Minutes of November 12, 2024
2. Human Resource Report, dated November 26, 2024

Director Harris seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-035)**

7.B. Accept Financial Report

Business Services Executive Director Olivia Meyers Buch provided comments on the Financial Report. Following updates to the projections, the revenue projections remains the same but planned expenditures have increased, reducing the projected Budget.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for October 2024. Director Harris seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. . (ESD Resolution #25-036)**

7.C. Approve Grant(s)

Lane ESD shall pursue federal, state or private grants or other such funds that will assist the ESD in meeting adopted Board and ESD goals.

Proposals for external funds will be submitted to the Board for evaluation and approval. In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use his/her judgment in approving it for submission.

The superintendent will review the proposal with the Board at its next regular meeting.

The Board reserves the right to reject funds associated with any grant which has been approved. The Board shall, before an acceptance of such funds, consider the district's obligations, expectations or

encumbrances when the grant ceases.

The Board reviewed and discussed the Behavior Health Pathway Grant, which would provide \$800,000 to promote equity in student access to Career Technical Education Programs of Study, resources, and opportunities in a much-needed Behavioral Health pathway. Plaza, Native Youth Wellness, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw's Circles of Healing Program, Migrant Education Program, NAACP, LCBH, and almost every other stakeholder in the community have shared experiences that declare high demand for services, vacant positions, high staff turnover, unprepared entry level practitioners, and related trends. Lane ESD has intentionally partnered with culturally relevant community and industry partners that reflect these community groups and will bring culturally-specific curriculum and training to students.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD that the Board of Directors of Lane ESD approves the Behavioral Health Pathway Grant as submitted. Director Harris seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-037)**

7.D. OSBA Election

7.D.1. Resolution to Amend the OSBA 2023 Bylaws

This item was tabled at the November 2024 meeting of the Board.

DIRECTOR HAMILTON MOVED: WHEREAS, the Oregon School Boards Association (OSBA) was formed in 1946 as a volunteer association of locally elected public school boards;

WHEREAS, in 2017, through a vote of the OSBA membership, OSBA was incorporated under ORS chapter 65 as a public benefit non-profit corporation and the OSBA bylaws replaced the OSBA constitution;

WHEREAS, in 2018, through a vote of the OSBA membership, the OSBA bylaws were amended to expand the OSBA board of directors and legislative policy committee with representatives from the Oregon school board members of color caucus;

WHEREAS, in 2023, through a vote of the OSBA membership, the OSBA bylaws were amended to expand the OSBA board of directors and legislative policy committee with representatives from the Oregon rural school board members caucus and additional revisions to the bylaws;

WHEREAS, in 2024, the OSBA board of directors reviewed the OSBA bylaws and proposes to amend the OSBA bylaws as reflected in the attached draft OSBA bylaws with changes highlighted in the attached draft OSBA bylaws crosswalk document; and

WHEREAS, the substantive changes to the draft OSBA bylaws are the following:

- Allowing caucuses to have an additional director on the OSBA board of directors in the circumstance where the OSBA president or immediate past president is a director from a caucus. This revision is intended to provide the same opportunity for representation for caucuses as is currently provided to regionally elected directors.
- Clarify that OSBA board of directors must comply with the Oregon government ethics laws with respect to conflicts-of-interest.
- Require OSBA caucuses to submit an annual year end fiscal report to the OSBA board of directors.
- Create officer eligibility criteria that requires candidates for officer positions and directors in officer positions to be voting members of the OSBA board of directors.
- Expand the OSBA board of directors and legislative policy committee with representatives from the Oregon school board members PRIDE caucus.
- Edits to grammar, punctuation, and language for readability.

THEREFORE, BE IT RESOLVED by the OSBA board of directors that the proposed draft OSBA bylaws be submitted to the membership for consideration during the 2024 OSBA election; and

BE IT FURTHER RESOLVED that the proposed draft OSBA bylaws, the draft OSBA bylaws crosswalk document and a copy of this resolution be forwarded to all OSBA member boards in accordance with the OSBA board of directors' adopted elections calendar.

BE IT RESOLVED that the Board of Directors of Lane ESD votes **NO** on the OSBA Bylaws as presented. Director Harris seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-**

HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-038)

7.D.2. Resolution to Amend Oregon School Boards Association's Bylaws Relating to Composition of the Board of Directors

This item was tabled at the November 2024 meeting of the Board.

DIRECTOR WILDE MOVED: BE IT RESOLVED

WHEREAS, the Oregon School Boards Association (OSBA) was formed in 1946 as a volunteer association of locally elected public school boards and transitioned to a nonprofit public benefit corporation under Oregon Revised Statute Chapter 65 as of July 1, 2018;

WHEREAS, the Oregon LGBTQIA2S+ School Board Members Advisory Committee has been operating as an OSBA board appointed advisory committee since September 22, 2023; has a record of regular meetings; has draft bylaws; has identified goals that align with the mission, vision and goals of OSBA; has draft action plans; and a draft budget;

WHEREAS, the Oregon LGBTQIA2S+ School Board Members Advisory Committee is ready to elect officers and their Leadership Assembly;

WHEREAS, the Oregon LGBTQIA2S+ School Board Members Advisory Committee has articulated its mission as follows: "To promote quality education for all students with an emphasis on the unique needs of LGBTQIA2S+ students, staff and board members.";

WHEREAS, OSBA's Board of Directors recognizes the importance of the Oregon LGBTQIA2S+ School Board Members Advisory Committee's mission and goals; and

WHEREAS, the Oregon LGBTQIA2S+ School Board Members Advisory Committee has respectfully requested that the Board of Directors submit a resolution to the membership creating the Oregon School Board Members PRIDE Caucus (OSBM PRIDE) and designate a seat on the OSBA Board of Directors and Legislative Policy Committee.

THEREFORE, BE IT RESOLVED by the OSBA Board of Directors that the proposed bylaws amendment designating an Oregon School Board Members PRIDE Caucus representative as a voting member of the OSBA Board of Directors and Legislative Policy Committee be submitted to the membership for consideration during the 2024 OSBA election; and

BE IT FURTHER RESOLVED that the draft bylaws and a copy of this resolution be forwarded to all association member boards in accordance with OSBA's adopted elections calendar.

Director Harris seconded and the **MOTION FAILED WITH DIRECTORS KISSINGER and TRUETT VOTING YES, DIRECTOR KENT ABSTAINING, and DIRECTORS DUERST-HIGGINS, HAMILTON, AND HARRIS OPPOSED. (ESD Resolution #25-039)**

7.E. OAESD Officer's Council Nomination - Chair Elect

The Officer Council consists of the officers of OAESD. These are the Chair, Chair-Elect, and Past Chair of the OAESD Board and President, President-Elect, and Past President of the OAESD Superintendents' Council. The term of office for the officers shall be one year in each role. Any officer may be elected to no more than two successive terms. The Chair-Elect and President-Elect succeed the Chair and President, respectively. Past practice has been for each ESD Board to have the opportunity to nominate a candidate for the position of Chair-Elect and for each member ESD superintendent to have the opportunity to nominate a candidate for President-Elect.

The nomination and election timeline for 2025 will be as follows:

November-December- Local Boards may nominate eligible members of their own or other ESD boards for Chair-Elect. Superintendents may nominate themselves or other ESD superintendents for President-Elect. Nominations will be turned in to the OAESD Executive Director no later than December 31.

January-February - Local Boards will cast their votes for Chair-Elect. Superintendents will cast their votes for President Elect. Results will be turned in to the OAESD Executive Director no later than February 28.

March - The results of the election(s) will be announced on March 7. Newly elected officers may join meetings and events in a non-voting capacity for the remainder of the 2024-25 year. Official duties will

begin on July 1, 2025.

The Board of Directors will discuss making a nomination to the OAESD Officer's Council.

The Lane ESD Board of Directors made no nominations, taking no action on the agenda item.

8. Discussion/Reports

8.A. Legislative Update

Governor's Budget

The Governor's Budget has been released with \$11.36M in the State School Fund. This would maintain the current service level for districts. The legislature will set the State School Fund amount in the upcoming session.

The economic forecast released last week once again shows increased revenues.

Special Education

The Coalition of Oregon School Administrators and Oregon Association of Education Service District are advocating together for Special Education items that the legislators will be deciding on during the next session. Early Intervention/Early Childhood Special Education (EI/ECSE) and Regional Inclusive Services funding are top priorities. Additional funding for High-Cost Disabilities would provide increased reimbursement to districts for services to high-needs students. The last item of focus is the cap on Special Education Student funding (currently at 11% of students); the OAESD Legislative Committee would like to increase this cap beyond 11% of students. The State School Fund does not fund special education services beyond the 11% of students in a district.

Legislator Convening

At the OSBA Regional Roundtable event at the OSBA Convention, the region's Board members expressed a desire to convene a Legislator Summit with the eleven legislators in Lane County. COSA advice is to schedule for some time in mid-January. May face challenges in space, limiting the number of participants per district. There may be a desire to include students.

8.B. Superintendent Report

Local Service Plan

The Local Service Plan for the next biennium is not yet approved by the Superintendents' Council. Part of the delay is the decision on how to support Lane Career Academy. The current model is a slot cost model, where districts pay per student enrolled. There is a recommendation to increase the Core amounts to fund the Lane Career Academy, removing the per-student slot cost to districts.

Policy Desk Rewrite

The start of this process is a few weeks out.

Lane County Recovery High School

This school would be for students in recovery from drugs or alcohol. A meeting will be held on December 12 with ODE to discuss potentially applying for a grant to fund the startup of this school. ODE anticipates releasing a grant RFP in January. Any Board members interested in attending the meeting should let Superintendent Scurto know. Willamette and Multnomah ESDs are involved in providing recovery schools currently. Lane County has not yet identified a space to host the program. The school would provide all four years of high school, with students volunteering to enroll.

8.C. First Read: Policies

The U.S. Department of Education recently released amendments to the Title IX regulations. These regulations went into effect on August 1, 2024, and made significant changes to complaint procedures for discrimination on the basis of sex. The previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX

regulations. Board policy GBN/JBA Sexual Harassment still addresses sexual harassment under Oregon law, but GBN/JBA-AR(1) Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) Federal Law (Title IX) Sexual Harassment Procedure are both recommended for deletion in lieu of revised AC-AR(1) Discrimination or Civil Rights Complaint Procedures and new AC-AR(2) Sex-Based Discrimination under Title IX.

8.C.1. AC: Nondiscrimination and Civil Rights

8.C.2. GBN/JBA and JBA/GBN: Sexual Harassment

8.D. Administrative Rule Update: BBB Board Advisor and Liaison

Administrative rules are detailed directions governing the operation of Lane ESD. The superintendent is authorized to formulate such administrative rules appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the ESD. Such administrative rules shall be binding on the employees of Lane ESD and the students in the classrooms of the ESD until modified or repealed. All new or amended administrative rules will become effective on the day after approved by the superintendent unless an alternative effective date is specified. When approved by the superintendent, administrative rules shall be distributed to staff and other individuals, as appropriate. The superintendent will make administrative rules available to the Board. The Board may review any administrative rule and may direct its revision if, in the Board's judgment, such rule is not consistent with adopted policies.

The Board of Directors of Lane ESD reviewed updates to Administrative Rule BBB, Board Advisor and Liaison. Updates include two-year term limits for Community Advisors, rotating the Superintendents' Council representative with the schedule determined at the Superintendents' Council meeting, and adding guidance for term length for Component District Board Advisors.

9. Superintendent Discussion:

AC-AR(1) Discrimination or Civil Rights Complaint Procedure

AC-AR(2) Sex-Based Discrimination Under Title IX

Superintendent Scurto discussed changes to the administrative rules related to the Nondiscrimination and Civil Rights policy updates, AC-AR(1) Discrimination or Civil Rights Complaint Procedure AC-AR(2) Sex-Based Discrimination Under Title IX.

10. Information from Administrative Staff

The directors of Human Resources and Title Programs, Special Education, Business Services, Technology and School Improvement provided oral and written reports to the Board on matters of interest concerning his/her area of responsibility.

11. Board Member Reports and Comments/Agenda Planning

11.A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email the Board Chair or Superintendent.

11.B. Board Member Reports

There were no Board member reports. Superintendent Dave McGrath discussed activities happening in the Oakridge School District.

12. Announcements/Correspondence

12.A. Acknowledgements and Recognition

12.B. Kudos

Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html

12.C. Announcements

12.C.1. **Lane ESD Board Member Activities and Opportunities**

December 4, 2024 - [Oregon LGBTQIA2S+ School Board Members Advisory Committee Meeting](#)
December 10, 2024 - OSBA Exec
January 8, 2024 - [Oregon LGBTQIA2S+ School Board Members Advisory Committee Meeting](#)
February 5, 2024 - [Oregon LGBTQIA2S+ School Board Members Advisory Committee Meeting](#)

12.C.2. **Component District Board Meeting Dates**

Bethel: During the regular school year the school board meets on the 2nd and 4th Wednesdays of the month at 6pm for regular sessions. The Board will conduct only one meeting in November, December, March and May, when the board meets on the 2nd Wednesday only.

Blachly: The District Board typically meets on the second Wednesday of each month at 6:00 pm, location TBD.

Creswell: Regular Board of Director meetings are typically held the second Wednesday of each month at 6:00 PM.

Crow-Applegate-Lorane: The Board of Directors for Crow-Applegate-Lorane School District #66 holds a regular meeting at 7:00 pm on the third Thursday of each month. The meetings are held at Applegate Elementary School and at the Lorane Grange.

Eugene: The Eugene School Board usually meets in regular public sessions on the first and third Wednesdays of each month at 7 p.m. This schedule sometimes varies, and additional meetings and work sessions are scheduled as necessary.

Fern Ridge: Third Monday of the month, unless otherwise noted. Time: 6:30 p.m.

Junction City:

Lowell: Regular Board Meetings are scheduled for the 4th Monday of the month, with the Meeting beginning at 4:00 pm

Mapleton: The Mapleton School Board meets on the third Wednesday of each month. There is no meeting during the month of July. The School Board meeting is held in the high school at 6:00pm, unless otherwise noted.

Marcola: Regular board meetings are scheduled for the 2nd Monday of each month at 6 PM.

McKenzie: McKenzie School Board meetings are held on the third Wednesday of each month unless noted otherwise.

Oakridge

Pleasant Hill

Siuslaw: The board of directors meet the second Wednesday of each month with the exception of a regular meeting scheduled for August 21, 2024, and November 20, 2024 . The board normally meets in the district board room located at 2111 Oak Street in Florence, Oregon. The meetings are scheduled to begin at 6:00 p.m. with a work session and the regular meeting will begin at approximately 6:30p.m.

South Lane: The South Lane School Board usually meets in regular public sessions on the first Monday and third Monday of each month at 5:30 p.m. for a work session. Meetings normally are held at the South Lane School District Office, 455 Adams Ave in Cottage Grove.

Springfield: The Board of Directors generally meet on the second and fourth Mondays of each month. Regular business meetings begin at 7 p.m. on the second Monday and work sessions are generally held at 5:30 p.m. on the fourth Monday of the month. All meetings, unless otherwise noted, are held in the Board Room of the Springfield Public Schools Administration Building

13. Adjournment

Chair Duerst-Higgins adjourned the meeting at 7:55 p.m.

- The next regular meeting is scheduled to be held Tuesday, January 7, 2025, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

Sherry Duerst-Higgins, Chairperson

Tony Scurto, Superintendent



Shaping the future:
Supporting excellence in education

LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

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www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

LANE EDUCATION SERVICE DISTRICT

1200 Hwy 99 N
Eugene, Oregon 97402

Board of Directors

October 1, 2024
Regular Meeting 5:30 PM

1. Work Session

Chair Sherry Duerst-Higgins called the work session to order at 5:06 p.m.

Board Members present: Sherry Duerst-Higgins, Linda Hamilton, Leslie Harris, Nora Kent (remote), Sydney Kissinger, Rose Wilde

Board Advisors and Liaisons present: None

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, recording secretary Julie Simmonds (remote)

Guests present: Jose Pleitez-Sanchez

1.A. Board Advisor and Liaison Administrative Rule

The Board of Directors and the Superintendent discussed amending the Administrative Rule related to Board Advisors and Liaisons to allow for terms of service and to make board representatives from small, middle and large-sized districts flexible.

1.B. Board Self Evaluation

The Board of Directors of Lane ESD discussed options for proceeding with a Board self-evaluation. Sharing and reviewing the Linn-Benton-Lincoln Board self-evaluation model, Director Wilde offered to lead the work on the self-evaluation and presented an edited version of the Linn-Benton-Lincoln Board self-evaluation for the Board's consideration. After discussion, Director Wilde agreed to finesse the model to include points that the Lane ESD Board desires and share the updated version with the Board Leadership for next steps.

1.C. Lane ESD Board Policy Manual

Superintendent Scurto presented recommendations for moving forward with a Policy Manual review and overhaul. OSBA provides several levels of policy support and rewrite. OSBA has the following menu of policy services available:

Policy Analysis: \$3,780.

This service provides an analysis report of a member's current board policy manual. Additional time is billed per OSBA rates. Up to 25 model policies/ARs; additional model samples requested are \$120 per policy. Half of the analysis base fee may be credited to a policy rewrite (not desk rewrite or other services) if member contracts for a policy rewrite within 12 months of issuance of the analysis report. Other costs not shown in agreement are billed at applicable OSBA rates.

Policy Rewrite: \$22,680. Plus, travel costs

These fees entitle the member to an analysis and policy drafting using OSBA model sample

language; 12 meetings or 18 months (whichever occurs first) with OSBA staff (in person or virtual); an electronic copy of all review materials; and adopted manual in Word. Special formatting is an additional charge. Services beyond that described above will be charged Basic Contract Service rates and invoiced monthly. Work on policies/ARs in a language other than English is considered a Special Project and will be billed at the hourly rate; OSBA does not offer translation services. Pricing for services based on ADM.

Desk Rewrite: \$12,600.

Desk rewrite: an analysis and policy drafting using available OSBA model sample language. These fees entitle the member to an electronic copy of all review materials. Special formatting is an additional charge. No meetings at any level of a desk rewrite. Services beyond that described above will be charged Basic Contract Service rates. Other expenses will be billed at cost. Work on policies/ARs in a language other than English is considered a Special Project and will be billed at an hourly rate. OSBA does not offer translation services. Pricing for services based on ADM.

Any consensus will be brought forward to the regular meeting, discussion item 9.G. Work Session Report Out.

Superintendent Scurto recommended a "desk rewrite" with OSBA, including the Policy Committee and several staff members, reviewing each policy and updating as needed.

2. Call Regular Meeting To Order

Chair Sherry Duerst-Higgins called the regular meeting of the Board to order at 6:04 p.m.

The Board celebrated Director Sydney Kissinger's birthday with a song.

3. Welcome

Attendees were welcomed.

Board Members present: Sherry Duerst-Higgins, Linda Hamilton, Leslie Harris, Nora Kent (remote), Sydney Kissinger, Rose Wilde

Board Advisors and Liaisons present: Lane Tompkins (Superintendents' Council)

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Business Services Executive Director Olivia Meyer Buch, Special Education Executive Director Molly Gillette, Human Resources Executive Director Morgan Christensen, Chief Information Officer Brandon Webb, Special Education Associate Director Annie Galaxy, recording secretary Julie Simmonds (remote)

Guests present: Stacy Warnick Hesse (LCEA), Daniel Tompkins, Jose Pleitez-Sanchez

4. Public Participation

There was no public comment.

5. Lane Education Service District Statement of Accountability: Land Acknowledgement

Director Wilde read the Lane ESD Statement of Accountability Land Acknowledgement aloud:

Lane ESD acknowledges that the lands we call Lane County - the lands that sustain our children, our future, and our collective well-being - are the traditional ancestral home of the Kalapuya, Siuslaw, Molalla, and other indigenous people who have lived in Lane County since time immemorial. Native children, families, and communities bear witness to a legacy of displacement and forced relocation. As an educational institution we are accountable for addressing the current and former silencing, erasure and genocide of native people in Oregon and Turtle Island. We aim to join with indigenous people, honoring their resilience, courage, and self-determination in a purposeful pursuit of justice.

Today indigenous people -- alive, diverse, and vibrant -- live in and contribute to the culture of Lane County. We are all blessed by their presence.

1. We commit to support our own, Lane ESD staff, and student learning about indigenous peoples of Oregon, the history, culture, current concerns, and the role of educational institutions in the genocide of Native/Indigenous people and tribes and in the possibilities for repair and justice. As an ESD we will support and encourage the implementation of Tribal History/Shared History curriculum with all our educational partners.
2. The board also commits to building relationships that would help us understand the lived experiences of our native students' families and communities and how LESD impacts our students, in collaboration with the superintendent.
3. The board will review and update the spoken Statement of Accountability Land Acknowledgement annually during our annual organizational meeting or when needed.

6. Agenda Review

The agenda was reviewed.

7. Presentation: Camp Friends and Fun

Special Education Director Molly Gillett presented on the Camp Friends and Fun that occurred over the Summer.

8. Action Items

8.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately.

Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda.

Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item.

If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

DIRECTOR HARRIS MOVED:BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Lane ESD Board Meeting Minutes of August 6, 2024
2. Lane ESD Board Meeting Minutes of September 10, 2024
3. Human Resource Report, dated September 28, 2024

Director Wilde seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-021)**

8.B. Accept Financial Report

DIRECTOR WILDE MOVED:BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for August 2024 as presented. Director Harris seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-022)**

8.C. Adopt 2025-26 Budget Calendar

The Board is to annually adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget. The calendar will identify dates and activities to include those needed to comply with state law.

DIRECTOR HARRIS MOVED:BE IT RESOLVED that the Board of Directors of Lane ESD adopts the Budget Calendar as presented. Director Wilde seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-023)**

8.D. Declaration of Indigenous Peoples Day 2024

DIRECTOR HARRIS MOVED: Whereas Christopher Columbus, a man who is known to have "discovered" the Americas, came upon land that was already inhabited by Indigenous People, his historically cited contributions being either inaccurate or facially not worthy of celebrating; and

Whereas Columbus' voyage to the Americas opened the door to heinous crimes against humanity, including but not limited to the introduction of transatlantic slavery and genocidal acts against Indigenous People; and

Whereas the Indigenous People were promised security and protection but instead were forcibly relocated and their land seized to allow for settlements; and

Whereas the State of Oregon recognizes and acknowledges the traditional homelands of Oregon's nine federally recognized tribal nations; and

Whereas the State of Oregon recognizes and acknowledges the significant contributions to this state of Oregon's nine federally recognized tribal nations, as well as those of many Native Americans from tribal nations across the country, and commits to ensuring greater access and opportunity for continued contribution by Indigenous People; and

Whereas the State of Oregon has the opportunity and means to cultivate a community that honors and respects the diverse history of this land; and

Whereas the State of Oregon does not formally recognize Columbus Day; and

Whereas it is appropriate to recognize the original inhabitants of the Americas: Indigenous People; and

Whereas the idea of Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations; and

Whereas the State of Oregon, adopted this Act in May 2021 and became the 11th state in the United States to formally recognize Indigenous Peoples' Day; now, therefore,

The Board of Directors of Lane Education Service District resolves to observe the second Monday in October of each year as Indigenous Peoples' Day.

Director Truett seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-024)**

8.E. Declare Board Advisor and Liaison Vacancy

8.E.1. Declare Large District Board Liaison Vacancy

The Board intends to have three Board Member Liaisons from component school district Boards. The Board will recruit Board member representatives from a small, medium and large district. The Superintendents will be asked to extend an invitation to their board members in August of each year. The Superintendents' Council will appoint three representative Liaisons to the Board. The Board Member Liaison is not a member of the Board. Board Member Liaisons should not be from the same district as the Superintendent's Council Advisor. The Board Member Liaison will bring

component district perspectives to the Board, report component district activities, and share Lane ESD Board information with their district board. The Board Member Liaisons are invited to all Board meetings, and are expected to attend periodically. The Board Member Liaisons will receive a Board Meeting Agenda and packet.

With the passing of Large District Board Liaison Emilio Hernandez, the Board of Directors will declare a vacancy and direct the Superintendent to recruit a Large District Board Liaison.

The Board agreed to table this action until further notice, due to upcoming changes in the Administrative Rule related to Board advisors and liaisons.

8.E.2. Declare Small District Board Liaison Vacancy

Fern Ridge School District Board Liaison Mark Boren resigned his position to the Lane ESD Board of Directors in the 2023-24 year. The Board agreed to table this action until further notice, due to upcoming changes in the Administrative Rule related to Board advisors and liaisons.

8.F. Change November Board of Directors Meeting Date

The Board of Directors discussed moving the date of the November meeting. The November meeting falls on the same evening as the Election, as well as the evening prior to the OAESD Summit in Portland. The Board will move the November meeting to November 12, 2024.

DIRECTOR WILDE MOVED:BE IT RESOLVED that the Board of Directors of Lane ESD will move the November meeting to November 12, 2024. Director Hamilton seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-025)**

8.G. Assistant Superintendent Contract

Superintendent Scurto discussed changes to the supervision and employment agreement of the Assistant Superintendent. Superintendent Scurto recommended moving the position to a direct contract with the Board of Directors, as the position of Superintendent is. The salary for the Assistant Superintendent will be established between the Board and Assistant Superintendent.

DIRECTOR WILDE MOVED:BE IT RESOLVED that the Board of Directors of Lane ESD approves the contract with the Assistant Superintendent, Eric Anderson, as recommended by Superintendent Scurto. Director Hamilton seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-026)**

9. Discussion/Reports

9.A. Legislative Update

COSA Off-the-Record

The Fall regional meeting was held at Lane ESD several weeks ago. COSA was focused on gathering input for legislative focus. COSA is looking to connect with OAESD, OSBA and OEA to unite in advocating for Special Education funding and support. Special Education funding is capped at funding up to 11% of a district's total population that are identified as needing Special Education. If their percentage of special education students exceeds 11%, the amount of funding per-student is diluted. Potential advocacy is to raise the cap, not knowing the intended target yet. Some special education students are considered "high cost". The amount that the state provides for high-cost students is small compared to what districts are paying now. As Lane ESD provides for these students in our classrooms, our districts bear a greater proportion of the cost for serving these students.

9.B. Superintendent Report

OAESD Superintendent Retreat

The event is being held in Bend next week. The group will be developing targets for advocacy.

Lane County Redistricting

An initiative has been presented that would redistrict zones in Lane County. It is possible that the zones Board members represent are adjusted.

9.C. Work Session Report Out

Superintendent Scurto will inquire with OSBA regarding the policy manual rewrite address any concerns the Board may have. Superintendent Scurto recommended the Board engage with OSBA for the "Desk Rewrite".

DIRECTOR HARRIS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD engage with Oregon School Boards Association for a Desk Rewrite of its Policy Manual. Director Kissinger seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #25-027)**

9.D. Courtesy Read: Administrative Rule

Administrative rules are detailed directions governing the operation of Lane ESD. The superintendent is authorized to formulate such administrative rules appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the ESD. Such administrative rules shall be binding on the employees of Lane ESD and the students in the classrooms of the ESD until modified or repealed. All new or amended administrative rules will become effective on the day after approved by the superintendent unless an alternative effective date is specified. When approved by the superintendent, administrative rules shall be distributed to staff and other individuals, as appropriate.

The superintendent will make administrative rules available to the Board. The Board may review any administrative rule and may direct its revision if, in the Board's judgment, such rule is not consistent with adopted policies.

Lane ESD is updating the Administrative Rule DL-AR, related to payroll choice procedures. If staff do not make a payroll choice, the default will be that the employee will be paid in twelve monthly installments.

9.E. OSBA Fall Regional Meeting

The OSBA regional meeting is scheduled for Tuesday, October 15, 2024, at Lane ESD. The event will begin at 6:00 p.m., dinner will be provided. There will be no regional round table meeting this year.

9.F. OSBA Fall Convention

The OSBA Annual Convention is scheduled for November 7-9, 2024, at the Portland Marriott Downtown Waterfront. The OAESD Summit is scheduled for November 6, prior to the Convention, starting at 10:00 a.m., preceded by a Governance Council meeting.

The Board of Directors of Lane ESD discussed attendance at the 2024 Convention. Board secretary Julie Simmonds will send a survey to gather RSVPs from the Board for these events.

10. Information from Administrative Staff

The directors of Special Education, Business Services, Technology and School Improvement submitted written reports to the Board on matters of interest concerning his/her area of responsibility.

11. Board Member Reports and Comments/Agenda Planning

11.A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

11.B. Board Member Reports

Board members were asked to submit their reports in writing to be attached to Boardbook.

The Board recognized the contributions of Dr. Emilio Hernandez, both as an active community member and as a long-time Advisor and Liaison to the Lane ESD Board. Dr. Hernandez recently passed away.

Superintendents' Council liaison Lane Tompkins provided updates from the McKenzie School District. Superintendent Tompkins thanked the Board for the opportunity to attend in the liaison capacity.

12. Announcements/Correspondence

12.A. Acknowledgements and Recognition

12.B. Kudos

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html

13. Announcements

13.A. Lane ESD Board Member Activities and Opportunities

[Lane ESD Workshops and Trainings](#)

October 8, 2024 - OSBA Executive Committee Meeting

October 15, 2024 - OSBA Fall Regional @ Lane ESD

November 6, 2024 - OAESD Fall Summit

November 7-9, 2024 - OSBA Fall Convention

November 9, 2024 - OSBA School Board Members of Color Caucus Membership Meeting

November 12, 2024 - OSBA Executive Committee Meeting

December 10, 2024 - OSBA Executive Committee Meeting

13.B. Component District Board Meeting Dates

Bethel: During the regular school year the school board meets on the 2nd and 4th Wednesdays of the month at 6pm for regular sessions. The Board will conduct only one meeting in November, December, March and May, when the board meets on the 2nd Wednesday only.

Blachly: The District Board typically meets on the second Wednesday of each month at 6:00 pm, location TBD.

Creswell: Regular Board of Director meetings are typically held the second Wednesday of each month at 6:00 PM.

Crow-Applegate-Lorane: The Board of Directors for Crow-Applegate-Lorane School District #66 holds a regular meeting at 7:00 pm on the third Thursday of each month. The meetings are held at Applegate Elementary School and at the Lorane Grange.

Eugene: The Eugene School Board usually meets in regular public sessions on the first and third Wednesdays of each month at 7 p.m. This schedule sometimes varies, and additional meetings and work sessions are scheduled as necessary.

Fern Ridge: Third Monday of the month, unless otherwise noted. Time: 6:30 p.m.

Junction City:

Lowell: Regular Board Meetings are scheduled for the 4th Monday of the month, with the Meeting beginning at 4:00 pm

Mapleton: The Mapleton School Board meets on the third Wednesday of each month. There is no meeting during the month of July. The School Board meeting is held in the high school at 6:00pm, unless otherwise noted.

Marcola: Regular board meetings are scheduled for the 2nd Monday of each month at 6 PM.

McKenzie: McKenzie School Board meetings are held on the third Wednesday of each month unless noted otherwise.

Oakridge

Pleasant Hill

Siuslaw: The board of directors meet the second Wednesday of each month with the exception of a regular meeting scheduled for August 21, 2024, and November 20, 2024 . The board normally meets in

the district board room located at 2111 Oak Street in Florence, Oregon. The meetings are scheduled to begin at 6:00 p.m. with a work session and the regular meeting will begin at approximately 6:30p.m.

South Lane: The South Lane School Board usually meets in regular public sessions on the first Monday and third Monday of each month at 5:30 p.m. for a work session. Meetings normally are held at the South Lane School District Office, 455 Adams Ave in Cottage Grove.

Springfield: The Board of Directors generally meet on the second and fourth Mondays of each month. Regular business meetings begin at 7 p.m. on the second Monday and work sessions are generally held at 5:30 p.m. on the fourth Monday of the month. All meetings, unless otherwise noted, are held in the Board Room of the Springfield Public Schools Administration Building

14. Adjournment

Chair Duerst-Higgins adjourned the meeting at 7:14 p.m.

- The next regular meeting is scheduled to be held Tuesday, November 12, 2024, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

Sherry Duerst-Higgins, Chairperson

Tony Scurto, Superintendent



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

541.461.8200
541.461.8298 [Fax]

www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Prepared for: Lane ESD Board of Directors
Prepared by: Olivia Meyers Buch, Executive Director of Business Services
Meeting Date: January 7, 2025

November 2024 Financial Report (Unaudited)

The Financial Report for the General Fund for the period ending November 30, 2024 follows this report. Year-to-date operating revenues through November 30, 2024 total \$15,612,982 or 54.3% of total budgeted operating revenues as compared to \$14,045,627 or 50.0% through November 30, 2023. As usual, state school fund formula revenue (state school fund - general support) and property taxes constitute the majority of funds received. Total projected resources of \$28,907,782 is \$152,920 more than budgeted.

Year-to-date operating expenditures through November 30, 2024 total \$7,353,688 or 28.8% of total budgeted operating expenditures as compared to \$7,050,206 or 28.8% through November 30, 2023. Total projected operating expenditures of \$25,336,005 is \$224,645 less than budgeted. Total projected transfers and transits of \$3,458,750 is \$288,237 less than budgeted.

Projected resources and requirements through November 30, 2024 result in an ending fund balance of \$2,823,006, with \$1,049,315 assigned (reserved) for districts. The remaining ending fund balance of \$1,773,691 is unassigned and represents 6.1% of projected operating revenues. The projected ending fund balance reflects an increase, or operating surplus, of \$113,027.

Please contact me with questions or if you would like any additional information.

**Lane Education Service District
General Fund Financial Report (Unaudited)
For the Period Ending November 30, 2024**

	Fiscal Year 2023-24					Fiscal Year 2024-25					
	Final Budget	Actuals thru 11/30/23	% of Budget	Actuals thru 6/30/24	% of Budget	Final Budget	Actuals thru 11/30/24	% of Budget	Projected thru 6/30/25	% of Budget	Budget Variance
RESOURCES											
State School Fund Formula Revenue											
State School Fund - General Support	\$ 15,532,800	\$ 8,090,680	52.1%	\$ 15,996,395	103.0%	\$ 16,240,313	\$ 8,222,533	50.6%	\$ 16,448,355	101.3%	\$ 208,042
Property Taxes Levied by District	8,688,000	5,530,076	63.7%	8,611,369	99.1%	9,038,376	6,880,546	76.1%	9,039,869	100.0%	1,493
Other Local Revenues	66,200	22,707	34.3%	87,771	132.6%	86,659	12,944	14.9%	72,000	83.1%	(14,659)
Services Provided to Districts	2,550,400	(1,640)	-0.1%	1,256,511	49.3% ⁽¹⁾	2,209,514	4,172	0.2%	2,045,857	92.6%	(163,657)
Fees Charged to Grants	670,000	48,005	7.2%	812,985	121.3%	600,000	178,983	29.8%	700,000	116.7%	100,000
Other Revenues	577,700	355,800	61.6%	765,427	132.5%	580,000	313,806	54.1%	601,701	103.7%	21,701
Total Operating Revenues	\$ 28,085,100	\$ 14,045,627	50.0%	\$ 27,530,458	98.0%	\$ 28,754,862	\$ 15,612,982	54.3%	\$ 28,907,782	100.5%	\$ 152,920
Beginning Fund Balance (District Reserves)	921,200	1,165,894	126.6%	1,165,894	126.6%	1,103,757	1,286,636	116.6%	1,286,636	116.6%	182,879
Beginning Fund Balance	2,050,000	2,080,746	101.5%	2,080,746	101.5%	1,514,860	1,423,343	94.0%	1,423,343	94.0%	(91,517)
TOTAL RESOURCES	\$ 31,056,300	\$ 17,292,267	55.7%	\$ 30,777,098	99.1%	\$ 31,373,479	\$ 18,322,962	58.4%	\$ 31,617,761	100.8%	\$ 244,282
REQUIREMENTS											
Salaries	\$ 10,981,145	\$ 3,431,715	31.3%	\$ 10,973,743	99.9%	\$ 11,436,471	\$ 3,461,815	30.3%	\$ 11,344,979	99.2%	\$ (91,492)
Associated Payroll Costs	7,372,689	2,019,105	27.4%	6,470,402	87.8% ⁽²⁾	7,495,703	2,017,362	26.9%	7,383,267	98.5%	(112,436)
Purchased Services	5,490,697	1,113,449	20.3%	5,713,478	104.1%	5,695,892	1,346,917	23.6%	5,695,892	100.0%	-
Supplies and Materials	446,550	290,353	65.0%	599,614	134.3%	662,884	271,204	40.9%	643,785	97.1%	(19,099)
Other Objects	230,100	195,584	85.0%	263,685	114.6%	269,700	256,391	95.1%	268,082	99.4%	(1,618)
Total Operating Expenditures	\$ 24,521,181	\$ 7,050,206	28.8%	\$ 24,020,922	98.0%	\$ 25,560,650	\$ 7,353,688	28.8%	\$ 25,336,005	99.1%	\$ (224,645)
Transfers											
Interfund Transfers	459,000	429,000	93.5%	448,198	97.6%	449,000	429,000	95.5%	449,000	100.0%	-
Transits to Districts	4,110,163	-	0.0%	3,597,999	87.5%	3,297,987	-	0.0%	3,009,750	91.3%	(288,237)
Other Uses of Funds											
Planned Reserve (District Reserves)	965,956	-	0.0%	-	0.0%	464,161	-	0.0%	-	0.0%	(464,161)
Planned Reserve	400,000	-	0.0%	-	0.0%	801,681	-	0.0%	-	0.0%	(801,681)
Reserved for Next Year	600,000	-	0.0%	-	0.0%	800,000	-	0.0%	-	0.0%	(800,000)
TOTAL REQUIREMENTS	\$ 31,056,300	\$ 7,479,206	24.1%	\$ 28,067,119	90.4%	\$ 31,373,479	\$ 7,782,688	24.8%	\$ 28,794,755	91.8%	\$ (2,578,724)
ENDING FUND BALANCE	-	\$ 9,813,061		\$ 2,709,979		-	\$ 10,540,274		\$ 2,823,006		
Assigned for Districts				\$ 1,286,636					\$ 1,049,315		
Unassigned Fund Balance				\$ 1,423,343	5.2% *				\$ 1,773,691	6.1% *	
<i>* Percent of Operating Revenues</i>				\$ 2,709,979					\$ 2,823,006		

(1) Variance is due to actual services ordered by districts being less than anticipated.

(2) Variance is due to savings as a result of implementing a new opt out incentive that has resulted in lower health insurance premium costs.



2025-2027 (Year One)

Local Service Plan

Our shared commitment to equity, empowerment, and collaboration in education.

About Lane Education Service District

Lane Education Service District (ESD) provides services to sixteen component districts in Lane County. Our purpose is to **SERVE** our communities!

Support - Provide comprehensive services in technology, school improvement, special education, and administrative services that support our component districts' missions to achieve equitable outcomes for all students.

Empower - Empower educators, students, and communities by offering professional development and innovative programs to enhance culturally responsive-sustaining learning experiences.

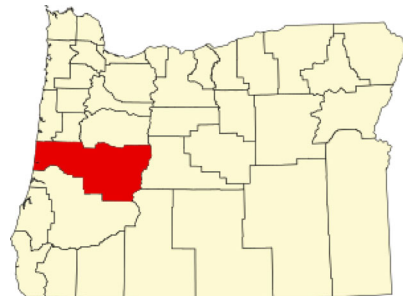
Resource - Deliver fiscally sound services that support equitable allocation for students countywide.

Vision - Cultivate a clear vision for educational excellence and equity, guiding strategic planning, and fostering a shared mission among Lane County's invested communities.

Engage - Promote engagement and collaboration among educators, families, and community partners to create a supportive educational environment that promotes justice-centered engagement for all invested communities.

Component School Districts

Bethel	Mapleton
Blachly	Marcola
Creswell	McKenzie
Crow-Applegate-Lorane	Oakridge
Eugene	Pleasant Hill
Fern Ridge	Siuslaw
Junction City	South Lane
Lowell	Springfield



Purpose of the Local Service Plan

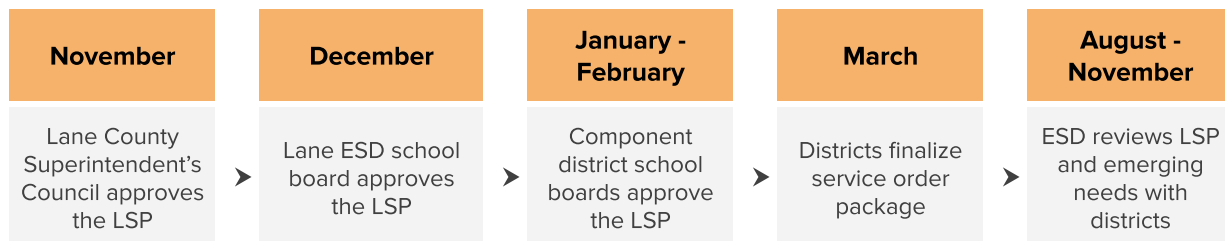
The Local Service Plan is a foundational document for Lane ESD and our component school districts, designed to outline the range of services and programs offered to support district needs. Its primary purpose is to define the services available and clarify how resources, staffing, and funding will be allocated to support districts effectively. With this document, districts can make informed decisions about which services best align with their unique needs and goals, selecting from available services each year.

Additionally, the Local Service Plan plays an essential role in promoting equity and access by ensuring that all districts—regardless of their size or individual resources—have the opportunity to access crucial educational services, especially in areas where Lane County’s smaller districts may struggle to provide these independently. The plan also promotes accountability and transparency, clearly documenting the services to be delivered and setting mutual expectations for the ESD and our component districts. This transparency enables stakeholders to assess service outcomes and effectiveness.

Recommended Use of the Local Service Plan

The district may:

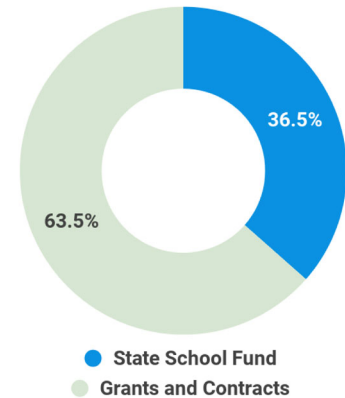
- familiarize itself with funding structures and services in the Local Service Plan.
- assess their needs and priorities to meet their goals and mission.
- determine which ESD services could provide valuable support or enhancement.
- submit its service order package to the ESD by March 31st, 2025.
- review the document throughout the year to determine if additional services are needed.



How Services are Funded

State School Fund resources are provided to ESDs to offer services for children with special needs, technology, school improvement, and administrative support to component school districts as described in the Local Service Plan. Pursuant to ORS 327.019, 90% of these resources are allocated to component school districts based on weighted student population (ADMw). Of the amount allocated to districts, approximately 12% goes directly to services available to all districts (Core Services), while approximately 88% is allocated as flex funds, which can be used to purchase services through the local service plan menu (Menu Services or Custom Services).

Local Service Plan Resources



Core Services provide stability and flexibility in meeting student needs where the level of support may vary from district to district and year to year; this commitment supports the equitable distribution of resources for students county-wide and basic operational needs.

Menu Services are optional for districts to choose from using their allocated Flex funds and individual district budgets.

Custom Services can be requested by an individual district or group of districts based on a specific need. These services may include staffing or the provision of services.

Grants and Contracts support specialized, innovative, and often temporary programs or services with qualifying conditions at no cost to districts. The ESD intentionally applies for grants that extend the services of the four component areas provided through the State School Fund to support the educational mission of the county.

State and Federal Contracts are in place to ensure that the ESD supports school districts in implementing state and federal educational policies and programs, complies with mandates, and provides specialized services.

Grants are targeted funds that the ESD has identified and applied for to support specific educational programs and initiatives for the component districts.

Core Services

Core services are available to all component districts at no cost and represent approximately 12% of the local service plan allocations to districts.

SERVICE AREA	SERVICE	DESCRIPTION
Programs for Children with Special Needs	Life Skills High-Cost Pool	Provides funds to districts with an overrepresentation of Life Skills students (including districts that do not participate in the ESD Life Skills consortium).
Technology Support	Network Services	Provide high-speed internet access, CIPA-compliant internet filtering, 24-7 internet connectivity monitoring, and utilization reporting with reliability and equitable access as the focus areas.
	Professional Development	Organize regional professional development opportunities and support local partnerships, including an internship program.
	Technology Leadership	Facilitate opportunities for regional technology leaders to provide problem-solving collaboration, job-alike groups, state and regional initiatives, consortium purchases, lifecycle plan assistance, and director mentoring and coaching.
	Grant Support	Assistance in the writing, coordination, and implementation of county-wide grant activities
	Cybersecurity	Assist with developing and maintaining incident response plans, cybersecurity handbooks, insurance compliance, vulnerability scanning and reports.
School Improvement Services	Curriculum and Instruction*	General education curriculum and instructional services include professional development, coaching, and consultation to assist districts in curriculum adoption, instruction, and assessment. Lane ESD has content specialists in Health, Social Studies/Ethnic Studies, English Language Arts, Math, Science, Career Connected Learning, and Project Based Learning.
	Curriculum Leaders*	This network meets monthly during the school year and comprises district and building administrators from all 16 component districts. Experts on topics of interest give presentations, the work of component districts is featured, resources are shared, and leaders can network with job-alikes across districts.

	Promise Programs	The Lane Regional Promise supports teachers in obtaining College Now endorsements to offer college credit for courses taken in high school.
	Lane Career Academy	The Lane Career Academy collaboration provides Lane County students with technical education to access high-wage, high-demand jobs. Current programming includes HOPE Factory (construction/manufacturing); future programming to include Emergency Medical Services (EMS) and Behavioral Health.
Administrative and Support Services	Home School	Home Schooling is a mandated service in which Lane ESD is responsible for accepting notifications from parents or guardians who intend to educate their children at home. Lane ESD is a primary information source for parents, students, schools, and districts. The ESD is also responsible for monitoring compliance with homeschool notification requirements, monitoring academic progress requirements, and providing detailed reports to districts.
	Attendance and Truancy Services*	Attendance and truancy support assist component school districts in meeting legal requirements regarding mandatory school attendance. This is a state-mandated service for districts with less than 1,000 students.
	Connected Lane County	A contribution to Connected Lane County supports the collaborative work between districts, industry partners, workgroups, and community organizations to create opportunities and prepare underserved youth for their lives beyond high school.
	Oregon Licensed Contract Dashboard	Subscriptions to RS2's interactive Oregon Licensed Contract Dashboard provide access to licensed salary, benefits, insurance contributions and work schedules with the ability to create custom comparison groups.

* Services provided to support districts in making progress toward the goals of the Student Success Act (see page 11).

Menu Services

Menu services are available for individual districts to purchase as needed using flex funds or other district resources.

SERVICE AREA	SERVICE	DESCRIPTION
Programs for Children with Special Needs	Life Skills Consortium Placements	<p>The Life Skills Education Program serves students with moderate, severe, and profound disabilities. Kindergarten through grade 12 classrooms are located in several elementary, middle, and high schools throughout Lane County. Students ages 18-21 are served in the Transitions Program.</p> <p>The Intensive Services Program (ISP) serves students whose support needs require environmental modifications that may not be feasible on a general education campus.</p>
	Lane School Placements	<p>Lane School is a structured behavior and academic program for kindergarten through grade eight students who experience significant behavioral, social, and educational difficulties.</p>
	Behavior Disorder Consultants	<p>Behavior Disorder Consultants provide in-service training and consultation to districts for behavior and classroom management and strategies for working with students identified as having emotional and behavioral disabilities.</p>
	School Psychologists	<p>School Psychologists provide assessments to assist districts in determining student eligibility for special education, coordination assistance, and consultation with district staff, parents, and other professionals.</p>
	Speech Language Pathologists	<p>Speech Language Pathologists (SLPs) support districts in assessing and providing Individualized Education Plan (IEP) related services to students with communication disorders, including articulation, cognition, language, literacy, social skills, fluency, voice, and hearing. SLPs also support Safe Eating Teams, helping establish and train protocols and guidelines for safe eating at school.</p>
	Augmentative Communication	<p>Augmentative Communication services include evaluation, IEP support, programming equipment, and consultation with classroom teachers and specialists.</p>

	Direction Service	Direction Service provides information and referral services to parents and districts regarding specialized services for families of students with disabilities. Direction Service also acts as a mediator between districts and parents of children with disabilities and focuses on collaborative dispute resolution.
	Sign Language Interpretation Services	Sign Language Interpreters facilitate communication for Deaf or Hard of Hearing (DHH) students during school hours and for school-related activities. Interpreters may also act as a resource or provide training to staff and students. Interpreters may also offer services to provide ADA accommodations for school staff and families.
	MLK Jr. Education Center	The Martin Luther King, Jr. Education Center is a partnership between Lane ESD and the Lane County Department of Youth Services, providing an educational program for students with an active case with the Department of Juvenile Justice.
	Nursing Services	School Nurses provide services for students with medical conditions that may interfere with their ability to participate in their educational program. School Nurses develop Health Management Protocols, which outline specific supports needed for each student, train staff to recognize and respond to students' medical needs, and delegate medication administration and health protocols.
Technology Support	Application Hosting and Management	Cloud and on-prem solutions, e.g. video streaming services, backup solutions, help desk solutions, cloud solutions and applications, and technology inventory solutions.
School Improvement Services	Career and Technical Education	Career and Technical Education (CTE) staff provide leadership and services to districts so that students can enhance their 21st-century technical skills, career exploration, and successful transition to work or extended schooling.
	Library Services	Library services support districts in meeting Division 22 library and media services standards. Professional development, coaching, and consultation are provided for districts that elect this service.
Administrative and Support Services	Substitute Teacher List Subscription	Lane ESD maintains a list of approved substitute teachers and provides support with registration, training, and orientation to applicants.
	Courier Services	Lane ESD's courier services provide an efficient and secure method of moving materials between the ESD, districts, and other public agencies.

Grants and Contracts

Through support from grants and contracts, Lane ESD provides certain value-added services at no cost to districts.

SERVICE AREA	PROGRAM	DESCRIPTION
Programs for Children with Special Needs	Early Intervention / Early Childhood Special Ed	Contracted service with the University of Oregon Early Childhood CARES. Grant provides EI (birth-3) and ECSE (3-5) education services to all Lane County resident families with children with qualifying special education eligibility.
	Lane Regional Inclusive Services	LESD Regional Inclusive Services works in collaboration with Local School Districts, Early Intervention, Early Childhood Special Education (EI/ECSE) programs, Families, and Community Agencies to provide specialized educational support for children with low incidence disability eligibility, including Autism Spectrum Disorder (ASD), Orthopedic Impairments (OI), Traumatic Brain Injury (TBI), Visual Impairments (VI), Deaf/Hard of Hearing (DHH), and DeafBlind (DB). This grant also supports audiology referrals and a Hearing Assistive Technology Equipment Lending Library.
	State Hospital	The Oregon State Hospital Education Program offers opportunities for 18 to 21-year-olds to continue their education while in the hospital setting.
	Juvenile Detention Education Program	The Juvenile Detention Education Program (JDEP), funded by the Oregon Department of Education, provides educational and re-entry transitional services to students housed overnight in county juvenile detention facilities.
	Regional Technical Assistance Program	Lane ESD provides local-level options for professional development and technical assistance within the general supervision areas (special education and federal title programs).
School Improvement Services	Western Regional Education Network	The Western Regional Educator Network (WREN) encompasses the 28 school districts in Lane ESD and Linn-Benton-Lincoln ESD. It is an educator-led, improvement-focused network that elevates teachers' voices, emphasizes the Lane ESD Equity Lens to interrupt historical patterns of inequities, and supports educators in creating more inclusive and empowering school cultures. Professional development, coaching, and consultation are provided.

Teacher Pathways*	This Grow Your Own (GYO) grant funded program works to diversify the K-12 education workforce in Lane County by recruitment, selection, clinical practice, hiring placement, and induction support for pre-service teachers centered on building culturally responsive affinity groups.
Social Emotional Learning*	Professional development, coaching, and consultation are provided to component districts to meet their goals of authentic implementation of Oregon's Transformation Social Emotional Learning (TSEL) standards,
School Safety and Prevention*	Technical expertise, training, and system development is provided to districts in responding to threats of violence and suicide. Our SSPS is the lead responder and coordinator of the Tragedy Response Team.
Student Voice*	Professional development, coaching, and consultation are provided to implement ongoing student voice and engagement for district/school strategic planning and continuous improvement.
LGBTQ2SIA+ Student Success	This grant funds technical assistance, professional development, curriculum development, and resources, to ensure focal LGBTQ2SIA+ students and their families are safe, feel a sense of belonging, and are supported to achieve at high levels across all Lane County districts.
Latinx Student Success	This grant funds technical assistance, professional development, curriculum development, and resources to ensure focal LatinX Students are safe, feel a sense of belonging, and are supported to achieve at high levels across all Lane County districts.
Native Youth Wellness*	This grant funds the Native Youth Wellness program (NYW). NYW provides professional development on Tribal History/Shared History and TSEL, culture nights, student affinity groups, coaching on tribal education programs, equity, and culturally sustaining pedagogy.
Advanced Manufacturing & Construction	This grant supports a regional advisory committee and industry connections to strengthen the quality of CTE Programs of Study. This grant also sponsors the Construction Utility Career Day.
Behavioral Health Career Pathways	This grant provides curriculum, training, and work-based experiences focused on mental and behavioral health pathways between districts and industry partners via Lane Career Academy. Prioritizes rural and underserved communities.
Team Oregon Build	Professional development and technical assistance is provided on hands-on construction projects. The project provides pathways for career development while addressing the urgent need for safe and sustainable housing.

Healthcare Workforce Development	Coordinate scholarship and training support to remove cost barriers for students to participate in Behavioral Health and Emergency Services pathways within Lane Career Academy.
LaneSTEM*	Lane ESD supports Science, Technology, Engineering, and Math (STEM) education in partnership with LaneSTEM through workshops, school site consultation, classroom coaching, and grant partnerships.
Early Literacy*	Lane ESD supports district implementation of their Early Literacy plans by coordinating professional development via Oregon Department of Education contractors and community partners.
Administrative Burden Reduction*	Technical assistance completing state and federal required reporting, grant applications, and data collections. The focus is primarily on small/rural districts, but Integrated Guidance technical assistance is provided for all component districts.
21st Century Community Learning Centers*	Crow-Applegate-Lorane, McKenzie, Mapleton, and Siuslaw are in a consortium for the 21st Century Community Learning Centers (CCLC) grant. Lane ESD provides oversight and technical assistance on the completion of grant requirements.
English Language Development*	English Language Development (ELD) services include technical assistance relating to curriculum, instruction, assessment, and educational learning platforms. Train general education teachers to learn how to integrate the English Language Proficiency (ELP) standards into their regular curriculum.
Migrant Education	Lane ESD coordinates a regional Migrant Education Program (MEP) consortium serving Lane and Douglas counties, including 29 school districts. MEP provides supplemental instruction, community outreach, and parent involvement for eligible MEP students, including summer school, graduation, and preschool services for students ages 3-21.
EA/IA Professional Development*	Lane ESD contracts with Cultivate at the University of Oregon to provide professional development modules for Education / Instructional Assistants.
Portrait of a Graduate*	Lane ESD contracts with Cosgrave and Swanson to consult rural districts on developing and implementing Portrait of a Graduate.

* Services provided to support districts in making progress toward the goals of the Student Success Act (see page 11).



Appendix - Links to Other Information

Student Success Act Comprehensive Support Plan

Lane ESD's Student Success Act Comprehensive Support Plan is provided to assist districts with developing and implementing their Integrated Plans for the implementation of the Student Success Act. ***Services are detailed throughout this Local Service Plan and indicated with an (*)***. You can view the 2024 - 2025 outcomes and strategies that guide the services in this local service plan here. (add link)

Lane ESD Budget and Financial Reports - Lane ESD's annually adopted budgets and audit reports can be found on the Lane ESD website at <https://lesd.k12.or.us/administration/business-services>.

Lane ESD Equity Lens - Lane ESD's Vision, Mission, and Purpose are at the center of all decisions made within the agency in service of our county. We employ our Equity Lens and adapt our Equity Tools to meet the needs of the decision at hand by including multiple perspectives, determining the problem to be solved, evaluating potential positive and negative impacts on our students, families, and districts, examining resources available, and at all times orient ourselves toward justice centered engagement while operating in a fiscally responsible and responsive manner. See more at <https://lesd.k12.or.us/strategic-plan>.

Lane ESD Contact Information - For questions, please contact supt-office@lesd.k12.or.us

Response Summary:

Grant Report

Q2. Has this proposal been discussed and supported by your department's executive director?

- Yes

Q4. Details

Project Name	Americorps Planning Grant
Department Submitting Proposal	SI/CTE
Person Submitting Proposal	Shareen Vogel
Potential Funder (please include link to RFP if available)	https://www.oregon.gov/oregonserves/amerikorps/Pages/amerikorps-oregon-planning-grants.aspx
Requested Funding Amount	250000
Person who will manage grant if funded	Shareen Vogel

Q5. Grant Period

Length of grant	One year
Anticipated start date (mm/dd/yyyy)	01/01/2025
Anticipated end date (mm/dd/yyyy)	01/01/2026

Q6. Is indirect rate allowed?

- Yes

Q7. Note restrictions, if any:

Up to 8%

Q8. Does the funding include any state or federal funds?

- Yes

Q9. Is a match required from Lane ESD or participating districts (direct funds, FTE, services)?

- Yes

Q10. Does the grant require any commitment from the ESD or districts beyond the term of the grant?

- No

Q12. Are there contracted services included in the grant that would require bid or RFP?

(See Procurement policy: <http://policy.osba.org/laneesd/D/DJC%20G1.PDF>)

- Yes

Q49. Please provide a description and explanation of these services.

Partner with workforce partners to conduct research and engage community in activities related to Team Oregon Build.

Q13. Does the grant require a 501(c)3 to apply?

- No

Q46. Does the grant require "reporting" and/or updates?

- No

Q14. Is this proposal supported by and does it include collaboration with district partners?

- No

Q17. Please, provide a brief overview of the grant, including the purpose and intended outcomes.

This is an AmeriCorps planning grant that can support staffing costs, travel, materials, and other costs necessary to conduct research and engage community members and partners in planning activities related to Team Oregon Build projects and partners. The year long planning grant will allow existing partners to look at community projects, participating schools, and interested community partners to identify problem in the community(ies) where your LESD focuses its efforts. We will use reputable/current/local data from the past several years of Constructing a Brighter Future and Team Oregon Build. AmeriCorps Members can be an Effective Tool to engage community and we want to explore this possibility with the planning grant. LESD believes that AmeriCorps Members could potentially be an effective tool for addressing the community need that TOB is trying to address; contribute to improved educational outcomes for students across Lane County and prepare students for success post high school.

Q18. Describe how this proposal supports the equity vision and mission of Lane ESD.

Vision: Building a beloved community of learners.

Mission: Collaborating to empower all learners with justice- centered opportunities, equitable leadership, and a passion for lifelong learning.

This project embodies a beloved community of learners and is about collaborating with learners, focused on underserved students.

Q19. Indicate which of Lane ESD's Equity Goals this proposal will directly address.

- 1. All decisions and actions will reflect the guiding principles and affirmations in our Equity Lens document.
- 2. Lane ESD staff along with community partners will be equity leaders trained to dismantle systems of oppression through interrupting inequitable policies and practices by providing culturally specific curriculum that reflects the histories of our students.
- 3. All ESD staff and educators we serve will be provided the equity tools and training needed to inspire student learning, so all youth thrive.
- 4. Youth, from all backgrounds, will have access to highly engaging and culturally relevant learning opportunities connected to our communities and delivered by diverse, qualified, and passionate educators.
- 5. While amplifying youth voice, we will build trusted and inclusive relationships with our families and elevate the engagement of community partners that lead to improved equitable student outcomes.

Q20. Describe how the voices of diverse members of the community have been part of the design and implementation process of this proposal.

This proposal is an extension of many months and years of work with Construction CTE Programs... students, teachers, industry and community partners have all been part of this effort...starting up the McKenzie valley with the Holiday Farm fire to the current statewide Team Oregon Build efforts.

Q21. How will this proposal dismantle systems of racism and oppression that might exist?

In multiple ways. Working to support those in need of shelter and de-stigmatizing careers in the trades.

Q22. Who might this proposal impact positively and who might it negatively impact?

N/A

Q23. How will you ensure that equitable outcomes are achieved and what data will be collected to measure success?

This is a planning grant and therefor is not student facing, but rather focused on working with school districts, community partners and industry professionals to determine next steps in this large project.

Q25. Does the grant require hiring or reallocating personnel (include stipends and temporary employment)?

- No

Q29. Will the purchase of computers, software, or other equipment be required for staff hired or assigned to the grant?

- No

**Q31. What use of facilities are anticipated (workspace, training space, meeting space)?
If applicable, please include use during weekends and break periods.**

N/A

Q32. What other internal supports at Lane ESD will you need for the project to succeed?

N/A

Q33. Will the proposal require partnership with agencies other than our component districts?

- Yes

Q34. Which agencies will Lane ESD partner with during the proposed project?

Lane Workforce Partnership, PIVOT Architecture. These are two organizations that have been instrumental in TOB's success and partnership with our schools.

Q35. What grant funding, or in kind support will these partners receive?

We will be partnering with these organizations to complete the planning grant. We will follow all procurement and processes to make sure that we follow guidelines and procedures.

Q36. Does the project involve research that requires the human subjects' releases?

- No

By clicking the arrow you will be submitting the form.

Please ensure you have completed all sections before moving forward.

Embedded Data:

N/A

OSBA Model ESD Sample Policy

Code: AC

Adopted:

Nondiscrimination and Civil Rights

{Required policy. 34 CFR § 106.45 requires grievance procedures for complaints of sex discrimination.}

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

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

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

The superintendent shall appoint individuals at the ESD to contact on issues concerning the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Title VI, Title VII, Title IX and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers.

The ESD will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the ESD administrative office and available on the home page of the ESD website. Complaint procedures are published in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure.

The ESD prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 ~~(as amended by House Bill 2935 (2021))~~.

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.409
ORS 192.630	ORS 659A.009	ORAR 581-002-0001 - 002-0005
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0046
ORS 659.805	ORS 659A.030	OAR 581-021-0047
ORS 659.815	ORS 659A.040	OAR 581-022-2310
ORS 659.850 – 659.860	ORS 659A.103 – 659A.145	OAR 581-022-2370
ORS 659.865	ORS 659A.230 – 659A.233	OAR 581-024-0210
ORS 659.870	ORS 659A.236	OAR 581-075-0001 - 075-0005
ORS 659A.001	ORS 659A.309	OAR 581-075-0901
ORS 659A.003	ORS 659A.321	OAR 839-003

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

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

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

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

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

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

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

Americans with Disabilities Act ~~of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12112 (2012); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

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

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

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

~~House Bill 2935 (2021).~~

~~House Bill 3041 (2021).~~

OSBA Model ESD Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

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

¹The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

~~The ESD processes complaints^{²} or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.~~

General Procedures

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

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

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

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

~~² {Some ESDs choose not to use the terms “complaint” and “complainant” because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the ESD chooses to change these terms, new terms must be consistent and clear. Note, “complainant” is defined under federal law.}~~

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

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

Additional information regarding filing of a complaint or report may be obtained through the program administrator, Title IX Coordinator or superintendent.

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

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

{⁴} Sexual harassment of students, staff members or third parties⁵ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or ESD staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁶.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or ESD staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the

⁴ {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the ESD would like to include the full statutory definition, it can do so.}

⁵ "Third party" means a person who is not a student or a school or ESD staff member and who is: 1) on or immediately adjacent to school grounds or ESD property; 2) at a school-sponsored activity or program; or 3) off school grounds or ESD property if a student or a school or ESD staff member acts toward the person in a manner that creates a hostile environment for the person while on school or ESD property, or at a school- or ESD-sponsored activity.

⁶ "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, {⁷} physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

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

{⁸} Morgan Christensen, Executive Director Human Resources, hr@lesd.k12.or.us, 541.461.8200

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

Response

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

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

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

Any student or staff member who feels they are a victim of sexual harassment are encouraged to ~~immediately~~ report their concerns to ESD officials, this includes officials such as the principal,

⁷ {OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy”. The bracketed list in this policy reflects OSBA’s recommendations. The ESD has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the ESD’s legal counsel.}

⁸ {The ESD must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

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

compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate ESD official.

Investigation

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

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

The ESD will use a reasonable person standard when determining whether a hostile environment exists. ^{10}A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

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

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

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

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

¹⁰ {OSBA strongly recommends the Board receive input from ESD administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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

No Retaliation

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

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

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

Notice

When a person¹¹ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

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

The written notification must include¹²:

¹¹ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

¹² Remember confidentiality laws when providing any information.

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

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

The notice must:

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

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

- ~~1. An employee of the ESD conditioning the provision of an aid, benefit, or service of the ESD on an individual's participation in unwelcome sexual conduct;~~
- ~~2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ESD's education program or activity¹³;~~
- ~~3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;~~
- ~~4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;~~
- ~~5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or~~
- ~~6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.~~

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

Federal Procedures

~~The ESD will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. See GBN/JBA AR(2) Title IX Sexual Harassment Grievance Procedures.~~

Reporting

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

¹³ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. § 106.44(a))

[Person or position] is designated as the Title IX coordinator [and can be contacted at [insert phone number]]. The Title IX coordinator will coordinate the ESD's efforts to comply with its responsibilities related to this AR. The ESD prominently will display the contact information for the Title IX coordinator on the ESD website and in each handbook.¹⁴

Response

The ESD will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹⁵ The ESD shall treat complainants and respondents equitably by providing supportive measures¹⁶ to the complainant and by following a grievance procedure¹⁷ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.¹⁸

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁹ The ESD must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);

¹⁴-(Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.)

¹⁵-(Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

¹⁶-(Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESD's educational environment, or deter sexual harassment.¹⁶ The ESD must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

¹⁷-This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure).

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

¹⁹-The ESD may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

- 2.—~~That the ESD does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and~~
- 3.—~~The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the ESD will respond.~~

~~[Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary²⁰, or both.]~~

No Retaliation

~~Neither the ESD or any person may retaliate²¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The ESD must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.~~

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

Publication

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

END OF POLICY

Legal Reference(s):

ORS 243.706	ORS 342.850	ORS 659A.030
ORS 334.125	ORS 342.865	
ORS 342.700	ORS 659.850	OAR 581-021-0038
ORS 342.704	ORS 659A.006	OAR 584-020-0040
ORS 342.708	ORS 659A.029	OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020, 2024).
 Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

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

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

OSBA Model ESD Sample Policy

Code: JBA/GBN

Adopted:

Sexual Harassment

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

¹The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

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

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

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

Additional information regarding filing of a complaint or report may be obtained through the program administrator, Title IX Coordinator or superintendent.

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

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

Oregon Definition

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

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

{⁴} Sexual harassment of students, staff members or third parties⁵ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student’s educational activity or program;
 - b. Interferes with a school or ESD staff member’s ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁶.

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

Examples of sexual harassment may include, but not be limited to, {⁷} physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

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

{⁸} Morgan Christensen, Executive Director Human Resources, hr@lesd.k12.or.us, 541.461.8200

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to **make a report** should **use** the above **contact information**. **The person[s] designated will**

⁴ {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the ESD would like to include the full statutory definition, it can do so.}

⁵ “Third party” means a person who is not a student or a school or ESD staff member and who is: 1) on or immediately adjacent to school grounds or ESD property; 2) at a school-sponsored activity or program; or 3) off school grounds or ESD property if a student or a school or ESD staff member acts toward the person in a manner that creates a hostile environment for the person while on school or ESD property, or at a school- or ESD-sponsored activity.

⁶ “Without consent” means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

⁷ {OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy.” The bracketed list in this policy reflects OSBA’s recommendations. The ESD has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by ESD’s legal counsel.}

⁸ {The ESD must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. This person is also designated as the Title IX coordinator.^{9}

Response

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

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

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

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

Investigation

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

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

The ESD will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.¹⁰

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

¹⁰ {OSBA strongly recommends the Board receive input from ESD administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR R11/24 | SL

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

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

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

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

No Retaliation

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

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

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the ESD's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report

106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person¹¹ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

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

The written notification must include¹²:

1. Name and contact information for all person designated by the ESD to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or ESD that the person who filed the complaint may pursue, including the person designated for the school or ESD for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or ESD may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or ESD, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or ESD;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services;

¹¹ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

¹² Remember confidentiality laws when providing any information.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the ESD’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

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

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

Publication

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

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 334.125](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

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

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

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

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

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

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

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

OSBA Model ESD Sample Policy

Code: GBNAA/JHFF

Adopted:

Suspected Sexual Conduct with Students and Reporting Requirements *

{Required policy. ORS 339.372 establishes the requirement for boards to adopt policy on suspected sexual conduct.}

Sexual conduct by ESD employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All ESD employees, contractors, agents, ~~and~~ volunteers, and students⁴ are subject to this policy. ~~Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.~~

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the ESD or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the ESD that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high schools within ~~90 days~~ one calendar year prior to the sexual conduct.

¹ “Contractor” means a person providing services to the ESD under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The ESD will post in each school building the names and contact information of the employees designated for the respective school building(s) to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any ESD employee^{6}, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another ESD employee, contractor, agent or volunteer, or that another ESD employee, contractor, agent or volunteer has engaged in sexual conduct with a student, shall immediately report such suspected sexual conduct to the ^{7}designated licensed administrator, or the alternate designated licensed administrator in the event the designated licensed administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Assistant Superintendent, who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer, the administrator will follow procedures established by the ESD and set forth in the ESD’s administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, an ESD employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the ESD will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, an ESD contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the ESD and the ESD will take necessary actions to ensure the student’s safety.

The ESD will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the ESD as a result of the report.

⁶ {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the ESD to consider including. If the language is kept, the ESD must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

⁷ {ORS 339.372 requires the ESD to have a policy that designates the licensed administrators and requires the ESD to post the names and contact information of the designees in the school building. A “licensed administrator” is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

An ESD employee, contractor or agent will not assist another ESD employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the ESD employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the ESD from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the ESD or any ESD employee, contractor, agent or volunteer.

The ESD will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the ESD, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on ESD employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All ESD employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the ESD will be appropriate and only when directed by ESD administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use mailing lists and/or other internet messaging approved by the ESD to a group of students rather than individual students or as directed by ESD administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the ESD is prohibited.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

~~House Bill 2136 (2021).~~

~~Senate Bill 51 (2021).~~

House Bill 4160 (2024).

OSBA Model ESD Sample Policy

Code: JHFF/GBNAA

Adopted:

Suspected Sexual Conduct with Students and Reporting Requirements *

{Required policy. ORS 339.372 establishes the requirement for boards to adopt policy on suspected sexual conduct.}

Sexual conduct by ESD employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All ESD employees, contractors, agents, ~~and~~ volunteers, and students⁴ are subject to this policy. ~~Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.~~

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the ESD or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the ESD that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high schools within ~~90 days~~ one calendar year prior to the sexual conduct.

¹ “Contractor” means a person providing services to the ESD under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The ESD will post in each school building the names and contact information of the employees designated for the respective school building(s) to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any ESD employee^{6}, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another ESD employee, contractor, agent or volunteer, or that another ESD employee, contractor, agent or volunteer has engaged in sexual conduct with a student, shall immediately report such suspected sexual conduct to the ^{7}designated licensed administrator, or the alternate designated licensed administrator in the event the designated licensed administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Assistant Superintendent who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer, the administrator will follow procedures established by the ESD and set forth in the ESD’s administrative regulation GBNA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, an ESD employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the ESD will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, an ESD contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the ESD and the ESD will take necessary actions to ensure the student’s safety.

The ESD will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the ESD as a result of the report.

⁶ {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the ESD to consider including. If the language is kept, the ESD must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

⁷ {ORS 339.372 requires the ESD to have a policy that designates the licensed administrators and requires the ESD to post the names and contact information of the designees in the school building. A “licensed administrator” is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

An ESD employee, contractor or agent will not assist another ESD employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the ESD employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the ESD from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the ESD or any ESD employee, contractor, agent or volunteer.

The ESD will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the ESD, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on ESD employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All ESD employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the ESD will be appropriate and only when directed by ESD administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use mailing lists and/or other internet messaging approved by the ESD to a group of students rather than individual students or as directed by ESD administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the ESD is prohibited.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

~~House Bill 2136 (2021).~~

~~Senate Bill 51 (2021).~~

House Bill 4160 (2024).

OSBA Model ESD Sample Administrative Regulation

Code: AC-AR(1)

Revised/Reviewed:

Civil Rights Complaint Procedure

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

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

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

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

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

Complaints may be oral or in writing and may be filed with the program administrator Any staff member that receives an oral or written complaint shall report the complaint to the program administrator.

The program administrator shall ensure that any required notices are provided.¹

The program administrator shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within 30 school days of receipt of the complaint.

¹ See the following for notice requirements:

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

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

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

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

If the program director is the subject of the complaint, the individual start at Step 2 and should file a complaint with the superintendent or designee.

If the superintendent is the subject of the complaint, the complaint may start at step 3 and should be referred to the Board chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member may start at step 3 and should be submitted to the Board chair and may be referred to ESD counsel. Complaints against the Board chair may start at step 3 and be referred directly to the ESD counsel

The timelines established in each step of this procedure may be extended by the ESD for good cause. Any extension will be communicated to parties and include a reason for the delay.

The complainant, if a person who resides in the ESD or is a parent or guardian of a student who attends a school operated by the ESD or is a student, is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step (unless the ESD and complainant have agreed in writing to a different time period for that step) or fails to resolve the complaint within 90 days from the initial filing of the complaint, may appeal² the ESD’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-075-0001 - 581-075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

² An appeal must meet the criteria found in OAR 581-075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

CIVIL RIGHTS COMPLAINT FORM

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

Name of Person Filing Complaint Date School or Activity

Student/Parent Employee Job applicant Other _____

Type of discrimination or harassment:

- | | | |
|--|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Gender identity | <input type="checkbox"/> Veterans' status |
| <input type="checkbox"/> Color | <input type="checkbox"/> Mental or physical disability | <input type="checkbox"/> Age |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Marital status | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Familial status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> National or ethnic origin | <input type="checkbox"/> Economic status | <input type="checkbox"/> Discriminatory use of a Native American mascot |
| <input type="checkbox"/> Other _____ | | |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.) _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the program administrator.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

OSBA Model ESD Sample Administrative Regulation

Code: AC-AR(2)
Revised/Reviewed:

Sex-Based Discrimination Under Title IX

Definitions

“Discrimination on the basis of sex” includes discrimination on the basis of sex-stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Complainant” means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the ESD’s education program or activity at the time of the alleged discrimination.

“Complaint” means an oral or written request to the ESD that objectively can be understood as a request for the ESD to investigate and make a determination about alleged discrimination.

“Consent” means the knowing, voluntary and clear agreement by all parties to participate in the specific act.

“Parental status” means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with response to such a person;
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;

2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on bases described in 34 CFR § 106.10, that is:

1. **Quid pro quo harassment.** An employee, agent, or other person authorized by the ESD to provide an aid, benefit, or service under the ESD’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the ESD’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant’s ability to access the ESD’s education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties’ age, roles within the ESD’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the ESD’s education program or activity; or
3. Specific offenses including sexual assault, dating violence, domestic violence, and stalking.¹

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party’s access to the ESD’s education program or activity, including measures that are designed to protect the safety of the parties or the ESD’s educational environment; or
2. Provide support during the ESD’s grievance procedures under 34 CFR § 106.45, and if applicable 34 CFR § 106.46, or during the informal resolution process under 34 CFR § 106.44(k).

Notice of Nondiscrimination

The ESD will provide notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment and all unions and professional organizations holding collective bargaining or professional agreements with the ESD. This notice will be continuously available on the ESD website, be

¹ See 34 CFR § 106.2, *Sex-based harassment* (3) *Specific offenses* for definitions.

posted in multiple locations, be made available in the languages of the communities served by the ESD, and be disseminated annually to staff, students, and families in an accessible manner.² This includes, but is not limited to, each handbook, catalog, announcement, bulletin, and application form that the ESD makes available to persons entitled to the notice.

The ESD does not discriminate on the basis of age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity.

The ESD prohibits sex discrimination in any education program or activity it operates, as required by Title IX and its regulations, including admission and employment.

Inquiries about Title IX may be referred to the ESD’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

The following have been designated by the ESD:

<ul style="list-style-type: none">● Title IX Coordinator● Civil Rights Coordinator● Title II of the Americans with Disabilities Act of 1990 Coordinator	Dr. Morgan Christensen Executive Director of Human Resources mchristensen@lesd.k12.or.us (541) 461-8232
<ul style="list-style-type: none">● Section 504 of the Rehabilitation Act of 1973 Coordinator	Molly Gillett Executive Director of Special Education mgillett@lesd.k12.or.us (541) 461-8374

The ESD’s nondiscrimination policy and grievance procedures can be located at <https://lesd.k12.or.us/>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://lesd.k12.or.us/>

Training Requirements

The ESD will ensure the following individuals receive training related to their duties under Title IX promptly upon hiring or change of position which alters their duties under Title IX or this administrative regulation, and annually thereafter. The training must not rely on sex stereotypes.

1. All employees must be trained on:
 - a. The ESD’s obligation to address sex discrimination in its education program or activity;
 - b. The scope of conduct that constitutes sex discrimination under Title IX and regulation, including the definition of sex-based harassment; and

² This reflects the requirements for the Title IX notice (34 CFR § 106.8(c)(1)) and Oregon law OAR 581-021-0045(4).

- c. All applicable notification and information requirements.
2. All investigators, decisionmakers, and other persons³ who are responsible for implementing the ESD’s grievance procedures or have the authority to modify or terminate supportive measures must be trained on the following topics to the extent related to their responsibilities:
 - a. The ESD’s obligations under 34 CFR § 106.44 (ESD’s response to sex discrimination);
 - b. The ESD’s grievance procedures;
 - c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - d. The meaning and application of the term ‘relevant’ in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under law.
3. All facilitators⁴ of an informal resolution process must be trained on the rules and practices associated with the ESD’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias;
4. The Title IX Coordinator and any designees must be trained on their specific legal responsibilities⁵, the ESD’s recordkeeping system related requirements, and any other training necessary to coordinate the ESD’s compliance with Title IX.

The ESD will make all training materials available upon request for inspection by members of the public.

Title IX Coordinator Duties

The Title IX Coordinator is responsible for coordinating the ESD’s compliance with its obligations under Title IX.

When notified of conduct that reasonably may constitute sex discrimination under Title IX, the Title IX Coordinator must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrent, and remedy its effects:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supporting measures for complainant and respondent, as appropriate;
3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct of the grievance procedures (including informal resolutions process as appropriate);
4. If a complaint is made, notify the respondent of the grievance procedures (including informal resolutions process as appropriate);

³ This requirement is in addition to the requirements in 1. above for all employees. This requirement may include board members.

⁴ This requirement is in addition to the requirements in 1. above for all employees.

⁵ See 34 CFR §§ 106.40(b)(3) and 106.44(f) and (g).

5. In response to a complaint, initiate the grievance procedures;
6. In the absence of a complaint or the withdrawal of any or all of the allegation in the complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination⁶. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the ESD from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint;
7. If initiating a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
8. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the ESD's education program or activity.

Additional Requirements under Title IX

If the ESD has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the ESD must respond promptly and effectively. Each ESD employee⁷ must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.⁸

The ESD will treat complainants and respondents equitably.⁹

⁶ To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the ESD;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the ESD could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedure.

⁷ Does not apply to confidential employees, as defined in 34 CFR § 106.2.

⁸ This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX.

⁹ 34 CFR § 106.45(b)(1).

The ESD requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.¹⁰

The ESD presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.¹¹

The ESD will follow timelines in AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. Timelines may be amended in accordance with that procedure.¹²

The ESD will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members of the student’s Individualized Education Program (IEP) team or the group or persons responsible for the student’s placement decision as required by law.¹³

Records related to complaints, notifications and trainings will be kept in accordance with 34 CFR § 106.8(f).¹⁴

The Title IX Coordinator must monitor the ESD’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

Complaint and Grievance Procedures¹⁵

The ESD has adopted complaint procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. These procedures can be found in AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

¹⁰ 34 CFR § 106.45(b)(2).

¹¹ 34 CFR § 106.45(b)(3).

¹² 34 CFR § 106.45(b)(4).

¹³ See 34 CFR §106.8(e).

¹⁴ Records documenting the information resolution process, the grievance procedures, any resulting outcome, records documenting the actions the ESD took to meet obligations under this regulation and training materials must be kept for a minimum of seven years.

¹⁵ See 34 CFR §§ 106.8(b)(2) and 106.45.

The following persons have a right to make a complaint about sex discrimination, including complaints of sex-based harassment, requesting that the ESD investigate and make a determination about alleged discrimination under Title IX:

1. A “complainant,” includes:
 - a. A student or employee of the ESD who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. A person other than a student or employee of the ESD who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the ESD’s education program or activity;
8. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
9. The ESD’s Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment under Title IX only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with requirements of 34 CFR § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

1. Any student or employee of the ESD; or
2. Any person other than a student or employee who was participating or attempting to participate in the ESD’s educational program or activity at the time of the alleged sex discrimination.

Individuals may be able to file complaints under different laws and procedures.

The ESD may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Notice of Allegations

Upon initiation of the ESD’s Title IX grievance procedures, the ESD will notify the parties in writing of the following:

1. The ESD’s Title IX grievance procedures and any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
3. Retaliation is prohibited; and

4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the ESD provides a description of the evidence the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the ESD decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the ESD will notify the parties of the additional allegations.

Investigation

Using established investigative procedures, the ESD will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the ESD—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The ESD will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The ESD will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The ESD will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The ESD will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

1. The ESD will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the ESD provides a description of the evidence, the ESD will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of the party;
2. The ESD will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
3. The ESD will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

The ESD will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the ESD to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the ESD obtains that party's consent or witness's voluntary, written consent for use in its grievance procedures; and
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Determination whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the ESD will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- a. Coordinate the provision and implementation of remedies to a complainant and other people the ESD identifies as having had equal access to the ESD's education program or activity limited or denied by sex discrimination;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the ESD's education program or activity.
5. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 6. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Dismissal of Complaints

The ESD may dismiss a complaint of sex discrimination if:

1. The ESD is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the ESD's education program or activity and is not employed by the ESD;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the ESD determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
4. The ESD determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the ESD will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the ESD will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the ESD will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The ESD will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the ESD will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the ESD will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decision maker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the ESD will, at a minimum:

1. Offer supportive measures to the complainant as appropriate;¹⁶
2. If the respondent has been notified of the allegations, offer supportive measure to the respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the ESD's education program or activity.¹⁷

Appeal of Determinations

Appeals may be filed in accordance with AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

Informal Resolutions

In lieu of resolving a complaint through the ESD's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The ESD does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local laws.¹⁸

¹⁶ See 34 CFR § 106.44(g).

¹⁷ See 34 CFR § 106.44(f).

¹⁸ See 34 CFR § 106.44(k).

Supportive Measures

The ESD will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the ESD's education program or activity or provide support during the ESD's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures in accordance with may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment. The Supportive measures must not unreasonably burden either party and are to be nondisciplinary and non-punitive individualized services designed to protect the safety of the parties or the recipient's educational environment. Upon the conclusion of the grievance procedures or the informal resolution process, supportive measures may be continued, modified, or terminated.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the ESD may impose disciplinary sanctions, which may include for students suspension up to expulsion and for employees reprimand up to termination of employment. The ESD may also provide remedies, which may include the same individualized services provided under supportive measures, additional support services, no-contact requirements, restrictions, removal or exclusion from activities and/or education and training.

12/20/24

To: Lane Education Service District School Board Members

From: Dr. Morgan Christensen - Executive Director of Human Resources

Re: January 2025 Update

Service

HR has already begun planning for the 2025-26 school year. There are upcoming career fairs HR will be participating in along with the continuation of district wide initiatives to support the process for recruitment, hiring, and the onboarding of staff. A review of our internal operating systems are being examined for relevance, effectiveness, and efficiency. The future forward implementation of the PowerSchool platform will help automate internal operations and assist with communication while improving the organizational capacity to better meet the needs of our agency and services we provide. .

Staffing

Lane ESD welcomed four new employees this past month. Currently there remain four open vacancies with nine open pool positions to fill for Special Education and School Improvement.

(See Human Resources Report for details)



January 2025 Board Report

System Upgrades/ Improvements

- **CyberSecurity**: We are moving into Phase 3 of this project this month. This phase will finalize the testing of node deployment, adding servers for additional security, and planning for future feature development as our security posture matures.
- **LEARN Platform**- Configuration of LEARN Platform is complete. As we return from break we are training departments and finalizing workflows before final rollout to all staff later this month.
- **Parent Square**- IT is working with HR to maintain the Parent Square database manually while systems are brought up to date. Once the systems have been updated and all data is clean , IT will integrate and automate the systems that provide Parentsquare with its data. The automating of these systems will reduce the manual work currently required.
- **Connectivity**- Working with Link Oregon to increase our internet backbone from 10 gig to 100 gig. For context, most homes have a max internet connectivity of 1 gig.
- **Firewalls**- Starting this month, the network team is wrapping up the final pieces of configuration for our network infrastructure. This configuration work will allow us to enter the next stages of infrastructure development allowing for next generation filtering and communications. An example of a next generation feature is profile base networking. This process allows a staff or student to flow through the systems seamlessly while maintaining the proper levels of security and filtering compliance and in turn reducing IT overhead and maintenance.
- **Network Infrastructure**- This month we will start the scheduling and deployment of our new network infrastructure into our component districts. The new network infrastructure will increase the security levels and flexibility of our networks and the support we provide our districts over the next 5-8 years.
- **HR System**- IT continues to provide HR with support in the development of this new system. We completed module 1 in December and will move into module 2 this month. This module will have the highest level of IT involvement as we integrate the new system into our existing environment and set up SSO (single sign on). Single sign on allows us to enable security features like multi-factor-authentication and will streamline the processes for logging into systems as we continue to develop and improve our technology ecosystem.
- **Freshservice** (ITSM-Information Technology Service Management) system
We have completed the design and documentation phase of this project by allocating two IT staff to meet the required 4 hours a day for 3 weeks for this phase. As we return this month IT will start the configuration of the ITSM (Information Technology Service Management) system



and begin the training phase as we move into February. This is a complete system for the management of all IT services. We are currently in year one of a multi year development that is focused on inventory management, project management, service management, incident management, onboarding/offboarding of staff, staff knowledge base, documentation, reporting and analytics all in one place. Years two and three will focus on expert level use and development of the above modules while adding additional modules for processes like technology purchases and tracking, automation, workflows, and system integration.

School Improvement Team | Board Report | 01-07-25

Illumination Exhibit

The Springfield History Museum is currently hosting the Illumination Exhibit, an annual storytelling and community-led history exhibit. This year's exhibit focuses on Native stories and our very own Native Youth Wellness navigator Sheena Puls is featured. The NWY team and many members of the SI team attended the exhibit's opening on December 16 to see the exhibit, listen to Native musicians and storytellers, and enjoy salmon chowder. The exhibit will be housed in the museum until this spring when it will be displayed in Springfield schools for the remainder of the school year.

Lane Community Health Council Grant

The Native Youth Wellness Program has been approved for funding in the amount of \$451,080.43 through a grant from the Lane Community Health Council. This award allows our team to sustain current programming through December 2026 and to expand to serve even more Native students within Lane County. Huge Kudos to Roshelle Weiser-Nieto for another successful grant application!

Tribal History Shared History

The 24-25 Tribal History/Shared History Community of Practice meets monthly for the duration of the school year to connect educators across Lane County with support and resources for the implementation of Tribal History/Shared History curriculum. While these communities of practice have been in place at Lane ESD for many years, we continue to support new educators as the curriculum implementation takes root in district curriculum maps across the county.

Curriculum Leaders

The December Curriculum Leaders meeting included a presentation from three Lane County rural administrators who shared their experiences with the Center for Educational Leadership's professional development cohort for administrators. This initiative is funded by the WREN and available to rural administrators in our region.

Dr. Shareen Springer announced our receipt of the LGBTQ2SIA+ Student Success Grant and shared plans for supporting students and district leaders with this program.

Finally, we hosted "hot topic" tables and invited participants to join the table topic of their choice for connection and collaboration.

Read the [12/3](#) agenda here.

CTE Tours

You are all invited to attend our inaugural Lane County CTE tours! The idea: get a bus and invite district CTE leaders and other CTE enthusiasts to tour several of our districts' CTE programs. These full day experiences will include student-led tours and lunch. Please mark your calendars for the tour you'd like to attend- more information coming soon!

Tour 1: February 4 Marcola and Springfield

Tour 2: February 13 Mapleton and Siuslaw

Tour 3: February 19 Bethel and Crow

Tour 4: February 26 4J and Pleasant Hill