

LANE EDUCATION SERVICE DISTRICT	BOARD MEETING
1200 Hwy 99 N	Tuesday, December 2, 2025
Eugene, Oregon 97402	Regular Meeting: 6:00 PM

LANE ESD BOARD MEETING AGENDA

Tuesday, December 2, 2025

1. Call Regular Meeting To Order

Board Chair

2. Welcome

Guests attending the meeting will be introduced.

Board Chair

3. 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 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.

Board Member

4. Agenda Review

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. Presentation: Lane Student Voice | Youth RAP Court

The Board of Directors of Lane ESD will hear a presentation from School Improvement's Student Voice and Engagement Specialist, Shareen Springer. Shareen will present results from youth-led research. This research is part of a multi-agency evaluation of Lane County's RAP Juvenile Treatment Court, collaborating with university graduate students, professors, and county partners.

Shareen Springer

7. Action Items

Board Chair Harris

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.

Approval of minutes does not require that all Directors were present at the meetings documented. Directors may approve minutes as an affirmation that the record accurately reflects the board's actions.

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 November 4th, 2025.
2. Second Part of Section G, 2nd read at the November 4th meeting.
3. Human Resource Report, dated December 1st, 2025.

Board Chair

Draft_LESD Board Minutes - November 4th, 2025.	14
Section G_recommended_to_adopt_GA_GBK_KGC	23
Section G Deleted Chapters_Combined	62
HR Board Report - December 2025	110

B. Accept Financial Report

BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for October 2025.

Board Chair

October Financial Report	112
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C. Approve Sole Source Procurement

Per Policy DJC, the Board is the Local Contract Review Board (LCRB) for the ESD. Per ORS 279B.075 and OAR 125-247-0275, if the LCRB determines that goods or services are available from only one source, the ESD may award a contract without competition. To the extent reasonably practicable, the ESD shall negotiate with the sole source to obtain contract terms that are advantageous to the ESD. The determination of sole source must be made on written findings. If the LCRB approves a sole source procurement, public notice must be given that describes the goods or services to be acquired, identifies the prospective contractor, and includes the timeline to protest the determination (at least seven days). The LCRB may authorize this public notice to be provided electronically.

Prospective Contractor: Lexia Learning Systems LLC

Services to be Provided: LETRS Participant Materials Bundle (Print + License) with Face-to-Face Professional Learning for 40 teachers.

Sample motion:

BE IT RESOLVED that the Board of Directors of Lane ESD approve the sole source procurement and authorize the public notice to be provided electronically.

Olivia Meyers Buch

Approve Sole Source Procurement - Lexia 116

D. Fire Engine Donation Discussion | Possible Action

Superintendent Scurto

KH D1 118

E. Approve Juvenile Detention Education Program (JDEP) Student Investment Act (SIA) Grant Agreement

The purpose of this grant is to provide funding to assist in meeting students' mental or behavioral health needs, and increasing academic achievement and reducing academic disparities for students from racial or ethnic groups that have historically experienced academic disparities, students with disabilities, English language learners, economically disadvantaged students, students who are homeless, and students who are foster children.

Suggested motion:

BE IT RESOLVED that the Board of Directors of Lane ESD approves the presented Juvenile Detention Education Program (JDEP) Student Investment Act (SIA) Grant Agreement.

Superintendent Scurto

Lane Co Dept of Youth SIA 25-27 GA 120

F. OSBA Election

Resolution Election Calendar

Date Action

Sept 30 All resolutions to be submitted to the membership for a vote must be received at the OSBA offices

Oct 15 Resolution details, along with an official ballot, will be sent to the membership

Oct 15 Voting period opens

Dec 15 Voting period closes

January 1st, 2026: Newly elected officers and OSBA Board members take their seats.

Board Chair

1. OSBA Board Candidates

Position 6, Lane Region

- Nicole DeGraff
- Maureen Miltenberger
- Maya Rabasa

Sample Motion:

BE IT RESOLVED: that the Board of Directors of Lane Education Services District support [*insert candidate name*] for the OSBA Board of Director, Position 6.

Board Chair

2. OSBA Legislative Policy Committee Candidates

Position 6, Lane Region

- Judy Newman
- Adrian Pollut

Sample motion:

BE IT RESOLVED: that the Board of Directors of Lane Education Services District support [*insert candidate name*] for the OSBA Legislative Policy Committee, Position 6.

Board Chair

G. OAESD Governance Council Nomination

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 2026 will be as follows:

November to 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 to 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 2025-26 year. Official duties will begin on July 1, 2026.

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

Suggested motion:

BE IT RESOLVED that the Board of Directors of Lane Education Service District nominate eligible members of their own or other ESD boards for Chair-Elect.

Board Chair, Superintendent

OAESD Nominations 2025-26

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H. Second Reading: Adopt Policy Updates and Recommendations

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.

Policies shall be adopted, amended or repealed by the affirmative vote of four or more Board members. Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the ESD's policy manual.

The Board shall communicate its position on matters of public policy and shall interact with the community, other governmental bodies and agencies and the media through the spokesperson designated by the Board.

Board Chair

1. Section I: Instruction

Lane ESD has engaged with OSBA to complete a desk rewrite of the Board Policy Manual.

These updates were first read at the October 7th, 2025 meeting of the Board of Directors.

Policy Section I : Instruction

Instructional Goals IA - (optional - recommend delete)

Freedom of Expression IB - Adopt with Updates

ESD Calendar/School Year IC/ICA/ID - Adopt with Updates

Religious and Cultural Holidays** ICB Adopt with Updates
 Instructional Program Development IF Adopt with Updates
 Credit-Related Course Offerings IF-AR Recommend to delete
 Instructional Research IFA Adopt with Updates
 Research Guidelines IFA-AR - Recommend to delete
 Pilot Projects IFB Adopt with Updates
 Curriculum Adoption IFD Adopt with Updates
 Curriculum Guides and Course Outlines IFE - Adopt with Updates
 HIV, AIDS and HBV Health Education IGAEA- HOLD
 Drug and Alcohol Prevention, Health Education IGAEB - HOLD
 Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education** IGAI - HOLD
 Students with Disabilities - Child Identification Procedures IGBA Adopt with Updates
 Students with Disabilities - Child Identification Procedures IGBA-AR - Adopt with Updates
 Education Records/Records of Students with Disabilities** IGBAB/JO - Adopt with Updates
 Education Records/Records of Students with Disabilities Management IGBAB/JO-AR - Adopt with Updates
 Special Education - Personnel Development IGBAC - Adopt with Updates
 Special Education - Participation in Regular Education Programs IGBAE - Adopt with Updates
 Special Education - Participation in Regular Education Programs** IGBAE-AR - Adopt with Updates
 Special Education - Individualized Education Program (IEP)** IGBAF - Adopt with Updates
 Special Education - Individualized Education Program (IEP)** IGBAF-AR - Adopt with Updates
 Special Education - Procedural Safeguards** IGBAG - Adopt with Updates
 Special Education - Procedural Safeguards** IGBAG-AR - Adopt with Updates
 Special Education - Evaluation Procedures** IGBAH - Recommend to delete
 Special Education - Evaluation and Eligibility Procedures** IGBAH-AR - Adopt with Updates
 Special Education - Private Schools IGBAI - (Questions for OSBA)
 Special Education - Private Schools IGBAI-AR - (Questions for OSBA)
 Special Education - Free Appropriate Public Education (FAPE) IGBAJ - Adopt with Updates
 Special Education - Free Appropriate Public Education (FAPE) IGBAJ-

AR - Adopt with Updates
Special Education - Public Availability of State Application IGBAK - Recommend to delete
Special Education - Public Availability of State Application IGBAK-AR - Recommend to delete
Special Education - Services for Home-Schooled Students with Disabilities IGBAL - HOLD
Talented and Gifted Program and/or Services** IGBB - HOLD
Complaints Regarding the Talented and Gifted Program and/or Services IGBB-AR - HOLD
Talented and Gifted Students - Identification** IGBBA - HOLD
Appeal Procedure for Talented and Gifted Student Identification and Placement** IGBBA-AR - HOLD
Program Exemptions** IGBHD - Adopt with Updates
Bilingual Education** IGBI - Adopt with Updates
Student Fund-Raising Activities IGDF - Adopt with Updates
Student Fund-Raising Activity Request IGDF-AR - Adopt with Updates
Interscholastic Activities** IGDJ - HOLD
Instructional Resources/Instructional Materials IIA - Recommend to delete
Instructional Materials IIA =-Adopt with Updates
Instructional Materials IIA-AR(1) - Adopt with Updates
Request for Reconsideration of Instructional Materials Form IIA-AR(2) - Adopt with Updates
Use of Feature Films[,] [or] Videos[or Other Media]** IIABB = Adopt with Updates
Use of Feature Films[,] [or] Videos[or Other Media] IIABB-AR - Adopt with Updates
Special Interest Materials IIAD - Adopt with Updates
Electronic Communications System IIBGA - HOLD
Electronic Communications System IIBGA-AR - HOLD
Off-Campus Student Activities/Field Trips** IIC/IICA - Adopt with Updates
Off-Campus Student Activity/Field Trip Notification Approval Form IIC/IICA-AR - Adopt with Updates
Community Resource Persons IICB - Adopt with Updates
Volunteers IICC - Adopt with Updates
Academic Achievement** IK - Adopt with Updates
Student Progress Reports to Parents** IKAB - Recommend to delete
Graduation Requirements** IKF - HOLD
Graduation Exercises IKFB - HOLD
Credit for Proficiency IKH - HOLD
Artificial Intelligence IKJ - Adopt with Updates

Assessment Program** IL - HOLD
Evaluation of Instructional Programs IM - Recommend to delete
Review of Component District Operations IMA - HOLD
Program Service Evaluation/Program Renewal IMA-AR(1) - HOLD
Resolution Services IMAA - Recommend to delete
Studying Controversial Issues INB - Adopt with Updates
Studying Controversial Issues INB-AR - Adopt with Updates

BE IT RESOLVED that the Board of Directors of Lane ESD adopt policy updates as presented.

Chair, Superintendent Scurto

Section I Proposed Adopt_Combined 149

2. Adopt Policy Deletions | Section I: Instruction

The policy deletions for Section I were presented at the Regular Meeting of the Board for first read on November 7th, 2025.

The following policies/administrative rules are recommended for deletion:

Instructional Goals IA - (optional - recommend delete)
Credit-Related Course Offerings IF-AR Recommend to delete
Research Guidelines IFA-AR - Recommend to delete
Special Education - Evaluation Procedures** IGBAH - Recommend to delete
Special Education - Public Availability of State Application IGBAK - Recommend to delete
Special Education - Public Availability of State Application IGBAK-AR - Recommend to delete
Instructional Resources/Instructional Materials IIA - Recommend to delete
Student Progress Reports to Parents** IKAB - Recommend to delete
Evaluation of Instructional Programs IM - Recommend to delete
Resolution Services IMAA - Recommend to delete

BE IT RESOLVED that the Board of Directors of Lane ESD proceed to adopt offered policies for deletion as presented.

Superintendent Scurto

Section I Proposed Delete_Combined 256

8. 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. Policy Updates | First Read

Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The Board has the authority to move this policy to adoption if they choose.

Superintendent Scurto will introduce policy Section J: Students.

Superintendent Scurto

1. Section J | Students

Superintendent Scurto

Section J_Parts_JAA to JFF

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D. Pending Policy

Policy sections held over for OSBA updates or updated information.

Superintendent Scurto

1. Pending Policy from Section G: Personnel

GBEA-AR: Workplace Harassment Reporting and Procedure - PENDING

GBEE: Wellness - PENDING

GBEE-AR(1): Wellness - PENDING

GCBDD/GDBDD - PENDING

GCBDA/GDBDA - AR (2) - ON HOLD

GCBDA/GDBDA - AR (3) (A) - ON HOLD

GCBDA/GDBDA - AR (3) (B) - ON HOLD

GCBDA/GDBDA - AR (3) (C) - ON HOLD

GCBDA/GDBDA - AR (3) (D) - ON HOLD

GCBDA/GDBDA - AR (4) - ON HOLD

GCBDA/GDBDA - AR (5) - ON HOLD

GCBDD/GDBDD: Sick Time - PENDING

GCPD: Discipline and Dismissal of Licensed Staff * - PENDING

GCPD-AR: Discipline and Dismissal of Licensed Staff *- PENDING

Superintendent Scurto

2. Pending Policy from Section I: Instruction

Curriculum Guides and Course Outlines IFE - Adopt with Updates

HIV, AIDS and HBV Health Education IGAEA- HOLD

Drug and Alcohol Prevention, Health Education IGAEB - HOLD

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education** IGAI - HOLD

Special Education - Private Schools IGBAI - (Questions for OSBA)Special Education - Private Schools IGBAI-AR - (Questions for OSBA)

Special Education - Services for Home-Schooled Students with Disabilities IGBAL - HOLD
 Talented and Gifted Program and/or Services** IGBB - HOLD
 Complaints Regarding the Talented and Gifted Program and/or Services IGBB-AR - HOLD
 Talented and Gifted Students - Identification** IGBBA - HOLD
 Appeal Procedure for Talented and Gifted Student Identification and Placement** IGBBA-AR - HOLD
 Interscholastic Activities** IGDJ - HOLD
 Electronic Communications System IIBGA - HOLD
 Electronic Communications System IIBGA-AR - HOLD
 Graduation Requirements** IKF - HOLD
 Graduation Exercises IKFB - HOLD
 Credit for Proficiency IKH - HOLD
 Assessment Program** IL - HOLD
 Review of Component District Operations IMA - HOLD
 Program Service Evaluation/Program Renewal IMA-AR(1) - HOLD

Superintendent Scurto

9. Information from Administrative Staff

The Directors of School Improvement, Special Education, and Technology have submitted written reports to the Board on matters of interest concerning their area of responsibility.

Administrative Staff

SI_Board Update_12_02_25	338
Special Education Department Board Report _ December 2025 - Google Docs	339
December 2025, IT Board Report	340

10. Board Member Reports and Comments/Agenda Planning

Lane ESD Board, Liaisons, Advisors

A. 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.

Board, Advisors, Liaisons

Nora Kent report for Dec2	341
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B. 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

11. Announcements/Correspondence

Board Chair

A. Acknowledgements

Superintendent Tony Scurto

B. Announcements

Board Chair

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

12. Adjournment

- The next regular meeting is scheduled to be held Tuesday, January 6th, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.



LANE EDUCATION SERVICE DISTRICT

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EQUITY

COMMITMENT

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LANE EDUCATION SERVICE DISTRICT

1200 Hwy 99 N
Eugene, Oregon 97402

Board of Directors

November 4th, 2025
Work Session: 4:30 PM
Regular Meeting: 6:00 PM

1. Call Work Session to Order

Chair Leslie Harris called the Regular Meeting to Order at 4:36 p.m.

Board Members Present: Board Chair Leslie Harris, Vice Chair Vanessa Truett, Directors Sherry Duerst - Higgins, Linda Hamilton, Rose Wilde, Thomas Hiura and Nora Kent (remote).

Administrators and staff present: Superintendent Scurto, Maria Schaad (recording secretary)

Guests: Dave Novotney, Jada Rupley (Northwest Leadership Associates), Hank Harris (Human Capital Enterprise)

2. Superintendent Search Firms

Board Chair Harris provided an overview of what to expect from the work session and subsequent regular meeting. Also, Chair Harris provided a brief description of reference requests for both search firms.

Lane ESD Directors introduced themselves to the presenter guests.

2.A. Northwest Leadership Associates (NLA): presenters on behalf of NLA were Jada Rupley and Dave Novotney.

The presentation provided an overview of the history of NLA as a firm, experience and credentials of each presenter and an overview of their approach to the Superintendent search process. The presentation was offered in a Q & A format and included a folder with handouts.

A Board member may be designed to coordinate reference checks and possible site visits.

2.B. HCE Started

Hank Harris presented information on firm partners. Mr. Harris offered an overview of their search process. Phase I: Planning Meeting. Phase II: Engagement of constituents of this organization. Phase III: Recruitment. It is not just posted ads, but ensuring the target focus more regionally or nationwide. Phase IV: Selection phase over multiple interviews. The interview is not a cookie cutter approach. Interview questions are tailored to the criteria established by the Board. Phase V: Transition.

3. Work Session | Adjournment

Chair Harris adjourned the Lane ESD Board Work Session at 5:46.

4. Call Regular Meeting to Order

Chair Leslie Harris called the Regular Meeting to Order at 6:00.



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5. Welcome

Guests attending the meeting were introduced.

Board Members Present: Board Chair Leslie Harris, Vice Chair Vanessa Truett, Directors Sherry Duerst-Higgins, Linda Hamilton, Rose Wilde, Thomas Hiura and Nora Kent (remote).

Administrators and staff present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Executive Business Director Olivia Meyers - Buch, Maria Schaad (recording secretary).

Advisors/Liaisons Present: Lane Tompkins (Superintendent), Mike Anderson (Creswell School District), Danna Brownell (McKenzie)

Guests: Maddy Ahearn (Lane ESD), Cassadie Mitchell (Lane ESD), Victor Lahr (Lane ESD)

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

The Statement was read aloud by Director Truett

7. Public Participation

No public participation

8. Agenda Review

The agenda was reviewed and accepted as presented.

9. Work Session Debrief: Presentation: Discussion

9.A. Debrief

The Chair guided the discussion to debrief the work session presentations and shared reference responses. Directors shared their views of the pros and cons of each firm.

9.B. Possible Action: Search Firm Selection

Based on the strength of the resumes and proposals there was Board preference for HCE. While NLA presented their depth of experience, HCE's local experience and HR expertise was in line with what the Board was looking for.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD hire Human Capital Enterprise (HCE).

Director Hamilton's vote was informed by the difference in the price of the proposals.

Director Truett seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, KENT, HIURA, AND TRUETT VOTING YES. DIRECTOR HAMILTON VOTED NO. (ESD Resolution #26-031)**

6:1:0

10. Presentation: School Improvement

Cassadie Mitchell introduced Maddy Ahearn. Maddy presented on the Rural District Professional Development Collaborative. The Collaborative focuses on 1) a unified calendar that aligns professional development calendars across districts, 2) Cross-District Collaboration that is enabled through the coordination of Lane ESD and, 3) lasting impact ensuring that educational professionals can engage in



consistent learning opportunities. The feedback from participating district administrators and teachers has been very positive.

Professional development is offered on four non-student days. On days when students are present, Lane ESD administrators cover the buildings of participating districts while their administrators are attending professional learning. At the high school level, Lane ESD has content specialists in math, science and health. Lane ESD's special education team has also provided support for component district special education educators.

11. Action Items

11.A. Consent Agenda

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD approves the consent group as submitted and listed below

1. Lane ESD Board Meeting Minutes for October 7th, 2025.
2. Lane ESD Board Special Meeting Minutes, October 28th, 2025.
3. Human Resource Report, date

Director Hiura seconded, and the **MOTION CARRIED WITH DIRECTORS HAMILTON, HARRIS, KENT, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-032)**

Director Wilde noted her absence from the October 7th, 2025 and October 28th, 2025 meetings, but didn't offer corrections to the minutes or confirm accuracy.

7:0:0

11.B. Accept Financial Report

In terms of our general fund, the landscape remains stable. At this time, unassigned funds are projected to be in the mid to high 6% range and will continue to change month to month.

DIRECTOR Wilde MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for August 2025, as presented.

Questions were raised about the impacts of the Federal shutdown. So far, districts have been able to maintain above a draw down. ODE is encouraging districts to submit reimbursement requests more regularly.

Director Truett seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, HIURA, AND KENT VOTING YES. (ESD Resolution #26-033)**

The vote passed unanimously (7:0:0)

11.C. Accept Transit Dollar Requests

Lane ESD has received signed transit requests from all districts, requesting less than 50%. A brief correction was noted that the Agenda listed 15 districts - the last district communicated that action was taken by their Board, but the form was not submitted by the time of the meeting. The Lane ESD Board is presented with the transit forms and the action proposed is to accept.



DIRECTOR Duerst-Higgins MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the transit dollar for August 2025, as presented.

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, HIURA, KENT, TRUETT, AND WILDE VOTING YES. (ESD Resolution #26-034)**

The vote passed unanimously (7:0:0)

11. D. Assistant Supt. Contract

Superintendent Scurto offered a brief background. The LCEA Contract was settled in the Spring with a 3.5% COLA for the 25-26 school years, as well as a 3.4% increase in insurance rate contributions. Also, the Management team agreement approved a COLA of 1% for program administrators and 3% for the rest of the management team and the same insurance rate contribution increase of 3.4%. In accordance with the Assistant Superintendent Contract, a raise no less than that of the Administrative team is provided for a 3.4% insurance contribution. Since there are two rates in the Administrator group, Superintendent Scurto proposes a 2.5% COLA and that the current three-year contract be extended one more year for the 2027-28 school year.

DIRECTOR DUERST-HIGGIN MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD approve the Assistant Superintendent Contract COLA and extension.

Director Hamilton requested clarification on the contracts, as well as the evaluations.

Superintendent Scurto clarified the contract extension and the COLA, noting that it is negotiable each year. The contract called for COLA to be no less than the management team and the recommendation presented was in the middle. Assistant Superintendent evaluations for last year and this year were completed and favorable.

Director Wilde seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, KENT, HIURA, AND TRUETT VOTING YES. DIRECTOR HAMILTON ABSTAINED. (ESD Resolution #26-035)**

The vote passed (6:0:1). Director Hamilton abstained until reviewing the Assistant Superintendent evaluations.

11.E. Supt. Contract and Retirement Transition

The Board reviewed contract and retirement transition for the superintendent, specifically changes in the contract are a 2% COLA for the 25-2026 school year, an increased insurance contribution of 3.4% and transition previously extended Health Savings Account (HSA) contribution to an equivalent amount provided as a salary supplement as of January 1st, 2026. .

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD approves the 2.0% COLA, transitioning the HSA contribution to a salary supplement with no extension to the Superintendent Contract due to retirement.

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, HIURA, AND TRUETT VOTING YES. (ESD Resolution #26-036)**

The vote passed unanimously (7:0:0)

11.F. Appointment Budget Committee Member



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EQUITY

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The budget committee consists of the seven elected Board members and eight members appointed by the Board from component school districts or designees of component district Boards. The members appointed by the Board shall consist of five members selected by the ESD zone and three members selected at-large.

On September 9th, 2025, this Board identified three vacant budget committee positions. On October 7th, 2025, the Board reappointed Robin Zygaitis to Position 7 (At-Large) representing Bethel School District for an additional three-year term ending June 30th, 2025.

At this time, we have received a request for reappointment from Jim Chapman, who previously served in Position 5 (Zone 5) representing a small district - Lowell School District.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD Reappoint Jim Chapman to Position 5 (Zone 5) representing Lowell School District for an additional three-year term ending June 30th, 2028.

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, HIURA, KENT, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-037)**

The vote passed unanimously (7:0:0)

11.G OSBA Election

Today, the Board received information about OSBA elections, open positions and the candidates. At this same meeting, the Directors came to a consensus to table the discussion and vote at the December meeting as the deadline for submission is December 15th. In addition to moving the vote to December, some directors shared brief opinions about their thoughts about OSBA regional representation before moving on.

No action was taken, or needed.

***Note:** Board Chair Harris elected to adjust the order of the Agenda to accommodate the Liaison guests and reports.

14. Board Member Reports and Comments/Agenda Planning

Liaisons

Mike Anderson, Creswell School District: Things continue to go well this fall. There were significant changes to start the year. This year, Creswell welcomed a new high school principal, a new football coach and coaching staff, new band director and new women's soccer team head coach. The bond projects have started up and everything is going well and on schedule. There has been significant funds saved in the way the district has approached the bond. Since the district did all of the bidding and jobs, and the projects have seen significant savings. The football, softball and baseball turf fields were acquired for one price. Creswell School District is one of three districts receiving a building (the new CTE building) donation coming from Idaho. It is estimated to cost about \$6 million to set it up. There were some evaluations - data indicates that students are trending towards grade level. Creswell will be starting a new superintendent search now that Mike Johnson has announced his retirement. Mr. Anderson extended appreciation for Director Hamilton's visit and support.

Lane Tompkins, Superintendent, McKenzie School District: Expressed appreciation for the



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Rural School Collaborative and the work being done by Maddy Ahearn. McKenzie School District opened the year with a good start, closing in on finishing up the first quarter and hosting teacher conferences are next week. There is good energy. Regarding Federal shutdown - the fire mitigation grant has stalled due to the shutdown and requests for status updates have not received responses.

In response to a question about how the SNAP cuts have had on the community, Superintendent Tomkins offered that the impacts have not been felt yet. However, resources are standing ready in preparation for offering support and did note Food banks in the area have served twice as many last week in preparation for the shutdown.

Danna Brownell, McKenzie School District: (in person and written report). Dana offered supplementary updates to Superintendent Tompkins report. The student clubs have started meeting, including chess, gardening and fly tying. The cross-country team had a wonderful season and hosted an Old Mill invitational. This was the first year to have enough participants for team scores and are currently in 3rd place, out of 27 school districts. Homecoming was well attended and a success. The senior class (12 seniors) are visiting colleges - among the colleges, students have visited OSU, UofO and LCC. Staff and admin are helping with scholarship and college admission applications.

The meeting returned to the Agenda section 11.H of Action Items, resuming with a second reading of Policy Section G. *Note that the minutes reflect the order of discussion.

11.H Second Reading

Superintendent Scurto provided background information regarding the different sections. Section G dealing with Personnel is the largest section of policy. The committee noted that there were recommendations to delete, some to adopt and some to adopt with changes. There are still policies that are on-hold per OSBA recommendations.

Board Chair explained that the Policy committee has reviewed and offered recommendations. Thus, the Committee, by recommendations offered to the Board, can move and second actions for policy adoption. There were questions regarding GBNA/JBNAA - AR and the two versions and since it is an AR - the discussion concluded that it is left for courtesy read. As a follow up, Board Chair Harris invited the Board to weigh in on whether to approve the policies by section or all at once.

GAB: Job Descriptions - Adopt update
GAB-AR(1): Position Description - Adopt update
GAB-AR(2): Classified Personnel Position Description Review - Adopt update
GAB - AR(3): Internal Employee Hired to New Position Classification - Adopt update
GBA: Equal Employment Opportunity - Adopt update
GBA-AR: Veterans' Preference - Recommend to adopt
GBC: Staff Ethics - Adopt update
GBC-AR: Staff Ethics - Adopt update
GBDA: Expression of Milk or Breast-feed in the Workplace - Adopt update
GBE: Staff Health and Safety - Adopt update
GBEA: Workplace Harassment - Adopt update
GBEB: Communicable Disease - Staff in Schools - Adopt update
GBEB-AR: Communicable Disease - Staff in Schools - Adopt update
GBEC: Drug Free Workplace, Version 2 - Recommend to adopt

GBH/JECAC: Staff/Student/Parent Relations - **Adopt update**
 GBI: Gifts and Solicitations - **Adopt update**
 GBJ: Weapons - Staff - **Adopt update**
 GBK/KGC: Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems - **Adopt update**
 GA: Human Resources Policy Goals - **Recommend to delete**
 GB: General Hiring Practices - **Recommend to delete**
 GBA-AR (1): Affirmative Action Plan - **Recommend to delete**
 GBA-AR(3): Reference - **Recommend to delete**
 GBE-AR: Footwear - **Recommend to delete**
 GBEB: HIV, AIDS and HBV - Employees - **Recommend to delete**
 GBEB-AR: HIV, AIDS and HBV - Employees - **Recommend to delete**
 GBEBAA: HBV/Bloodborne Pathogens - **Recommend to delete**
 GBEBAA-AR: Bloodborne Pathogen Exposure Control Plan - **Recommend to delete**
 GBEB: Infection Control - HIV, Aids, HBV - **Recommend to delete**
 GBEBD: HIV, Aids and HBV Rumor Control - Employees - **Recommend to delete**
 GBEBE: News/Media - HIV, Aids or HBV - **Recommend to delete**
 GBEC: Drug Free Workplace, Version 1 - **Recommend to delete**
 GBEE - AR(2): Lane ESD Sunshine Fund Guidelines - **Recommend to delete**
 GBHA: Staff/Student/Parent Relations - **Recommend to delete**

Lane ESD Policy Committee MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD adopts all of 10.H. ("the whole shebang").

Lane ESD Policy Committee seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, HIURA, KENT, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-038)**

12. Discussion/Reports

12.A. Legislative Update:

Superintendent Scurto reported that uncertainty remains and continues as we are in the middle of a government shutdown. Understanding more about the distribution of Federal funds will be a point of discussion for an upcoming COSA meeting and OEASD Superintendent retreats. Given the decrease in Federal funding and economic issues in Oregon, the anticipated forecast is predicted to be less favorable. Initially, it was thought that the School State Fund should hold, and thus, unlikely to see a reduction (mid biennium) - indications are showing less confidence. Districts and Lane ESD will need to prepare for the reduction and plan for a spending "chill" (not a freeze). There is a potential that our Student Success Act comprehensive plan may be cut between 2.5% and 5%. The Agency will need to prepare contingency plans in case that happens. The message here is: prepare, don't panic.

12.B. Superintendent's Report

This is the last week of the Upbeat Staff Survey, the survey that is collecting information from staff about climate and culture. Also, for the last few years, there has been movement towards a recovery high school in Lane County. While a grant was applied for and approved, the state has not allocated funding for the awarded grant. There is potential for Lane County to host a satellite



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campus for Harmony Academy, based out of Lake Oswego. There are still questions about funding for this option, as well. A meeting is scheduled with ODE and Harmony Academy to discuss options. At this time, a location for the satellite campus has been identified: previous MLK building on the SERBU campus is available and also supported by the County.

Lane ESD has started long range facility planning. More information and a Board presentation is planned for January. This is grant funded. Soderstrom Architects, the Consultant team, is currently seeking input from staff and Cabinet. In the near future, possibly at our January Board meeting we will have a Board presentation.

Director Hamilton raised a question regarding firetruck and public comment. Superintendent Scurto is still researching the financial demands of receiving the donation. Superintendent Scurto has made contact with Hughes Fire Equipment Repair Co. for research on the financial commitment associated with receiving the fire truck.

12.C. Policy Updates | First Read

Recommendations include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual. The Board was presented with Section I for first reading. Each Board member received a paper copy of Section I.

13. Information from Administrative Staff

The Board received the written reports from Special Education and Technology

14. Board Member Reports and Comments/Agenda Planning

10.1 Agenda Planning

There were no agenda items presented for future meetings.

15. Announcements/Correspondence

11.A. Acknowledgements

No acknowledgements were received.

11.C. Announcements

11.C.1. Lane ESD Board Member Activities and Opportunities

11.C.1.a. 79th Annual OSBA Fall Convention

Dates for this year's convention are November 6th to the 9th, 2025. Convention registration for all attendees should be completed by October 14th, 2025.



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16. Adjournment

The next regular meeting is scheduled to be held Tuesday, December 2nd, 2025, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene. Chair Harris adjourned the meeting at **7:47 p.m.**

Minutes Approved:

Leslie Harris, Chairperson

Tony Scurto, Superintendent

Lane Education Service District

Code: GAB
Adopted: 1/25/94
Revised/Readopted: 1/22/02; 10/26/10
Orig. Code(s): GAB

~~Position~~ Job Descriptions

~~Job~~ Position descriptions serve to:

1. Describe all essential functions ~~To describe the primary duties and accountabilities~~ that the individual who holds the position must be able to perform unaided ~~with or with the assistance of a without~~ reasonable accommodation;
2. Describe attendance standards;
3. ~~To identify the knowledge, skill and training~~ Help applicants determine the qualifications needed to fill a position;
4. ~~(Does #1 above take care of this one?) To identify the authority, responsibilities, relationships, physical demands and working conditions associated with the position;~~
5. ~~4.~~ To help ~~Help~~ Lane ESD administrators determine which candidates to recommend for appointment; and
6. ~~5.~~ To assist ~~Assist~~ administrators in the evaluation of the employee's performance responsibilities.

"Essential functions," as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for reasons, including but not limited to the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for their expertise or ability to perform the particular function.

"Attendance standards," as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the ESD.

~~Position descriptions will be developed in accordance with ESD procedures. Each position description shall be dated and signed by the employee, supervisor and assistant superintendent. Position descriptions will be reviewed as part of the evaluation process.~~ Job descriptions will be developed under the supervision of the superintendent for each position in the ESD. Each job description shall be dated; as job descriptions are reviewed and/or revised, new dates will be affixed.

~~Job~~~~Position~~ descriptions will be coded and retained in a file titled ~~Job~~~~Position~~ *Descriptions for the Lane Education Service District*. The file will be available for inspection by any ESD employee or patron as a public document. Each employee shall receive a copy of their job his/her position description. [Each employee shall affix their signature and date after having read the job description.]

Job descriptions will be reviewed [annually][as needed]. Initial or revised job descriptions will be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-024-0245](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: GAB-AR(1)
Adopted: 2/11/94
Revised/Readopted: 9/25/01
Revised/Reviewed:
Orig. Code(s): GAB-AR(1)

Position Job Descriptions

(This generally does not rise to the level of an AR; usually considered an internal procedure. Does it still reflect current practice? The three ARs (GAB-AR(1), (2), (3)) are all covering the same topic, i.e., job descriptions; if keeping, consider merging them together into one AR after they are updated. Or, could they be put into a job description manual/internal procedure document?)

The following procedures will be followed for the development or revision of ~~position-job~~ descriptions:

1. Proposed ~~position-job~~ descriptions or proposed changes in existing ~~position-job~~ descriptions may be initiated by supervisory personnel but shall be submitted through the lines of authority to the appropriate director;
2. The director, following review and approval, shall submit the ~~position-job~~ description, along with other required position classification information, to the human resources office;
3. The superintendent or assigned staff member shall review and modify ~~position-job~~ descriptions as necessary to meet applicable district, state and federal requirements;
4. The human resources ~~director-secretary will shall distribute prepare~~ copies of the ~~position-job~~ description for the ~~human resources~~ office file, ~~position-job~~ description manuals, and for distribution to the appropriate supervisors and directors;
5. The director of the appropriate division shall initiate and coordinate the job classification review procedure appropriate to the new or modified ~~position-job~~ description;
6. ~~Position-Job~~ descriptions for new positions or changes of existing ~~position-job~~ descriptions shall be subject to review and approval by the superintendent or assigned staff member;
7. All ~~position-job~~ descriptions are to be reviewed as needed ~~annually~~ as a part of the evaluation process.

Lane Education Service District

Code: GAB-AR(2)
Adopted: 4/23/02
Readopted: 12/9/03; 10/28/08
Revised/Reviewed:
Orig. Code(s): GAB-AR(2)

Classified Personnel ~~Job Position~~ Description Review

(See comments in AR(1). This would not need to be an AR. Covered by collective bargaining?)

A group known as the classified personnel position description review panel will review classified employee positions by:

- Analyzing new positions and recommending assignment within the classified personnel classification system;
- Reviewing existing positions which have been substantially modified and recommending assignment within the classified personnel classification system;
- Serving in an advisory capacity to the superintendent in the area of classified personnel classification.

The panel shall be comprised of two classified employees selected by the Lane County Education Association and two ESD administrative personnel selected by the superintendent. An additional classified employee and one additional administrative employee will be selected to serve as alternates. The term of service on the panel will be staggered to ensure that at least one classified member and one administrative member will have prior experience.

The panel will apply the assessment criteria approved by the superintendent for the purpose of job classification review. In addition, comparisons of salary and pay prevailing for other comparable positions in the ESD and/or local school districts will be considered. If comparable positions are not present in the ESD or local school districts, similar assignments in other ESD's and/or local public agencies will be studied.

A member of the panel may not vote when his/her position or a position in his/her area of responsibility is under review. In such instances, an alternate will take his/her place on the panel.

The assistant superintendent will call meetings of the panel, maintain records and provide appropriate communications but will not participate in the deliberations. Responsibility for facilitating the meetings of the panel will be rotated among the members.

A minimum of three affirmative votes is required to pass any motion.

The panel will meet as requested by the assistant superintendent to accomplish the purposes previously stated.

The following procedures will be followed for the development and review of new position descriptions:

1. Upon approval by the superintendent, the director responsible for a newly approved position will provide the assistant superintendent with the information necessary to develop a job description consistent with the approved format;
2. The assistant superintendent will direct that a job description be created in the approved format. Several Lane ESD personnel will be trained to write job descriptions and only they will be assigned this responsibility;
3. Upon completion of the initial draft, the assistant superintendent and responsible director will confer and suggest modifications, if necessary;
4. After the job description has received the approval of both the assistant superintendent and responsible director, the assistant superintendent will convene the classified personnel position description review panel;
5. Testimony may be presented at the review session verbally or in writing in support of or in opposition to the proposed position;
6. The panel will make a written recommendation for placement in the classification system to the assistant superintendent within five working days following the review session;
7. The assistant superintendent will render a decision(s) on the panel's recommendation(s) within five working days. The assistant superintendent may accept or reject the recommendation(s). In the event a recommendation is rejected, the assistant superintendent will reconvene the panel, identify concerns with the panel's recommendation, and direct the members to reconsider their recommendation. In the event agreement cannot be reached, a final decision regarding placement of the position in the classification system will rest with the superintendent;
8. The documentation for each review will be on file in the office of the assistant superintendent;
9. The panel will normally complete its review and recommendation to the assistant superintendent within 30 days of the approval of the job description;
10. No personnel will be hired for the new position until the job classification process is completed;
11. Classified employees hired to a new job classification are probationary in the new position for a period of nine months from the date of transfer.

The following procedures will be followed for the review of existing position descriptions:

1. When two or more existing jobs are combined and/or there is a substantial addition/deletion of duties and/or responsibilities in an existing job, the affected employee or his/her director may request a review of the position's classification. The request is submitted to the assistant superintendent;
2. All requests for review must be made in writing on the appropriate form and provide sufficient information necessary to evaluate the legitimacy of the request;
3. In the event the affected employee initiates the request, the employee's director must indicate support for the request before it can be considered for review. Within 15 working days following receipt of such request, the affected director must forward the request to the assistant superintendent with his/her recommendation for and must communicate that recommendation to the employee;

Classified Personnel Position Description Review – GAB-AR(2)

4. If there is a positive recommendation for review as well as documented and substantial change in the duties and responsibilities of a position, the assistant superintendent will direct that a revised job description be created in the approved format. Several Lane ESD personnel will be trained to write job descriptions and only they will be assigned this responsibility;
5. Upon completion of the initial draft, the assistant superintendent will ask the responsible director and employee to review the draft for accuracy and suggest modifications, if necessary;
6. After the job description has received the approval of the assistant superintendent, responsible director and employee, the assistant superintendent will convene the classified personnel position description review panel;
7. Testimony may be presented at the review session verbally or in writing in support of or in opposition to a change in classification;
8. The panel will make a written recommendation for placement in the classification system to the assistant superintendent within five working days following the review session. It is understood that salaries, as a consequence of a recommended change in classification, may either be increased or decreased;
9. The assistant superintendent will render a decision(s) on the panel's recommendation(s) within five working days. The assistant superintendent may accept or reject the recommendation(s). In the event a recommendation is rejected, the assistant superintendent will reconvene the panel, identify concerns with the panel's recommendation and direct the members to reconsider their recommendation. In the event agreement cannot be reached, a final decision regarding placement of the position in the classification system will rest with the superintendent;
10. The documentation for each review will be on file in the office of the assistant superintendent;
11. The panel will normally complete its review and recommendation to the assistant superintendent within 30 days of the approval of the revised job description.

It is understood that changes in job classification may result in a salary increase. In such cases, the director responsible for the position will also be responsible for allocating funds from his/her departmental budget for this purpose.

Employees who are hired to a new position and/or classification after January 31 of any given year will remain at the new range and step placement thus achieved throughout the subsequent fiscal year, unless he/she is again promoted to a new job and/or classification.

If the panel recommendation results in placement to a higher salary range, the change of status will be implemented retroactive to the submission date of the request. If the panel recommendation results in a placement to a lower salary range, the change of status will be effective July 1 of the new fiscal year.

Lane Education Service District

Code: GAB-AR(3)
Adopted: 2/11/94
Revised/Readopted: 4/23/02, 10/28/08
Orig. Code(s): GAB-AR(3)

Internal Employee Hired to New ~~Job Position~~ Classification

(Already in staff handbook? Collective bargaining agreements?)

Employees hired to a new job classification are probationary in the new position for a period of six months from the date of change of status and will be evaluated prior to the end of the nine-month period.

Advancement to regular status in the new job classification is contingent upon a satisfactory evaluation.

Employees who are hired to a new job classification prior to January 31 of any fiscal year shall be eligible for advancement to the next step in the new salary schedule range at July 1 of the next fiscal year.

Employees who are hired to a new position and/or classification after January 31 of any given year will remain at the new range and step placement through the subsequent fiscal year.

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Lane Education Service District

Code: GBA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 8/27/02; 2/22/05;
1/22/08; 10/28/08; 11/16/10;
4/07/20; 12/07/21
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the ESD regardless of race¹, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, pregnancy, childbirth or a related medical condition², veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 408.235	ORS 659A.030
ORS 243.317 – 243.323	ORS 659.805	ORS 659A.040 - 659A.052
ORS 326.051	ORS 659.850	ORS 659A.082
ORS 334.125(5)	ORS 659A.003	ORS 659A.109
ORS 342.934	ORS 659A.006	ORS 659A.112
ORS 408.225	ORS 659A.009	ORS 659A.147
ORS 408.230	ORS 659A.029	ORS 659A.233

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

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

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

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

ORS 659A.236	OAR 581-021-0045	OAR 839-006-0440
ORS 659A.309	OAR 581-024-0245	OAR 839-006-0450
ORS 659A.321	OAR 839-003-0000	OAR 839-006-0455
ORS 659A.409	OAR 839-003-0000	OAR 839-006-0460
ORS 659A.820	OAR 839-006-0435	OAR 839-006-0465

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. et. seq. (2018).
 Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
 Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
 Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 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).
 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).
 Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
 Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Lane Education Service District

Code: GBC
Adopted: 10/28/08
Revised/Readopted: 7/13/10; 10/26/10; 9/23/14;
3/29/16; 2/05/19
Orig. Code(s): GBC

Staff Ethics

I. Prohibited Use of Official Position ~~for~~ Financial Gain

No ESD employee will attempt to use their ESD position to obtain ~~financial~~ gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household members or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the ESD employee's employment with the ESD.

This prohibition does not apply to any part of an official compensation package, as approved by the Board, honorarium, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee.

The employee may receive ESD ~~for school~~ logo apparel as part of the employee's compensation package.

ESD employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regards to their duties and responsibilities as ESD employees. This would also apply to any personal financial benefit for the ESD employee's relative or member of household of the employee, or any business with which the ESD employee or a relative or member of the household of the ESD employee is associated.

This means that:

1. Employees, relatives or members of the ESD employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be ESD property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No ESD employee may serve as a Board or budget committee member in the ESD;
5. An employee will not perform any duties related to an outside job during ~~his/her~~ regular working hours or during the additional time ~~needed that he/she needs~~ to fulfill the position's responsibilities; nor will an employee use any ESD facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an ESD employee has a potential or actual conflict of interest, the ESD employee must notify ~~their~~ ~~his/her~~ supervisor in writing of the nature of the conflict and request that the supervisor dispose of the

matter giving rise to the conflict. This must be done on each occasion the ESD employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by an ESD employee that could result in a financial benefit or detriment for self or relatives or for any business with which the ESD employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest” means any action or any decision or recommendation by an ESD employee that would result in a financial benefit or detriment for self or relatives or for any business with which the ESD employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions and ESD policy, ESD employees must abide by the following when an employee’s relative or member of the household of the ESD employee, is seeking and/or holds a position with the ESD:

1. An ESD employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless they comply with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. An ESD employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee’s family may be hired as a regular ESD employee. In accordance with Oregon law, however, the ESD may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the superintendent’s approval.

~~In the conflict of interest context:~~

“Member of household” means any person who resides with the employee.

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee’s public employment.

II. Gifts

ESD employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee. All gift-related provisions apply to the

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the ESD employee from, but not limited to, another ESD employee, a student or parent of a student or a vendor. Except for exclusions in ORS 244.040(2), an item received by an employee from the ESD is prohibited.

"Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" means: the spouse³, parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ ~~daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or child~~ ~~daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁴ to the employee, or who receives any benefit from the employee's public employment.~~

"Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee. If the giver does not have a legislative or administrative interest, the \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A "legislative or administrative interest" means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A "decision" means an act that commits the ESD to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

³ Ibid. p. 2

⁴ Ibid. p. 23

1. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees.

1. Gifts from relatives and members of the household to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions.

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee's official capacity, for certain limited purposes:

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the ESD; AND
 - (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
 - (2) The employee is representing the ESD:
 - (a) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (b) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the superintendent.*

The purpose of the exception in a. above is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the ESD.

"Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. An item received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's position;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Lane Education Service District

Code: GBC-AR
Adopted: 10/28/08
Revised/Reviewed: 4/28/09; 6/22/10; 9/23/14;
1/08/19
Orig. Code(s): GBC-AR

Staff Ethics

ESD employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. ESD employees are prohibited from using or attempting to use ~~their~~ his/her ESD position to obtain a financial gain or to avoid a financial detriment for the ESD employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the ESD. Specifically, this means that:

1. Employees will not use ESD equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the ESD's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. ESD vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the ESD's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the ESD's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official ESD business, any gift given because of this travel must be either declined or passed on to the ESD for use for future ESD travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the ESD for future ESD travel. The frequent flyer miles earned when traveling on official ESD business can only be used for ESD travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for ESD travel or other ESD business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal

¹ The ESD could establish a fee schedule that would allow only ESD employees to pay for the personal use of the ESD fax machines. If the ESD established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

items. Teachers may use the discount to purchase items for ESD use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to ESD extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the ESD may include free passes in employees' official compensation packages or employees may be reimbursed by the ESD for the cost of admission.
6. The employee's ESD position is not to be used to take official action that could have a financial impact on a private business with which the employee, a relative or member of the employee's household are associated. For example, if the employee's ~~sibling~~brother owns a pest-control business which is seeking a contract with the ESD, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest, in writing, describing the nature of the employee's conflict, and provide this to the employee's supervisor.
7. Confidential information gained as an ESD employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in ~~their~~his/her class is falling behind in math to provide the parents a referral to the employee's ~~sibling's~~sister's tutoring business.
8. ESD employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the ESD, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. ESD employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the ESD employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, ESD employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use ESD facilities for this purpose only if they comply with the ESD's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

Lane Education Service District

Code: GBDA
Adopted: 1/22/08
Revised/Readopted: 12/03/19
Orig. Code: GBDA

Expression of Milk or Breast-feed in the Workplace

good

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to the supervisor. The ESD shall provide the employee a reasonable rest period to express milk or breast-feed each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the ESD.

The ESD will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the ESD may not include the time taken to travel to and from the location as part of the break period.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The ESD must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

~~This policy and the list of designated locations is published in the employee handbook.~~ The list of designated locations is available upon request in the ESD's central office and the central office of each facility.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 334.125](#)

[ORS 653.077](#)
[ORS 653.256](#)

[OAR 839-020-0051](#)

Lane Education Service District

Code: GBE
Adopted: 2/24/15
Orig. Code(s): GBE

Staff Health and Safety *

good

The Board directs the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of ESD health and safety plans.

The superintendent will develop a ESD plan for dealing with hazardous chemicals in the workplace. This plan will include proper labeling, storage and disposal of all such materials.

The superintendent will develop ESD-wide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

The superintendent will provide staff members with the Safety Data Sheets (SDS), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal Reference(s):

ORS 243.650	OAR 437-002-0140	OAR 437-002-0368
ORS 329.095	OAR 437-002-0144	OAR 437-002-0377
ORS 453.001 to -453.275	OAR 437-002-0145	OAR 437-002-0390
OAR 437-001-0760	OAR 437-002-0180 to -0182	OAR 437-002-0391
OAR 437-002-0020 to -0075	OAR 437-002-0360	OAR 581-024-0275

Lane Education Service District

Code: GBA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 8/27/02; 2/22/05;
1/22/08; 10/28/08; 11/16/10;
4/07/20; 12/07/21
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the ESD regardless of race¹, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, pregnancy, childbirth or a related medical condition², veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 408.235	ORS 659A.030
ORS 243.317 – 243.323	ORS 659.805	ORS 659A.040 - 659A.052
ORS 326.051	ORS 659.850	ORS 659A.082
ORS 334.125(5)	ORS 659A.003	ORS 659A.109
ORS 342.934	ORS 659A.006	ORS 659A.112
ORS 408.225	ORS 659A.009	ORS 659A.147
ORS 408.230	ORS 659A.029	ORS 659A.233

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

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

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

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

ORS 659A.236	OAR 581-021-0045	OAR 839-006-0440
ORS 659A.309	OAR 581-024-0245	OAR 839-006-0450
ORS 659A.321	OAR 839-003-0000	OAR 839-006-0455
ORS 659A.409	OAR 839-003-0000	OAR 839-006-0460
ORS 659A.820	OAR 839-006-0435	OAR 839-006-0465

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. et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 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).
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).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Lane Education Service District

Code: GBEA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 4/07/20; 12/07/21;
2/07/23
Orig. Code(s): GBEA

Workplace Harassment

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between ESD employees or between an ESD employee and the ESD in the workplace or at a work-related event that is off ESD premises and coordinated by or through the ESD, or between an ESD and an ESD employee off ESD premises. Elected school board members, volunteers and interns are subject to this policy.

Any ESD employee who believes they have been a victim of workplace harassment may file a report with the ESD employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The ESD employee making the report is advised to document any incidents of workplace harassment.

"Workplace harassment" means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The ESD, upon receipt of a report from an ESD employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The ESD employee receiving the report, whether a supervisor of the employer or the ESD employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

¹ "Sexual assault" means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

The ESD may not require or coerce an ESD employee to enter into a nondisclosure² or nondisparagement³ agreement.

The ESD may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between ESD employees or between an ESD employee and the ESD, in the workplace or at a work-related event that is off ESD premises and coordinated by or through the ESD, or between an ESD employee and employer off ESD premises.

The ESD may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when an ESD employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the ESD as a term or condition of the agreement. The agreement must provide the ESD employee at least seven days after signing the agreement to revoke it.

If the ESD determines in good faith that an employee has engaged in workplace harassment, the ESD may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the ESD to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The ESD shall make this policy available to all ESD employees and shall be made a part of ESD orientation materials provided and copied to new ESD employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.112
ORS 243.317 - 243.323	ORS 659A.029	ORS 659A.370
ORS 659A.001	ORS 659A.030	ORS 659A.375
ORS 659A.003	ORS 659A.082	ORS 659A.820

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

[ORS 659A.875](#)
[ORS 659A.885](#)

[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

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

Lane Education Service District

Code: GBEB
Adopted: 6/28/94
Revised/Readopted: 9/25/01; 12/06/17
Orig. Code(s): GBEB

Communicable Disease –~~Staff~~in Schools

The ESD shall provide reasonable protection against the risk of exposure to communicable disease for ~~students and~~ employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance for Schools* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

Employees shall comply with all other measures adopted by the ESD and with all rules adopted by the Oregon Health Authority, Public Health Division and the local health department.

~~An employee who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When an administrator has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. Employees shall provide services to students as required by law.~~

An employee ~~for student~~ may not attend work ~~for school, respectively,~~ while in a communicable stage of a restrictable disease or when an administrator has reason to suspect the employee [or student] has or has been exposed to any disease for which exclusion is required in accordance with law. The ESD may provide an educational program in an alternative setting. Services will be provided to students as required by law.

The ESD shall protect the confidentiality of an employee's [and student's] health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator ~~may~~shall inform the appropriate employees with a legitimate educational interest to ~~protect against the risk of exposure.~~

~~The ESD will include, as part of its general emergency plans, a description of the actions to be taken by the ESD staff in buildings and by the ESD in response to medical emergencies.~~

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.~~

~~The ESD shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.~~

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 334.125	ORS 433.235 - 433.284	OAR 581-024-0280
ORS 431.150 - 431.157	OAR 333-018	OAR 581-022-2220
ORS 433.001 - 433.004	OAR 333-019-0010	OAR 581-022-2225
ORS 433.010	OAR 333-019-0014	
ORS 433.110	OAR 581-024-0275	

OREGON DEPARTMENT OF EDUCATION AND OREGON HEALTH AUTHORITY, *Community Disease Guidance for Schools*.
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2023).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164
(2023).

Lane Education Service District

Code: GBEB-AR
Adopted: 7/18/94
Revised/Readopted: 9/25/01; 8/27/02; 11/07/17;
8/04/20
Revised/Reviewed:
Orig. Code(s): GBEB-AR

Communicable Diseases – ~~Staff~~in Schools

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule¹ and include but are not limited to COVID-19², chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection in a child who, if, in the opinion of the local health officer, ~~the person~~ poses an unusually high risk to other children~~others~~ (e.g., ~~a child that~~ exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. ~~A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.~~
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. ~~“Susceptible” for a school~~ “Susceptible” for an employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. An employee of the ESD will not attend or work at an ESD school or facility while in a communicable stage of a restrictable disease, ~~including a communicable stage of COVID-19~~³, unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send ~~them~~ the employee home.
2. An administrator shall exclude ~~a susceptible~~ an employee if the administrator has reason to suspect ~~they have~~ that an employee has or has been exposed to measles, mumps, rubella, diphtheria,

¹ OAR 333-019-0010 lists restrictable diseases.

² ~~Added per OAR 333-019-1000(2).~~

³ ~~“Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.~~

pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public's health. The administrator or designee will may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

3. ~~An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.~~
- 4.3. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
- 5.4. An ~~exclusion~~ administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be if the restriction has been removed by a school nurse or health care provider.
- 6.5. More stringent exclusion standards for employees from school or work may be adopted by the local health department or by the ESD through policy adopted by the Board.
7. ~~The ESD's emergency plan shall address the ESD's plan with respect to a declared public health emergency at the local or state level.~~

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the ESD and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate ESD response when the administrator is notified that an employee or a student has been exposed to a restrictable disease ~~which that~~ is also a reportable disease.
3. [ESD staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance⁴.]
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, ~~on a case by case basis~~, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.

⁴ Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

2. The administrator or designee shall consult with the ESD's [school] nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All ESD personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). ~~(See policy EBBAA).~~

Lane Education Service District

Code: GBH/JECAC
Adopted: 5/19/09
Readopted: 12/06/17
Orig. Code(s): GBH/JECAC

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

~~Noncustodial parents will not be granted visitation or telephone access to the student during the school day. The student will not be released to the noncustodial parent unless allowed by court order.~~

In the case of joint custody, the ESD district will adhere to all conditions specified and ordered by the court. ~~The ESD may request in writing any special requests or clarifications in areas concerning the student and the ESD's relationship and responsibilities.~~

The ESD will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

ORS 107.101	ORS 107.106	ORS 109.056
ORS 107.102	ORS 107.154	ORS 163.245 - 163.257

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Lane Education Service District

Code: GBI
Adopted: 10/28/08
Orig. Code(s): GBI

Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to ESD employees. The Board welcomes, as appropriate, the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees ~~[will refrain from]~~ ~~[will limit]~~ giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or ~~for~~ retirement gifts. Staff-initiated “sunshine funds” are exempt from this policy.

~~[No staff member may solicit funds in the name of the ESD [or school] through the use of, including but not limited to, internet-sourced crowdfunding or other similar types of fund raising[, without the approval of the {superintendent} {principal}.~~

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of value offered by another for the purpose of influencing ~~their~~ ~~his/her~~ professional judgment.

All employees are prohibited from accepting items of material value from companies or organizations doing business with the ESD. ~~“Material value”~~ is defined as \$50 from a single source in a single year.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the ESD without the superintendent’s approval. Staff members may not be made responsible or assume responsibility for collecting money or distributing any fund-drive literature within the ESD without the superintendent’s approval.

The soliciting of staff by sales people, other staff or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the administrator or supervisor. Advertising is not allowed in the ESD without the superintendent’s approval.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to-244.400](#)
[ORS 339.880](#)

[OAR 199-005-0005 to-199-020-0020](#)
[OAR 584-020-0000 to-0045](#)

¹ “Gift” means something of economic value given to a public official or the public official’s relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official’s relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.

Lane Education Service District

Code: GBJ
Adopted: 12/11/01
Orig. Code(s): GBJ

Weapons - Staff

Lane ESD employees, ESD contractors and/or their employees and ESD volunteers shall not possess a dangerous or deadly weapon or firearm on ESD property or at ESD-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. “Dangerous weapon” - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The superintendent will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the ESD and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#) [ORS 166.210 to -166.370](#) [ORS 334.125](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

Lane Education Service District

Code: GBK/KGC
Adopted: 6/14/11
Revised/Readopted: 2/05/19
Orig. Code(s): GBK/KGC

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems**

The Board establishes a school and working environment that is free of smoke, aerosols and vapors containing inhalants.

The use, distribution or sale of tobacco products or inhalant delivery systems by staff on ESD property, including parking lots, at ESD-sponsored events, in ESD-owned, rented or leased vehicles or otherwise, while on duty on or off ESD premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by all others on ESD property, in ESD vehicles or at ESD-sponsored events, on or off ESD premises, on all ESD grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport ESD students to ESD-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device or a component of a device; or a substance in any form sold for the purpose of being vaporized or aerosolized by a device whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Clothing, bags, hats and other personal items used by staff to display, promote or advertise tobacco products or inhalant delivery system are prohibited on all ESD grounds, including parking lots, at ESD-sponsored activities or in ESD vehicles. Advertising is prohibited in all ESD-sponsored publications in all ESD buildings, on ESD grounds, including parking lots and at all ESD-sponsored events. ESD acceptance of gifts or funds from the tobacco product or inhalant delivery system industries is similarly prohibited. The ESD will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems on campus.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Prohibited Use, Distribution or Sale of Tobacco Products
and Inhalant Delivery Systems** – GBK/KGC
1-2

Information about community resources and/or cessation programs to help staff ~~will~~ may be provided.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by persons under 21 years of age on or off ESD grounds or at ESD-sponsored activities.

This policy shall be enforced at all times. The superintendent will develop guidelines as necessary to implement this policy, including provisions for notification of the ESD's policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the ESD's policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)
[ORS 336.227](#)
[ORS 339.883](#)
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)
[OAR 581-021-0110](#)
[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)
[OAR 581-053-0430\(12\)](#)
[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1910094, 20 U.S.C. §§ 6081-6084 (2012).

Lane Education Service District

Code: GBA-AR
Revised/Reviewed:

Veterans' Preference

Oregon's veterans' preference law requires the ESD to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference¹ a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

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

A veteran may submit a written request to the ESD for an explanation of the reasons why they were not selected for the position. The ESD shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the ESD's policy is to provide veterans and disabled veterans with preference as required by law, and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.³

Selection Procedures⁴

Step 1: Before the review of any applications the [human resource director] will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.

¹ See Oregon Revised Statute (ORS) 408.225.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0040 for definitions of veteran and disabled veteran.

³ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

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

Step 2: The [human resource director] will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [human resource director] shall evaluate whether the skill experience obtained in the military are transferable to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the [human resource director] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the [human resource director] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.

Step 6: The [human resource director] makes the offer to the applicant with the highest final score. The ESD is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The ESD is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may request a written explanation of the reasons why they were not selected for the position. Upon written request, the ESD shall provide the reasons for not selecting the candidate.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the [human resource office] if they have any concerns or questions concerning the application of or the process used for veterans' preference.

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

Lane Education Service District

Code: GBEC
Adopted:

Drug-Free Workplace *

The ESD shall provide a drug-free workplace. (Version 2)

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management ~~senior~~ classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract

The ESD shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No ESD employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's ESD duties; or knowingly endorse or suggest the use of such drugs.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. "Criminal drug statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance[or alcohol].

¹ ESDs directly receiving grants or contracts from the federal government are required to meet this obligation.

5. “Drug-free workplace” means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance[or alcohol].

Sanctions and Remedies²

The ESD, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol, or upon having reasonable suspicion (under the section below), of an employee’s unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee’s criminal drug statute conviction for a violation occurring in the workplace, the ESD shall:

1. Take appropriate action, which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech, difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

The ESD shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

² Ibid. p. 1

Establishment of Drug-Free Awareness Program

The ESD shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of, and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction³

An employee shall, as a condition of employment, notify the ESD school in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by the ESD of an Employee Conviction

The ESD shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 calendar days after receiving notice of such conviction.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[ORS 659A.127](#)
[OAR 581-022-2210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600-85.645 (2016).
Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.1-1308.15 (2016).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

³ Ibid. p. 1

Lane Education Service District

Code: _____ GA
Adopted: _____ 5/24/94
Readopted: _____ 9/25/01
Orig. Code(s): _____ GA

~~Human Resources Policy Goals~~

The Board recognizes its responsibility to promote the professional growth of Lane ESD personnel and to provide for the general welfare of staff.

~~The Board's human resources goals include:~~

- ~~• Recruiting, selecting and employing the most qualified personnel to staff the system;~~
- ~~• Providing appropriate compensation and benefit programs for all employees;~~
- ~~• Providing a staff development program for all employees that includes in-service training programs as needed;~~
- ~~• Conducting an effective employee evaluation program to meet or exceed the law;~~
- ~~• Encouraging the development and maintenance of good employee morale;~~
- ~~• Providing additional personnel policies as appropriate relating to statute and/or human relationship needs.~~

~~END OF POLICY~~

Legal Reference(s):

[ORS 334.125 \(5\)](#)

[ORS 342.850](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: _____ GB
Adopted: _____ 1/25/94
Revised/Readopted: _____ 9/25/01
Orig. Code(s): _____ GB

General Hiring Practices

(See policy GBC – Staff Ethics)

The ESD may hire a member of ~~an individual employee's family or bona fide dependent of an employee~~ of the ESD in a position in which ~~there would be no direct supervision, appointment or grievance adjustment authority exercised by either employee relative to the other.~~

An employee may directly supervise a family member under the following limited circumstances after careful consultation with staff:

- ~~1. There is not a suitable number of qualified applicants;~~
- ~~2. The relative or dependent is exceptionally well-qualified when compared to other applicants;~~
- ~~3. It is unlikely any other equally qualified or superior candidate can be located within a reasonable period of time by reasonable recruitment methods;~~
- ~~4. Alternative means of evaluation and/or grievance adjustment are available, feasible and reasonably likely to work effectively.~~

As used in this policy, "member of the family" means the spouse, domestic partner, daughter, daughter-in-law, son, son-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual employee.

END OF POLICY

Legal Reference(s):

~~ORS 342.169~~
~~ORS 653.305–653.326~~
~~ORS 659A.309~~
~~OAR 581-022-0705 (4)~~

Lane Education Service District

Code: GBA-AR(1)

Adopted: ~~2/11/94~~

Revised/Readopted: ~~9/25/01~~

Orig. Code(s): ~~GBA-AR(1)~~

Affirmative Action Plan

(Still applicable? What do current hiring practices say on this?)

Board policy provides the expectation that "It shall be the responsibility of the affirmative action officer to coordinate all implementing activities." To assure compliance with the intent of this policy, the affirmative action officer shall:

1. At least annually convene the affirmative action committee to review the agency's long and short-term goals;
2. Assure the committee representation includes a cross section of all levels who have authority for hiring and/or making recommendations for hiring, including but not limited to:
 - a. Directors of each service area;
 - b. A representative of the supervisory staff;
 - c. A representative of the confidential staff;
3. At the meeting, review the affirmative action policy and formulate long and short-term goals which address the intent of the Board policy;
4. Each year thereafter, evaluate the goals established the previous year and develop new job goals or reaffirm current goals for the succeeding year;
5. Assure all applicants for employment, all current employees, all persons responsible for hiring within Lane ESD and all employee associations are informed of the ESD's equal opportunity employment policy;
6. Provide, upon employment, to each new employee a copy of the district policy and affirmative action plan;
7. Provide a written report to the superintendent to be shared with the Board.

From time to time, studies regarding hiring practices may be necessary for the committee to assess future goals and directions.

Lane Education Service District

Code: GBA-AR(3)
~~Adopted: 1/10/96~~
~~Readopted: 9/25/01, 3/17/09~~
~~Orig. Code(s): GBA-AR(3)~~

References

(Internal hiring procedure)

Board policy guarantees to ~~all persons equal access to employment with Lane ESD and sets a standard for~~ employees to be informed ~~and knowledgeable. Checking references of candidates is basic in making good~~ employment decisions. ~~ESD managers should consult with human resources office staff or the~~ superintendent when questions ~~about reference writing or checking occur. Legal advice may be required.~~

Legal Framework

~~A “qualified privilege” exists for making remarks about a person that could be considered defamatory. This protects persons who are involved in giving or getting employment references. A two-part test applies:~~

- ~~1. The person giving the reference must be a representative of an employer who speaks or writes in good faith, and has a public or private duty, or a legal, oral or social obligation to do so; and~~
- ~~2. The person receiving the information must have a corresponding duty or interest in the information.~~

~~Satisfying both portions of the test allows the management staff making the reference check to enjoy the “qualified privilege” from defamation charges.~~

Giving References for Current or Former Employees

- ~~1. Human resources office staff and other ESD managers who rely on the contents of the personnel file in making employment decisions are similarly protected.~~
- ~~2. Lane ESD management staff are expected to review employee’s performance reviews in making reference comments.~~
- ~~3. When a person leaves ESD employment, human resources office staff will secure authorization from the person to release personnel file information to potential employers who ask for recommendations.~~
- ~~4. For former employees who have no reference authorization form on file, the human resources office will request a copy of the signed authorization to release information from the prospective employer. If there is no authorization, human resources office staff will contact the former employee and request such authorization in writing. Copy of the authorization will be retained in the personnel file.~~
- ~~5. No performance information shall be given in reference checking without contacting the human resources office. All contacts to ESD employees regarding reference checks for former or current ESD employees shall be referred to the human resources office.~~

Human resources office staff will then review the file of former employees to determine the authorization status given by the former employee.

6. Reference checks about former employees who do not authorize the sharing of personnel file information will be limited to dates of employment and job assignments.
7. Reference checks about former employees who do authorize sharing of personnel file information will be made either by human resources office staff or by ESD management staff.
8. Current ESD employees will be contacted by human resources office staff to obtain authorization to release personnel file information and references from current management staff. A copy of the release form will be completed and filed in the personnel file.

Checking References on Applicants

1. ESD management staff are expected to do a thorough check of references of prospective employees and keep a record of the people contacted and the information received from each contact. Information may be gathered from the references listed by the prospective employee or from others who may have information regarding the person's performance.
2. If a candidate should ask about the information given by a reference, the candidate should be directed to the reference source. The ESD manager should not attempt to paraphrase the reference giver's comments to the candidate.
3. Notes made on reference checking need to be included in the completed application file for each position.

Lane Education Service District

Code: GBE-AR
Adopted: 12/01/20
Orig. Code(s): GBE-AR

Footwear

(This usually does not rise to the level of a board AR. Can this be moved to the staff handbook?)

Lane Education Service District is committed to providing a safe and healthy work environment. As part of that commitment and due to the risk of slips, trips and falls resulting in personal injury, certain footwear is prohibited in the work environment. All footwear must be appropriate for the environment and the employee's job requirements. For example, open toe shoes or "flip flops" are inappropriate for agency work environments and create safety hazards for the wearer. Therefore, Lane Education Service District reserves the right to determine whether a particular style of footwear is appropriate for the workplace and/or job requirements.

Footwear Safety Best Practices

To ensure safety, footwear should be free of defects or contamination. Employees should:

- Decontaminate work shoes or boots that come in contact with hazardous substances.
- Keep footwear clean, particularly treads on soles.
- Check footwear periodically to make sure there are no rips, holes or other defects and for adequate tread remaining.

All Staff

Bare feet are not allowed. Footwear with laces must remain tied at all times.

Footwear worn in classrooms must be sturdy, provide a firm base and good support as well as have slip-resistant soles. Footwear worn in classroom settings should be closed toe, regardless of the wearer's responsibilities or purpose for being there.

The following shoes will NOT be allowed to be worn while in a classroom, as they are considered a risk factor for trips and falls:

- Rubber shoes Both with and without perforations in the shoe.
- Flip flops or similar sandals with or without elevated heels.
- Any shoe with an open heel and no strap to secure the foot.
- Shoes with a heel in excess of 2 inches.
- Footwear that does not provide stability or where the foot raises out of the foot bed of the shoe with walking.

The following shoes are allowed in classrooms, with good professional taste expected:

- Tennis shoes
- Nursing or other healthcare shoes
- ~~Loafers with non-slip soles~~
- ~~Shoes with closed toe and/or strap heel~~

Facilities Staff

~~Facilities Department staff are required to wear close-toed footwear that provide a firm base and good support as well as having slip-resistant soles. Facilities Department staff are required to wear studded "traction footwear" over shoe devices when working outdoors in icy winter season conditions, such as when performing manual snow removal, exterior facility maintenance, etc. Approved traction footwear devices will be provided to affected employees at no cost.~~

~~Non-specialty footwear worn by those walking or working outdoors while in the scope of their job responsibilities must be appropriate for the conditions. For example, to help prevent slips and falls, boots or other appropriate footwear must be worn outdoors during inclement weather and/or while navigating snowy or slippery surfaces and must have an aggressive sole tread.~~

~~Staff who report to work in footwear that is considered unsafe may be sent home. Repeat issues with unsafe footwear may result in disciplinary action.~~

Lane Education Service District

Code: GBEBA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBA

~~HIV, AIDS and HBV – Employees~~

Lane ESD will strictly adhere in its policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to employees infected with HIV, AIDS and/or HBV¹.

The ESD recognizes an employee has no obligation under any circumstance to report his/her condition to the ESD and the employee has a right to continue working.

~~If the employee reports his/her condition to the ESD, strict adherence to written guidelines outlined by the employee shall be followed.~~

These guidelines shall identify who may have the information, who will give the information, how the information will be given, where and when the information will be given. All such information will be held in confidence.

~~When informed of the infection, and with written permission from the employee, the ESD will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the employee's condition.~~

~~The ESD shall also develop policies and/or procedures for rumor control, infection control and public relations/media. Accommodations for an employee infected with HIV, AIDS and HBV shall be the same as with any other illness.~~

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850 \(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)
[ORS 433.260](#)

[OAR 333-012-0270](#)
[OAR 333-017-0000 \(40\)](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-019-0015](#)

[OAR 581-024-0275](#)
[OAR 581-024-0280](#)

¹ HIV – Human Immunodeficiency Virus; AIDS – Acquired Immune Deficiency Syndrome; HBV – Hepatitis B Virus

Lane Education Service District

Code: _____ GBEBB-AR
Adopted: _____ 7/18/94
Readopted: _____ 9/25/01
Orig. Code(s): _____ GBEBB-AR

~~HIV, AIDS and HBV - Employees~~

As a general rule, employees with HIV should not pose a health risk to students, to other employees or to community members. As a general rule, employees with HIV should be allowed to continue employment.

Decisions regarding the assignment of a staff member with HIV will be made on a case-by-case basis, taking into consideration all available information on the specific case at hand.

~~If an employee with HIV notifies the superintendent of his/her medical condition, the superintendent will immediately constitute a team to review the employee's assignment to determine if such assignment may create a health risk for other persons. The team members will include:~~

- ~~1. The employee;~~
- ~~2. The employee's physician;~~
- ~~3. The employee's supervisor;~~
- ~~4. A medically trained professional;~~
- ~~5. Representative(s) of the district office;~~
- ~~6. A public health agency representative.~~

~~The superintendent shall also report the disease to the local health department by the most direct means available.~~

~~Factors that the team should review, but not be limited to, are assignments that include application of first aid assignments that include personal hygiene care, or any other factors that could transmit blood or body fluids from one person to another. Periodic review of the employee's medical condition should be scheduled. The team will make its recommendations to the superintendent.~~

~~If reassignment of the employee is advised by the team, the action taken will follow review and reconsideration of policies, regulations and practices that govern such reassignments for medical reasons, including the use of appropriate sick leaves and disability leaves.~~

~~The employee's right to privacy and confidentiality of medical records will be preserved. Only as much information as necessary will be communicated to the community and staff so that news is managed and the credibility and trustworthiness of the district is preserved.~~

These guidelines will be revised to conform with new medical information and guidelines published by county and state health departments. Such publications should be the basis for annual training provided for employees.

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Lane Education Service District

Code: GBEBAA/JHCCBA/EBBAB
Adopted: 6/28/94
Readopted: 9/25/01, 8/27/02
Orig. Code(s): GBEBAA/JHCCBA/EBBAB

HBV/Bloodborne Pathogens

~~The Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.~~

~~Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens¹.~~

~~In order to reduce the risk to staff/students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the Board directs the superintendent to develop and implement an Exposure Control Plan. The plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:~~

- ~~1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;~~
- ~~2. Annually, document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.~~

~~The plan shall include training followed by an offer of immunization with Hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the ESD. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Personal protective equipment appropriate to job tasks shall be provided by the ESD. A post-exposure evaluation and follow-up shall be made available to any employee sustaining an occupational exposure.~~

~~The ESD recognizes that, as required by OAR 437-002-1030, employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate and select engineering and work practice controls (e.g., sharps disposal containers, self sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems). The ESD will implement such work practice controls, as appropriate.~~

~~Documentation, including a sharps injury log, will be maintained as required by OAR 437-002-1035 and 437-002-1030 (3).~~

¹ Bloodborne pathogens – pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

END OF POLICY

Legal Reference(s):

[QAR 437-002-0360](#)
[QAR 437-002](#) → 0377
[QAR 437-002](#) → 1030
[QAR 437-002](#) → 1035

Lane Education Service District

Code: GBEBAA/JHCCBA/EBBAB-AR
Adopted: 9/11/96
Revised/Readopted: 7/10/01
Orig. Code(s): GBEBAA/JHCCBA/EBBAB-AR

Bloodborne Pathogen Exposure Control Plan For Compliance with OR-OSHA Standard – OAR 437-002-0360 to -0375

The following definitions apply to this document and the OR-OSHA administrative rules on bloodborne pathogens:

“Blood”: Human and human blood components and products made from human blood.

“Bloodborne Pathogens”: Pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

“Clinical Laboratory”: A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

“Contaminated”: The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

“Contaminated Laundry”: Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

“Contaminated Sharps”: Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wires.

“Decontamination”: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

“Engineering Controls”: Controls (e.g., sharps disposal containers, self sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.

“Exposure Incident”: A specific eye, mouth or other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of any employee’s duties.

“Handwashing Facilities”: A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

“Licensed Health-Care Professional”: A person whose legally permitted scope of practice allows him/her to independently perform the activities required by OAR 437-002-0360 (4) (Hepatitis B Vaccination of Post-Exposure Evaluation and Follow-up).

~~“HBV”: Hepatitis B Virus.~~

~~“HIV”: Human Immunodeficiency Virus.~~

~~“Hazard”: An actual or potential exposure to risk.~~

~~“Occupational Exposure”: Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.~~

Other Potentially Infectious Materials:

- ~~• Semen;~~
- ~~• Vaginal secretions;~~
- ~~• Cerebrospinal fluid;~~
- ~~• Synovial fluid;~~
- ~~• Pleural fluid;~~
- ~~• Pericardial fluid;~~
- ~~• Peritoneal fluid;~~
- ~~• Amniotic fluid;~~
- Saliva in dental procedures;
- Any body fluid that is visibly contaminated with blood;
- All body fluids where it is difficult to differentiate between body fluids;
- Any unfixed tissue or organ (other than intact skin) from a human (living or dead).

“Parenteral”: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.

~~“Personal Protective Equipment”: Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment (PPE).~~

~~“Regulated Waste”: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.~~

“Source Individual”: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to:

- ~~• Hospital and clinic patients;~~
- ~~• Clients in institutions for the developmentally disabled;~~
- ~~• Trauma victims;~~
- ~~• Clients of drug and alcohol treatment facilities;~~

- Residents of hospices and nursing homes;
- Human remains;
- Individuals who donate or sell blood or blood components.

“Sterilize”: The use of a physical or chemical procedure to destroy all microbial life including highly-resistant bacterial endospores.

“Standard Precautions”: An approach to infection control. All human blood and certain human fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

“Work Practice Controls”: Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

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~~LANE EDUCATION SERVICE DISTRICT (LANE ESD)~~

In accordance with OR-OSHA Bloodborne Pathogens Standard, OAR 437-002-0360 to 0375 the following Exposure Control Plan has been developed:

1. Purpose

The purpose of this Exposure Control Plan is to:

- a. Eliminate or minimize employee occupational exposure to blood or certain other body fluids;
- b. Comply with the OR-OSHA Bloodborne Pathogens Standard, OAR 437-002-0360 to 0375.

2. Exposure Determination

OR-OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials or high risk occupations. Lane ESD does not have any occupations that are in a high risk category.

However, when a contact has been made with infectious materials, fluids or persons with Hepatitis B, Lane ESD will make available, at no cost to the employee, any necessary, confidential medical evaluation and follow up as required by OSHA. Also, Lane ESD will provide training in prevention of exposure to infectious situations and how to dispose of contaminated waste.

In addition, OR-OSHA requires a listing of job classifications in which some employees may have occupational exposure. Not all the employees in these categories would be expected to incur exposure to blood or other potentially infectious materials. Job classifications and tasks or procedures that would cause these employees to have occupational exposure are listed as follows:

JOB CLASSIFICATION	TASK/PROCEDURE
Directors and Supervisors	Program Dependent
Custodian(s) working at ESD	General facility cleaning
Teachers/Educational and Behavioral Assistants working directly with students	Changing menstrual pads Tooth brushing Emesis clean-up Cleaning nose/mouth secretions General health care Blood glucose monitoring Delegated nursing task
Persons who may provide first aid to students/staff	First aid for injuries

3. Implementation Schedule and Methodology

OR-OSHA requires that this plan include a schedule and method of implementation for the various requirements of the standard. ~~The following complies with this requirement.~~

~~2. Compliance Method~~

~~Standard precautions will be observed at Lane ESD in order to prevent contact with blood or other potentially infectious materials.~~

~~Engineering controls and work practices will be utilized to eliminate or minimize exposure to employees at Lane ESD. Injured parties will be encouraged to care for themselves when feasible. Where occupational exposure remains after institution of these controls, personal protective equipment will also be utilized. At Lane ESD, the following engineering controls and work practices will be utilized:~~

- ~~a. Leak-proof containers lined with a red plastic bag for disposal of bloody waste;~~
- ~~b. Sharps containers for needle, blade and lancet disposal;~~
- ~~c. Students will cleanse their own bloody wounds when possible, using gauze, soap and water;~~
- ~~d. Pressure will be applied using gauze and gloved hands when the student needs assistance.~~

~~The above controls will be examined and maintained on a regular schedule. The schedule for reviewing the effectiveness of the controls is as follows:~~

- ~~a. On a daily basis as needed, the custodian will remove the red plastic bag, clean and decontaminate the container as necessary. A new red plastic bag will be put in place;~~
- ~~b. A custodian will take filled sharps containers to Lane County Health Department for proper disposal;~~
- ~~c. Hand washing facilities will be made available to employees who incur exposure to blood or other potentially infectious materials. OR OSHA requires that these facilities be readily accessible after incurring exposure. (If hand washing facilities are not feasible, Lane ESD will provide antiseptic towelettes or an antiseptic cleanser and paper towels. The hands are to be washed with soap and running water as soon as possible. Playground aides will be provided with packets which will contain latex gloves, paper towels, antiseptic towelettes, gauze pads and a plastic sack for waste materials.);~~
- ~~d. Supervisors will ensure that after the removal of gloves, employees will wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water;~~
- ~~e. Supervisors will ensure that employees who incur exposure to their skin or mucous membranes will wash or flush exposed areas with water as soon as feasible following the contact;~~
- ~~f. The use of disposable gloves is necessary for care givers who give first aid when body fluids are present (cleaning cuts and scrapes, helping with a bloody nose, examining seeping rashes). When applicable, those care givers who handle diapers or student's clothing soiled by feces or urine must take similar precautions and wear protective clothing (a vinyl apron, for example) if contamination is anticipated;~~
- ~~g. If unanticipated contact with body fluids occurs, hands and all other affected skin areas must be washed thoroughly with soap and running water as soon as possible. Effective hand~~

washing requires the use of soap and vigorous washing under a stream of running water for at least 30 seconds. Use paper towels to dry hands well and to turn off hand-operated faucet;

- h. Any articles used to clean body fluid spills must be handled with gloved hands and disposed of in a plastic bag or a receptacle labeled with a biohazard sign. If an absorbent agent is used, sweepings must be disposed of in a similar manner. Brooms and dust pans must be cleaned with a disinfectant;
- i. Freshly mixed household bleach in a 1:10 solution (one part bleach to nine parts cool water) is recommended for sanitizing. Bleach solution should be made fresh every 24 hours in order to be effective. A tightly sealed bottle marked with a line for one part bleach and another line for nine parts water can be kept handy. The fresh solution can be stored out of direct light. The bottle must be clearly labeled;
- j. Wash contaminated surfaces with soap and water to remove all visible contamination. The surface to be sanitized must be visibly clean and free of all soap residue. Do not mix bleach with soap or detergent, as any organic material will inactivate the active ingredient. The contaminated surface must be in contact with bleach solution for at least 10 minutes.

3. Needles

Contaminated needles or other contaminated sharps will not be bent, recapped, removed, sheared or purposely broken. OR OSHA allows an exception to this if the procedure would require that the contaminated needle be recapped or removed and no alternative is feasible and the action is required by the medical procedure. If such action is required, then the recapping or removal of the needle must be done by a mechanical device or a one-handed technique. Empty immunization vials will be disposed of in the sharps container.

Work Area Restriction

- Employees are not to eat, drink, apply cosmetics or lip balm, smoke or handle contact lenses in the health room. Food and beverages are not to be kept in refrigerators, freezers, shelves, cabinets or on counter tops or bench tops where blood or other potentially infectious materials are present. Hands must be washed before and after assisting with first aid, before and after meals and after toileting.
- 4.

All procedures will be conducted in a manner which will minimize splashing, spraying, splattering and generation of droplets of blood or other potentially infectious materials. Methods employed to accomplish this goal are:

- a. The custodian will be called when body fluids need to be cleaned up;
- b. Employees involved in activities which might cause splattering of infectious materials will wear gloves and/or vinyl aprons, as necessary.

Contaminated Equipment

The custodian is responsible for ensuring that equipment which has become contaminated with blood or other potentially infectious materials will be examined and decontaminated as necessary as soon as possible.

5.

6. Personal Protective Equipment (PPE)

- a. General: Supervisors are responsible for ensuring that latex gloves are provided without cost to employees. The nature of anticipated exposure to body fluids at a school requires latex gloves (and when applicable, a vinyl apron) to be the only personal protective equipment that is generally needed. If the employee's clothing should become contaminated with body fluids, the employee will be given time to change clothing. Soiled clothing will be placed in a plastic bag and sent home with the owner and handled in accordance with standard precautions.

~~A CPR mask with a one-way valve will be provided at each instructional site.~~

- b. ~~PPE Use (Personal Protective Equipment): Supervisors will ensure that the employee uses appropriate PPE unless it is shown that the employee temporarily and briefly declined to use PPE when under rare and extraordinary circumstances it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances will be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.~~
- c. ~~PPE Accessibility: Supervisors will ensure that appropriate PPE in the appropriate sizes is readily accessible at the work site or is issued without cost to employees. Hypoallergenic gloves, glove liners, powderless gloves or other similar alternatives will be readily accessible to those employees who are allergic to the gloves normally provided.~~
- d. ~~PPE Cleaning, Laundering and Disposal: All personal protective equipment will be cleaned, laundered and/or disposed of by the employer at no cost to the employees. All repairs and replacements of PPE will be made by Lane ESD at no cost to the employees. All garments which are penetrated by blood will be removed immediately or as soon as feasible. All PPE will be removed prior to leaving the work area.~~

~~When PPE is removed, it will be placed in an appropriately designated area or container for storage, washing, decontamination or disposal. Reusable items, such as CPR masks and vinyl aprons will be sanitized using a freshly made 1:10 (one part bleach, nine parts cool water) bleach solution.~~

- e. ~~Gloves: Gloves will be worn when it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, nonintact skin or mucous membranes; when handling or touching contaminated items or surfaces.~~

~~Disposable latex gloves are not to be washed or decontaminated for re-use and are to be replaced as soon as practical if they are torn, punctured or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration or when their ability to function as a barrier is compromised. Disposable latex gloves will be removed by grasping the cuff and pulling them wrong side out. Soiled gloves will be placed in the plastic bag with other contaminated waste material, double bagged and disposed of according to state and local regulations.~~

f. Eye and Face Protection: A CPR mask with a one-way valve is to be used in the event of cardiac or respiratory arrest. Ordinary school activities do not require other masks, goggles or face shields to prevent splashes, splatter or droplets of blood.

g. Additional Protection: The need for additional protective clothing is not anticipated in the normal course of school activities. (Vinyl aprons are to be made available for staff when appropriate.)

9. Housekeeping

~~All bins, pails, cans and similar receptacles will be inspected and decontaminated on a regularly scheduled basis once a month by the custodian and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.~~

~~Decontamination will be accomplished by utilizing the following materials:~~

- a. ~~Blood or body fluid spills: A Quaternary disinfectant or a freshly made 1:10 bleach solution (one part bleach and nine parts cool water);~~
- b. ~~Counters and sink: A Quaternary disinfectant or bleach solution;~~
- c. ~~Broken glassware: Not to be picked up directly with the hands.~~

10. Regulated Waste Disposal

~~Gauze and other first aid products used to cleanse bloody wounds in the health room will be placed in a plastic bag lined waste can. The bag will be securely tied and disposed of daily. The state of Oregon does not require special disposal practices for this type of waste.~~

Laundry Procedures

~~Laundry contaminated with blood or other potentially infectious materials generated in school or at a worksite will be handled using standard precautions. Such laundry will be placed in a plastic bag and sent home with the owner, if possible, to be washed according to standard precautions.~~

12. Hepatitis B Vaccine and Exposure Evaluation and Follow-Up

a. General: Lane ESD will make available the Hepatitis B vaccine and post-exposure follow-up to all employees who have occupational exposure as determined by the district and/or to all employees who have had an exposure incident.

~~Lane ESD will ensure that all medical evaluations and procedures including the Hepatitis B vaccine and vaccination series and post exposure follow up including prophylaxis, are:~~

- (1) Made available at no cost to the employee;
- (2) Made available to the employee at a reasonable time and place;
- (3) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional;
- (4) Provided according to the recommendations of the U.S. Public Health Service.

All laboratory tests will be conducted by an accredited laboratory at no cost to the employee.

- b. Hepatitis B Vaccination: The human resources administrator is in charge of the Hepatitis B vaccination program, if any are needed.

Hepatitis B vaccination will be made available after the employee has received the training in occupational exposure and within 10 working days of initial assignment to all employees who have occupational exposure, unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune or the vaccine is contraindicated for medical reasons.

Participation in a pre-screening program will not be a prerequisite for receiving Hepatitis B vaccination.

If the employee initially declines Hepatitis B vaccination, but at a later date, while still covered under the standard, decides to accept the vaccination, the vaccination will be made available.

All employees who decline the Hepatitis B vaccination offered will sign the OR-OSHA required declination statement indicating their refusal. (See Hepatitis B Declination Statement form, page 11-20). If the employee refuses to sign the declination statement, the supervisor will make a notation on the form and sign as a witness to the employee's refusal.

If a routine booster dose of Hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster doses will be made available.

- e. ~~Post-Exposure Evaluation and Follow-Up: All exposure incidents will be reported, investigated and documented. When the employee incurs an exposure incident, it will be reported to the immediate supervisor and an incident report will be completed immediately, conjointly with a health professional.~~

~~Following a report of an exposure incident, the exposed employee will immediately receive a confidential medical evaluation and follow-up, including at least the following elements:~~

- ~~(1) Documentation of the route of exposure and the circumstances under which the exposure incident occurred;~~
- ~~(2) Identification and documentation of the source individual, unless it can be established that identification is not feasible or prohibited by state or local law;~~
- ~~(3) The source individual's blood will be tested as soon as possible and after consent is obtained in order to determine HBV and HIV infectivity. Laboratory tests requested by Lane ESD will be paid for by the ESD. If consent is not obtained, the human resources manager will establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, will be tested and the results documented;~~
- ~~(4) When the source individual is already known to be infected with HBV or HIV, status need not be repeated;~~

- (5) Results of the source individual's testing will be made available to the exposed employee and the employee will be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual;
- (6) The exposed employee's blood will be collected and tested for HBV and HIV status as soon as possible after exposure and consent is obtained. The employee will have the option of having the blood sample preserved for up to 90 days to allow the employee time to consider the ramifications of testing. Any employee who wants to participate in the medical evaluation program must agree to have blood drawn.

All employees who incur an exposure incident will be offered post-exposure evaluation testing and treatment in accordance with OR-OSHA standard. All post-exposure follow-up will be performed by a physician under contract with Lane ESD.

d. ~~Information Provided to the Health Care Professional: The human resources administrator will ensure that the physician responsible for the employee's Hepatitis B (HBV) vaccination is provided with the following:~~

- ~~(1) A copy of OAR 437-002-0360 with confidentiality being emphasized;~~
- ~~(2) A written description of the exposed employee's duties as they related to the exposure incident;~~
- ~~(3) Written documentation of the route of exposure and circumstances under which exposure occurred;~~
- ~~(4) Results of the source individual's blood testing, if available;~~
- ~~(5) All medical records relevant to the appropriate treatment of the employee including HBV vaccination status, the staff member's current emergency information record and the most recent medical occurrences.~~

e. ~~Health Care Professional's Written Opinion: The human resources administrator will obtain and provide the employee with a copy of the evaluating health care professional's written opinion within 15 days of the completion of the evaluation. The information in the report will be confidential. The health care professional's written opinion for post-exposure follow-up will be limited to the following information:~~

- ~~(1) A statement that the employee has been informed of the results of the evaluation;~~
 - ~~(2) A statement that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment;~~
 - ~~(3) Whether the Hepatitis B vaccination is recommended;~~
 - ~~(4) Whether the employee has received the Hepatitis B vaccination.~~
- ~~NOTE: All other findings remain confidential and will not be included in the written report.~~

Lane ESD will not ordinarily produce regulated waste products. Plastic or biohazard labeled waste containers that are leakproof, with lids, will be used to collect absorbent gauze pads, disposable gloves and contaminated paper. These plastic bags will be removed when tied in a knot at the top and disposed of.

14. Information and Training

~~In accordance with applicable regulations, the human resources administrator will ensure that training is provided at the time of initial assignment to tasks potentially involving occupational exposure. Review will be provided annually for all returning employees. Additional training will be provided to employees when there are any changes of tasks or procedures affecting the employee's occupational exposure. Training and review will be tailored to the employee's education and language level and will be offered during regular work hours at no cost to the employee. The training will be interactive and will cover the following:~~

- ~~a. Where a copy of the OR OSHA standard is available and an explanation of its contents;~~
- ~~b. A discussion of the epidemiology and symptoms of bloodborne diseases;~~
- ~~c. An explanation of the modes of transmission of bloodborne pathogens;~~
- ~~d. An explanation of Lane ESD Bloodborne Pathogen Exposure Control Plan and a method for obtaining a copy;~~
- ~~e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;~~
- ~~f. An explanation of the use and limitations of methods to reduce exposure, for example: engineering controls, work practices and personal protective equipment (PPE);~~
- ~~g. Information of the types, use, location, removal, handling, decontamination and disposal of PPE's;~~
- ~~h. An explanation of the rationale for selection of PPE's;~~
- ~~i. Information regarding the Hepatitis B vaccination including efficacy, safety, method of administration, benefits and that it will be offered free of charge;~~
- ~~j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;~~
- ~~k. An explanation of the procedures to follow if an exposure incident occurs including the method of reporting and medical follow-up;~~
- ~~l. Information regarding the post exposure evaluation and follow up required after an employee exposure incident;~~
- ~~m. An explanation of the signs, labels and color-coding systems.~~

~~The person conducting the training will be knowledgeable in the subject matter.~~

15. Record Keeping

- ~~a. Medical Records: Medical records will be maintained by the human resources department in accordance with OAR 437-002-0015 in a locked file cabinet in the human resources office area. These records will be kept confidential and must be maintained for at least the duration of employment plus 30 years. (Long term storage will be in the human resources office.) The records will include the following:~~
 - ~~(1) The name and social security number of the employee;~~
 - ~~(2) A copy of the employee's HBV vaccination status including the dates of vaccination and any medical records related to the employee's ability to receive vaccination;~~

- (3) A copy of all results of examinations, medical testing and follow-up procedures;
- (4) ~~A copy of the health care professional's written opinion whether Hepatitis B vaccination is indicated and if the employee has received such vaccination;~~
- (5) ~~A copy of the information provided to the health care professional including a description of the employee's duties as they related to the exposure incident and documentation of the routes of exposure and circumstances of the exposure.~~

b. ~~Training Records: The human resources administrator is responsible for maintaining the training records. These records will be kept in the human resources office. Training records will be maintained for three years from the date of the training. The records will document the following:~~

- (1) ~~The dates of the training session;~~
- (2) ~~An outline describing the material presented;~~
- (3) ~~The names and qualifications of persons conducting the training;~~
- (4) ~~The names and job titles of all persons attending the training session.~~

e. ~~Availability: All employee records will be made available to the employee in accordance with OAR 437-002-0015. All employee records will be made available to the Assistant Secretary of Labor for the Occupational Safety and Health Administration and the Director of the National Institute for Occupational Safety and Health upon request.~~

d. ~~Transfer of Records: If this facility is closed or there is no successor employer to receive and retain the records for the prescribed period, the director of the NIOSH will be contacted for final disposition.~~

16. Evaluation and Review

The safety committee is responsible for reviewing this program, its effectiveness and for updating this program as needed on an annual basis.

17. ~~Dates~~

All provisions required by this standard will be implemented by June 1, 1993.

18. Consents and Waivers

~~If employees, source individuals or parents of source individuals refuse to sign any form requested, a Lane ESD employee will make a notation on the form that the individual refused to sign. The employee will then date and sign the form as a witness to this refusal.~~

Outside contractors will be responsible for meeting OR-OSHA requirements for their employees.

19. ~~Outside Contractors~~

**LANE EDUCATION SERVICE DISTRICT
HEPATITIS B DECLINATION STATEMENT**

The following statement of declination of Hepatitis B vaccination must be signed by an employee who chooses not to accept the vaccine. The statement can only be signed by the employee following appropriate training regarding Hepatitis B, Hepatitis B vaccination, the efficacy, safety, method of administration and benefits of vaccination, and that the vaccine and vaccination are provided free of charge to the employee. The statement is not a waiver; employees can request and receive the Hepatitis B vaccination at a later date if they remain occupationally at risk for Hepatitis B.

DECLINATION STATEMENT

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me; however, I decline Hepatitis B vaccination at this time. I understand that by declining the vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Print Employee's Name _____ Employee's Social Security Number _____

Employee's Signature _____ Date _____

**LANE EDUCATION SERVICE DISTRICT
BLOOD OR OTHER BODY FLUID POST-EXPOSURE REPORT**

Policy Statement: Any exposure incident (a specific mouth, eye or other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious material) that results from the performance of an employee's duties will be reported immediately to the human resources administrator.

Date: _____ Time: _____ Reported by: _____

Description of incident (include route(s) and circumstances of exposure): _____

Person: _____ Title: _____ Date: _____

EXPOSURE INFORMATION	
Source Individual	Exposed Employee
Name: _____	Name: _____
School: _____ Grade: _____	School: _____
DOB: _____ SS#: _____	Classroom/Site: _____
Home Address: _____	Home Address: _____
Parent/Guardian: _____	Date Referred to Physician: _____
Home Phone: _____ Work Phone: _____	Documents Sent to Physician (check below)
Physician Name: _____	Bloodborne Pathogen Exposure Report ☐
Physician Phone: _____	Hepatitis B Vaccination Consent/Waiver ☐
Physician Address: _____	Source Individual Consent/History ☐
	OR-OSHA Regulation ☐
Hepatitis B Status, if known: _____	
Parent Notified (date/time): _____	
Consent Form Sent: _____	
Consent Form Obtained: _____	
Consent Refused: _____	
Employee Notified of Refusal: _____	
Follow-Up _____	Follow-Up _____

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LANE EDUCATION SERVICE DISTRICT

SOURCE INDIVIDUAL HISTORY AND CONSENT

I hereby authorize an exchange of information to occur between the agencies/physicians listed below. I am aware that I, or my child, have been identified as a source individual where an employee may have been exposed to blood or other potentially infectious body fluids.

1. Lane Education Service District
1200 Highway 99 North
PO Box 2680
Eugene OR 97402

2. Employee's Medical Practitioner:

Name:

Phone:

Address:

3. Student's Medical Practitioner:

Name:

Phone:

Address:

I authorize a release of any or all information contained in the record of:

Name:

School: _____

Phone:

Other Names Used:

Signature of Parent or Guardian

Date

Dr. _____: This student or employee is a source individual of a bloodborne pathogen or other potentially infectious body fluid exposure incident. The above named employee, parent or guardian has been notified of OAR 437-002-0360 to -0375, Exposure guideline on bloodborne pathogens. Please return the following medical information.

Results of:

HBsAg: _____

Date:

HIV:

D _____ Date: _____

M.D. Signature _____ Date _____

SOU



E



Date Employee Exposed: _____

D

Date Parent/Guardian Notified:

School Health Officer Signature

Date

Please read, sign below and return to the human resources administrator at the address listed above.

I have been informed by _____ that I/my child have/has been identified as being a source individual in an employee exposure incident to blood or other potentially infectious body fluids.

I am aware of the risks to the employee and I have declined blood testing to be performed for Hepatitis B and HIV. I have been informed that if I had consented to this testing, this information would be released to the employee's medical provider and to Lane ESD's human resources administrator.

Signature

Date

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LANE EDUCATION SERVICE DISTRICT
BLOODBORNE PATHOGENS TRAINING SESSION ATTENDANCE ROSTER

D

E

Conducted By:

ATTENDEES

NAME	JOB TITLE
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E	
T	
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NOTE: Training summary of contents and qualification of person(s) conducting training attached. This record will be maintained for three years from the above date of training session and copies may be made available to the appropriate OR-OSHA representative upon request.

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PHYSICIAN'S STATEMENT AND WRITTEN OPINION

Lane Education Service District
1200 Highway 99 North
PO Box 2680
Eugene OR 97402

Please complete the following information and return to the human resources administrator at the address listed above. OR-OSHA requires that the employer will obtain and provide the employee with a copy of this written opinion within 15 days of completion of this medical evaluation. Please note that the following records are accompanied with this form to assist in your medical evaluation:

- ☐ OR-OSHA regulation regarding post-exposure protocol;
- ☐ Bloodborne pathogen exposure report;
- ☐ Hepatitis B vaccination history/waiver;
- ☐ Source individual's medical information and release of confidential information.

Hepatitis B Prophylaxis

1. Is Hepatitis B vaccination indicated? YES NO
2. If so, was vaccination given? YES NO

DATE GIVEN: _____

If yes, projected date for next dose: _____

3. Are there any medical contraindications? YES NO

If yes, please explain: _____

4. Was HBIG given? YES NO

If yes, date received: _____

Antibody Testing

1. Date blood drawn: _____
2. Baseline Hepatitis B result: _____
3. Baseline HIV completed: _____

(If employee does not give consent initially for HIV serologic testing, the sample must be preserved for at least 90 days. The employee may later elect to have the baseline done during this 90-day period.)

Post-Exposure Counseling and Follow-Up

Further recommendations: _____

I certify that the employee has been informed of the results of this medical evaluation, has been advised about any medical conditions resulting from exposure to blood or other potentially infectious materials and has been advised about any further evaluation or treatment.

Physician's Signature

Date

LANE EDUCATION SERVICE DISTRICT
ACCIDENTAL BODY FLUID EXPOSURE LOG

Facility Name: _____

Facility Address: _____

School Health Official: _____

Name of Exposed: _____

_____ Student ☐ Staff ☐ DOB: _____

Source Individual, if known: _____

Reported By: _____

_____ Title: _____

Description of Incident: _____ Date: _____

_____ Time: _____

Was consultation with health care provider sought: ☐ YES ☐ NO

If so, name of health care provider: _____

Recommendation of health care provider:

Facility Name:

Facility Address:

School Health Official:

Name of Exposed:

Student ☐ Staff ☐ DOB:

Reported By:

Source Individual, if known:

Title:

Time:
Date:

Description of Incident:

Was consultation with health care provider sought: ☐ YES ☐ NO

[illegible]

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Lane Education Service District

Code: GBEBC/JHCCC/EBBAA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBC/JHCCC/EBBAA

~~Infection Control—HIV, AIDS, HBV~~

~~(See proposed EBBAA.)~~

Lane ESD shall use standard precautions for infection control at all times. Each employee or student is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The ESD shall develop an Exposure Control Plan that includes infection control procedures for employees and students.

~~Staff and students, as appropriate, shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal clean up, appropriate disposal, immunization and personal hygiene, as well as the location and content of first-aid and clean-up kits. Kits shall be readily available to students and staff in ESD programs and facilities and in each ESD vehicle.~~

~~In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.~~

~~This information will emphasize infection, how infection is spread, as well as how it is not spread.~~

~~Lane ESD will cooperate with the Oregon Department of Education and the Oregon Health Division in delivering HIV, AIDS and HBV education.~~

~~END OF POLICY~~

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-024-0275](#)
[OAR 581-053-0517 \(13\)\(e\)\(e\)](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Lane Education Service District

Code: GBEBD/JHCCD
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBD/JHCCD

~~HIV, AIDS and HBV Rumor Control—Employees~~

~~Lane ESD shall use a two-pronged approach for rumor control related to HIV, AIDS and HBV¹ before a rumor begins and during an “active” rumor.~~

~~In preparation for rumor control, the ESD shall annually notify employees, students, parents, media and the general public through handbooks and newspaper articles of confidentiality and individual rights requirements placed upon districts. The requirements are outlined in Oregon Revised Statutes and Oregon Administrative Rules. Individual rights include the right an employee or a student may have to continue working or attending school.~~

~~The ESD shall emphasize that if an employee or the student (parent/guardian) chooses not to divulge an HIV, AIDS or HBV condition, the ESD will have no information except to reiterate the requirements in the law regarding confidentiality and individual rights. This will be stated routinely and in cases of an “active” rumor.~~

~~If the employee or student (parent/guardian) wishes to divulge information and continues working or attending school, the ESD shall meet with the infected party or representative to develop a written procedure. This procedure will minimally outline what information will be given, who will give the information, when and where the information will be given, how the information will be given and who will receive the information. The procedures will be signed for approval by the infected party or representative.~~

~~The ESD shall appoint an ESD spokesperson who shall be responsible for responding to employees, students, parents, media and the general public.~~

~~Lane ESD staff working in component school districts, their parents, guardians or persons in parental relationship shall comply with component district policies and procedures.~~

~~END OF POLICY~~

Legal Reference(s):

[ORS 433.008](#)
[ORS 433.045](#)

[QAR 333-012-0270](#)
[QAR 333-018-0000](#)
[QAR 333-018-0005 \(1\)\(a\)](#)

-0030
[QAR 581-015-0005](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Lane Education Service District

Code: GBEBE/JHCCE/KBCAA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBE/JHCCE/KBCAA

~~News/Media - HIV, AIDS or HBV~~

N/A

Lane ESD shall assign an ESD spokesperson who shall develop news releases or conduct news conferences regarding unreported or identified HIV, AIDS or HBV¹ cases.

The release/news conference shall stress:

- ~~1. ESD's and school districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent or guardian releases the information;~~
- ~~2. ESD's and school districts, if informed, may not release the information unless the infected person or parent or guardian gives permission for such release;~~
- ~~3. ESD's and school districts may not prevent an employee from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school.~~

~~If a news conference is held, the ESD shall ask the local health department or other health authorities to assist the ESD spokesperson with the news conference.~~

~~END OF POLICY~~

~~Legal Reference(s):~~

~~[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 342.850 \(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)~~

~~[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)~~

¹ HIV—Human Immunodeficiency Virus; AIDS—Acquired Immune Deficiency Syndrome; HBV—Hepatitis B Virus

Lane Education Service District

Code: GBEC
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GBEC

Drug-Free Workplace (Version 1)

~~†Lane ESD prohibits the manufacturing, distributing, dispensing, possessing and/or use of controlled substance or alcohol in the workplace. The term "controlled substance" shall mean illegal drugs and shall include any narcotic drug, hallucinogenic drug and amphetamine, barbiturate, marijuana or any other controlled substance. Workplace shall mean the site of the performance of work done for the ESD in the employee's course and scope of employment, including but not limited to work at any ESD building during the time of employment or within any ESD approved vehicle (including the employee's own vehicle) used to transport students to and from school, ESD program or ESD sponsored activities or during any other use for ESD purposes, as well as any non-ESD property during any ESD-sponsored event, function or activity, whether or not there are students present. This policy shall not apply to social functions where alcoholic beverages are served.~~

~~An individual is considered to be under the influence of alcohol, intoxicants and/or a controlled substance when, in the district's determination based upon testing conducted by and interpreted by trained medical personnel, the alcohol, intoxicant or controlled substance is at a level that it may impair the individual's ability to safely and/or efficiently perform assigned work OR prevent the employee from presenting a positive role model to students.~~

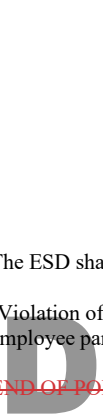
~~The superintendent or designee will provide for the removal of the employee from the workplace and provide for transportation to employee's home or other location as deemed appropriate.~~

~~Any employee who is under the treatment of a physician and who must bring prescription medicines (or those drugs that ordinarily require prescription in the United States, but may be purchased over the counter in some foreign countries) to the workplace shall have a dated copy of the physician's prescription available for immediate inspection. The district reserves the right to examine the contents of any medication in the hands of the employee that is required to be prescribed in the United States, for the sole purpose of verifying the identification of the drug in an approved testing laboratory.~~

~~†As a condition of employment, employees must abide by this policy and inform the district within five days of any criminal drug conviction that occurred as a result of activities in the workplace.~~

~~The ESD shall provide a drug-free awareness program during its annual in-service. The program shall include information about the dangers of drug abuse in the workplace, a copy of the district's policy and the availability of drug counseling, rehabilitation from outside sources and the ESD's employee assistance programs. The program shall also include the consequences of violating the ESD's policy.~~

~~†Districts directly receiving grants or contracts of \$25,000 or more from the federal government are required to meet this obligation.~~



The ESD shall make a good faith effort to continue to maintain a drug-free workplace.

¹Violation of this policy may result in discipline up to and including discharge or a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program.

END OF POLICY

Legal Reference(s):

ORS 243.650	ORS 342.726	ORS 659A.127
ORS 342.721	ORS Chapter 475	OAR 581-022-2210
ORS 342.723	ORS 657.176	

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600-85.645 (2016); Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.1-1308.15 (2016); Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).



Lane Education Service District

Code: GBEE-AR(2)
Adopted: 9/11/96
Revised/Readopted: 9/25/01
Orig. Code(s): GBEE-AR(2)

Lane ESD Sunshine Fund Guidelines

(Does not rise to level of board AR. Internal procedure. Save and make available internally? Staff handbook?)

1. The superintendent may assign responsibility for managing the Sunshine fund account to a member of the staff.
2. Funds for the Sunshine fund account come from sales commissions from staff-room vending machine receipts, commissions from paper recycling and other approved wellness committee fund raising.
3. Sunshine fund money can be used for “staff morale” gifts for individual staff members, of the type for which a collection from the staff might otherwise be made, and for wellness/social events that are planned to benefit the entire staff.

This is not meant to totally replace staff collections, usually by someone within the person’s service area, for special gifts for such events as baby showers, retirement presentations or bridal showers.

~~4. The following guidelines are for expenditures for individual staff members:~~

~~a. Occasions upon which flowers or other gifts are sent:~~

~~Staff or Board member’s extended illness or hospitalization (accident or surgery); birth or adoption; death in immediate family of staff or Board member.~~

~~b. Occasions upon which cards are sent:~~

~~Extended illness or hospitalization of immediate family of staff or Board member.~~

~~c. Occasions upon which refreshments (e.g., cake) are provided:~~

~~Going away parties (resignations/retirements)~~

~~Service area administrative assistants are responsible for notifying the Sunshine fund manager whenever an occasion for use of the fund arises within their division.~~

5.

Lane Education Service District

Code: GBHA
Adopted: 9/27/94
Readopted: 9/25/01
Orig. Code(s): GBHA

Parental/Family Relationship**

(See policy GBH/JECAC)

In determining whether a person is acting in a parental relationship to a student, Lane ESD shall examine the facts and circumstances of each case.

Characteristics that describe a parental relationship include:

1. Whether the person has physical custody and control of the student;
2. Whether the person supplies the student with food, clothing, shelter or other incidental necessities;
3. Whether the person provides the student with care, education and discipline;
4. Whether the person may authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the student and, in an emergency where the student's safety appears to urgently require it, whether the person may authorize surgery or other extraordinary care.

END OF POLICY

Legal Reference(s):

ORS 329.145

ORS 339.15

ORS 419B.373

HUMAN RESOURCES REPORT TO LANE ESD BOARD

December 1, 2025

CLASSIFIED STAFF (Information)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>	14230	Instructional Assistant, Life Skills	11/4/2025	
	14240	Instructional Assistant, Life Skills	11/11/2025	
	14241	Program Assistant, School Improvement	11/17/2025	
	14228	Instructional Assistant, Life Skills	10/27/2025	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	14126	Instructional Assistant, Life Skills	10/31/2025	Termination
	13667	Instructional Assistant, Life Skills	11/14/2025	Resignation
	11251	Instructional Assistant, Life Skills	11/12/2025	Retired
	13511	Instructional Assistant, Life Skills	11/28/2025	Resignation
<i>Change of Status</i>				

LICENSED STAFF (Action)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>	14239	Teacher At Large, Life Skills	11/24/2025	
	11605	Specialist CTE, School Improvement	10/27/2025	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	14116	Teacher, Life Skills	11/14/2025	Resignation
	14207	Teacher, Life Skills	11/21/2025	Resignation
<i>Change of Status</i>				

PROFESSIONAL STAFF (Information)

	Employee ID #	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 ID #	Position	Effective Date	Notes
<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 (Rural)	9/24/2025	In process
1109	Special Education Consultant (Candidate Pool)	10/31/2025	Filled
1089	Substitute, Construction Manufacturing Assistant HOPE Factory (Candidate Pool)	Open Pool	In Process
1179	Desktop Support Tech	ASAP	Filled
1195	Special Education, Instructional Assistant (Candidate Pool)	Open Pool	In Process
1205	Speech Language Pathologist	10/15/2025	In Process
1214	Instructional Assistant, Lane School	12/1/2025	Open



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: December 2, 2025

October 2025 Financial Report (Unaudited)

General Fund Financial Report

The Financial Report for the General Fund for the period ending October 31, 2025 follows this report. Year-to-date operating revenues through October 31, 2025 total \$7,716,106 or 23.5% of total budgeted operating revenues as compared to \$7,352,643 or 25.6% through October 31, 2024. As usual, state school fund formula revenue constitutes the majority of funds received. Total projected resources of \$31,908,515 is \$980,973 less than budgeted, which is primarily due to adjustments to state school fund estimates that reflect a lower ADMw than what was originally projected by our districts.

Year-to-date operating expenditures through October 31, 2025 total \$6,390,957 or 22.0% of total budgeted operating expenditures as compared to \$5,661,899 or 22.2% through October 31, 2024. Total projected operating expenditures of \$28,098,386 is \$993,757 less than budgeted, which is primarily due to projected savings in PERS employer contributions and increased savings in health benefits when employees elect to opt out. Total projected transfers and transits of \$4,534,374 is \$70,980 more than budgeted, which is due to changes to district service orders after the budget was adopted.

Projected resources and requirements through October 31, 2025 result in an ending fund balance of \$2,629,978, with \$539,381 assigned (reserved) for districts. The remaining ending fund balance of \$2,090,597 is unassigned and represents 6.6% of projected operating revenues. The projected ending fund balance reflects a decrease, or operating deficit, of \$724,245.

Appropriations

A summary of appropriations for all funds for the period ending October 31, 2025 follows this report. At this time, one appropriation in the General Fund (Apportionment of Funds by ESD) and one appropriation in the Special Revenue Fund (Enterprise and Community Services) are projected to be overspent, but will be corrected with future board action to transfer appropriations.

Cash and Investment Account Balances by Type

	Yield	Beginning Balance	Deposits	Withdrawals	Ending Balance
Municipal Investor Checking	0.35%	\$563,985	\$3,045,493	\$2,976,388	\$633,089
Oregon LGIP (4513)	4.60%	\$5,095,616	\$1,408,417	\$2,150,000	\$4,354,033
Oregon LGIP (3676)	4.60%	\$363,347	\$86,785	-	\$450,132
Total		\$6,022,948	\$4,540,695	\$5,126,388	\$5,437,254

Assurances

All cash, investment and credit card accounts have been balanced, reconciled and reviewed and all cash and investment accounts have been reconciled to the general ledger as of October 31, 2025.

The adopted budget reflects expected expenditures. All payroll reports have been filed and payroll liabilities have been paid timely. All federal and state reimbursement requests as well as required financial reporting forms have been filed timely. All credit card expenditures, travel and other reimbursements have been reviewed and approved at the proper level.

There have been no significant changes to the internal control system, to the accounting system or accounting policies that are significant. The business services department is adequately staffed to allow for proper segregation of duties and I am not aware of any new pronouncements or other financial changes that may require additional staff time to properly implement.

All financial statements that have been provided to the board are accurate and complete to the best of my knowledge and I am aware of no other financial matters that the board should be aware of at this time. I know of no cases of fraud or other misconduct and I have not been asked by the superintendent to do anything that makes me feel uncomfortable or to present any information I feel is inaccurate.

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 October 31, 2025

	Fiscal Year 2024-25					Fiscal Year 2025-26					
	Final Budget	Actuals thru 10/31/2024	% of Budget	Projected thru 6/30/2025	% of Budget	Adopted Budget	Actuals thru 10/31/2025	% of Budget	Projected thru 6/30/2026	% of Budget	Budget Variance
RESOURCES											
State School Fund Formula Revenue											
State School Fund - General Support	\$ 16,240,313	\$ 6,852,385	42.2%	\$ 16,547,846	101.9%	\$ 18,679,394	\$ 7,309,434	39.1%	\$ 17,517,341	93.8%	\$ (1,162,053)
Property Taxes Levied by District	9,038,376	23,549	0.3%	8,985,472	99.4%	9,359,045	15,184	0.2%	9,329,720	99.7%	(29,325)
Other Local Revenues	86,659	3,342	3.9%	30,374	35.1%	47,000	1,299	2.8%	47,500	101.1%	500
Services Provided to Districts	2,209,514	4,172	0.2%	1,961,361	88.8%	3,441,349	571	0.0%	3,628,186	105.4%	186,837
Fees Charged to Grants	600,000	179,904	30.0%	787,830	131.3%	700,000	119,345	17.0%	700,000	100.0%	-
Other Revenues	580,000	289,292	49.9%	996,757	171.9%	662,700	270,272	40.8%	685,768	103.5%	23,068
Total Operating Revenues	\$ 28,754,862	\$ 7,352,643	25.6%	\$ 29,309,639	101.9%	\$ 32,889,488	\$ 7,716,106	23.5%	\$ 31,908,515	97.0%	\$ (980,973)
Beginning Fund Balance (District Reserves)	1,103,757	1,286,636	116.6%	1,286,636	116.6%	1,234,309	1,074,947	87.1%	1,074,947	87.1%	(159,362)
Beginning Fund Balance	1,514,860	1,423,343	94.0%	1,423,343	94.0%	1,915,193	2,279,275	119.0%	2,279,275	119.0%	364,082
TOTAL RESOURCES	\$ 31,373,479	\$ 10,062,623	32.1%	\$ 32,019,618	102.1%	\$ 36,038,990	\$ 11,070,328	30.7%	\$ 35,262,737	97.8%	\$ (776,253)
REQUIREMENTS											
Salaries	\$ 11,436,471	\$ 2,548,241	22.3%	\$ 11,229,735	98.2%	\$ 12,931,449	\$ 2,918,417	22.6%	\$ 12,802,134	99.0%	\$ (129,314)
Associated Payroll Costs	7,495,703	1,447,586	19.3%	6,740,975	89.9%	8,752,295	1,692,990	19.3%	7,964,589	91.0%	(787,707)
Purchased Services	5,695,892	1,131,839	19.9%	5,696,187	100.0%	6,358,613	1,314,436	20.7%	6,358,613	100.0%	-
Supplies and Materials	662,884	240,540	36.3%	557,323	84.1%	724,853	167,128	23.1%	648,117	89.4%	(76,736)
Capital Outlay	-	-	#DIV/0!	39,123	#DIV/0!	-	-	#DIV/0!	-	#DIV/0!	-
Other Objects	269,700	293,692	108.9%	374,774	139.0%	324,933	297,986	91.7%	324,933	100.0%	-
Total Operating Expenditures	\$ 25,560,650	\$ 5,661,899	22.2%	\$ 24,638,117	96.4%	\$ 29,092,143	\$ 6,390,957	22.0%	\$ 28,098,386	96.6%	\$ (993,757)
Transfers											
Interfund Transfers	449,000	429,000	95.5%	449,713	100.2%	452,500	425,000	93.9%	448,500	99.1%	(4,000)
Transits to Districts	3,297,987	-	0.0%	3,577,566	108.5%	4,010,894	-	0.0%	4,085,874	101.9%	74,980
Other Uses of Funds											
Planned Reserve (District Reserves)	464,161	-	0.0%	-	0.0%	440,383	-	0.0%	-	0.0%	(440,383)
Planned Reserve	801,681	-	0.0%	-	0.0%	209,617	-	0.0%	-	0.0%	(209,617)
Reserved for Next Year	800,000	-	0.0%	-	0.0%	1,833,453	-	0.0%	-	0.0%	(1,833,453)
TOTAL REQUIREMENTS	\$ 31,373,479	\$ 6,090,899	19.4%	\$ 28,665,396	91.4%	\$ 36,038,990	\$ 6,815,957	18.9%	\$ 32,632,760	90.5%	\$ (3,406,230)
ENDING FUND BALANCE	-	\$ 3,971,724		\$ 3,354,222		-	\$ 4,254,371		\$ 2,629,978		
Assigned for Districts				\$ 1,074,947					\$ 539,381		
Unassigned Fund Balance				\$ 2,279,275	7.8%				\$ 2,090,597	6.6% *	
* Percent of Operating Revenues				\$ 3,354,222					\$ 2,629,978		

LANE EDUCATION SERVICE DISTRICT
Appropriation Monitoring
For the Period Ending October 31, 2025

		Fiscal Year 2025-26						
		Adopted Budget	Actuals thru 10/31/2025	% of Budget	Projected thru 6/30/2026	% of Budget	BUDGET VARIANCE	NOTES
GENERAL FUND	100							
Instruction		14,163,749	2,673,524	18.9%	13,545,087	95.6%	618,662	+
Support Services		14,928,394	3,717,433	24.9%	14,553,299	97.5%	375,095	+
Transfers of Funds		452,500	425,000	93.9%	448,500	99.1%	4,000	+
Apportionment of Funds by ESD		4,010,894	-	0.0%	4,085,874	101.9%	(74,980)	- pending appropriation transfer
Contingencies		650,000	-	0.0%	-	0.0%	650,000	+
Unappropriated Ending Fund Balance		1,833,453	-	0.0%	-	0.0%	1,833,453	
Total		36,038,990	6,815,957	18.9%	32,632,760	90.5%	3,406,230	+
SPECIAL REVENUE FUND	200							
Instruction		3,739,197	924,634	24.7%	3,452,639	92.3%	286,558	+
Support Services		15,187,528	3,102,145	20.4%	15,141,908	99.7%	45,620	+
Enterprise and Community Services		80,000	519	0.6%	84,519	105.6%	(4,519)	- pending appropriation transfer
Apportionment of Funds by ESD		22,548,273	28,238	0.1%	22,028,238	97.7%	520,035	+
Total		41,554,998	4,055,536	9.8%	40,707,304	98.0%	847,694	+
DEBT SERVICE FUND	300							
Support Services		5	0	4.0%	1	15.0%	4	+
Debt Service		954,698	-	0.0%	954,697	100.0%	1	+
Total		954,703	0	0.0%	954,698	100.0%	5	+
CAPITAL PROJECTS FUND	400							
Support Services		139,161	17,584	12.6%	125,367	90.1%	13,794	+
Debt Service		135,839	-	0.0%	135,839	100.0%	0	+
Total		275,000	17,584	6.4%	261,205	95.0%	13,795	+
INTERNAL SERVICE FUND	600							
Support Services		545,020	150,128	27.5%	287,616	52.8%	257,404	+
Total		545,020	150,128	27.5%	287,616	52.8%	257,404	+
GRAND TOTAL	ALL	79,368,711	11,039,205	62.6%	34,136,281	43.0%	4,525,127	



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
Maddy Ahearn, Program Administrator
Meeting Date: December 2, 2025

Approve Sole Source Procurement

Background

Per [Policy DJC](#), the Board is the Local Contract Review Board (LCRB) for the ESD. Per [ORS 279B.075](#) and [OAR 125-247-0275](#), if the LCRB determines that goods or services are available from only one source, the ESD may award a contract without competition. To the extent reasonably practicable, the ESD shall negotiate with the sole source to obtain contract terms that are advantageous to the ESD. The determination of sole source must be made on written findings. If the LCRB approves a sole source procurement, public notice must be given that describes the goods or services to be acquired, identifies the prospective contractor, and includes the timeline to protest the determination (at least seven days). The LCRB may authorize this public notice to be provided electronically.

Prospective Contractor

Lexia Learning Systems LLC

Services to be Provided

LETRS Participant Materials Bundle (Print + License) with Face-to-Face Professional Learning for 40 teachers

Estimated Contract Amount

\$41,960

Justification

Lexia Learning Systems LLC is the sole provider and intellectual property owner of the LETRS® Suite and associated professional learning materials. These materials—including LETRS® Suite (2021–2025), LETRS® Connect (2025), Lexia LETRS Coaching® (2025), and Lexia Aspire® Professional Learning (2022–2025)—are proprietary products not licensed for distribution, reproduction, or training delivery by third-party vendors. LETRS® professional learning must be delivered by vendor-certified trainers, and all materials and licenses must be purchased directly from Lexia.

LETRS is uniquely aligned with the **Oregon Early Literacy Framework**, including its emphasis on foundational skills, structured literacy practices, and high-quality core instruction supported by evidence-based professional development. Districts across Oregon have already demonstrated notable improvements in **3rd grade reading outcomes** following LETRS implementation, making it a key strategy for districts seeking to strengthen literacy instruction and accelerate student progress. As such, rural districts in Lane County have communicated to Lane ESD a desire for LETRS professional learning.

While the Oregon Early Literacy Grant provides some financial support for LETRS, the **funding available to rural districts is insufficient** to meet the full scale of regional literacy professional learning needs. A coordinated ESD-supported procurement allows these districts to share resources, reduce individual costs, and ensure equitable access to high-quality literacy training across the region.

Because Lexia is the **only authorized source** of LETRS materials and training, and because no alternative vendor can deliver these proprietary products or maintain content fidelity, **competition is not feasible** for this procurement.

Action Requested

Approve the sole source procurement and authorize the public notice to be provided electronically.

Lane Education Service District Policy

Code: **KH**
Adopted: 9/27/94
Revised/Readopted: 2/26/02
Orig. Code(s): KH

Gifts, Grants and Donations

The Board accepts its responsibility to provide from public funds sufficient supplies and equipment for an effective program; it recognizes, however, that from time to time individuals and organizations in the community may wish to contribute additional supplies or equipment to enhance or extend the instructional program.

The superintendent will submit all gifts determined by the superintendent to be of a major nature to the Board for approval. The Board has the authority to accept such gifts and donations. The donor will be officially thanked and all major gifts accepted by Lane ESD will be publicly announced.

The superintendent is authorized to accept gifts to the ESD as determined by the superintendent to be of a minor nature and others whom he/she may designate will be authorized to accept such gifts for particular ESD programs on behalf of the Board. The donor will be officially thanked in the Board's name and all gifts will be reported to the Board and publicly announced.

The Board welcomes gifts of books and other materials that meet the same standards of selection as those applied to the purchase of instructional materials.

The Board reserves the right to refuse to accept any gift which does not contribute toward the achievement of the goals of the ESD or the ownership of which would tend to deplete the resources of the ESD.

Any gift accepted by the ESD shall become the property of the ESD, may not be returned without the approval of the ESD and is subject to the same controls and regulations as are other properties of the ESD.

Gifts accepted shall be used for the purpose for which they were donated if that purpose is consistent with the powers and duties of the ESD. If the purpose for which the gift is donated is inconsistent with the powers and duties of the ESD, the donor will be so notified and the gift returned or in the event the gift cannot be returned it will be used in the best interests of the Board and of the ESD.

In no case shall acceptance of a gift be considered to be an endorsement by the ESD of a commercial product, business enterprise or institution of learning.

END OF POLICY

Legal Reference(s):

[ORS 294.326](#)

[ORS 334.125 \(6\)\(e\)\(7\)](#)

[ORS 334.215](#)

[OAR 581-024-0310](#)

Cross Reference(s):

IIA - Instructional Resources/Instructional Materials

STATE OF OREGON GRANT AGREEMENT

“Student Success Act – Student Investment Account”

Grant No. **39337**

This Grant Agreement (“Grant”) is between the State of Oregon acting by and through its Department of Education (“Agency”) and **Lane ESD** (“Grantee”), each a “Party” and, together, the “Parties”.

SECTION 1: AUTHORITY

Pursuant to the **Student Success Act**, codified at 2019 Oregon Laws Chapter 122, as amended from time to time (the “Act”), ORS 327.175 establishes the Student Investment Account, and subsection (4) provides that moneys in the Account are continuously appropriated to the Oregon Department of Education for the purpose of distributing grants under ORS 327.195.

In accordance with ORS 327.185, Student Investment Account grants may be awarded to eligible applicants: school districts, eligible charter schools, Youth Corrections Education Programs (YCEP), and Juvenile Detention Education Programs (JDEP).

SECTION 2: PURPOSE

The purpose of this grant is to provide funding to assist in meeting students’ mental or behavioral health needs and to increase academic achievement, including reducing academic disparities for student populations identified in ORS 327.180(2)(b). These populations include, but are not limited to, economically disadvantaged students, students from racial or ethnic groups that have historically experienced academic disparities, students with disabilities, English language learners, students who are homeless, students who are foster children, and any other student groups that have historically experienced academic disparities, as determined by the State Board of Education by rule.

SECTION 3: EFFECTIVE DATE AND DURATION

When all Parties have executed this Grant, and all necessary approvals have been obtained (“Executed Date”), this Grant is effective and has a Grant funding start date as of July 1, 2025 (“Effective Date”), and, unless extended or terminated earlier in accordance with its terms, will expire on September 30, 2027.

SECTION 4: GRANT MANAGERS

4.1 Agency's Grant Manager is:

Torrie Higgins
Office of Education Innovation & Improvement
255 Capitol St NE
Salem, OR 97310-0203
Torrie.higgins@ode.oregon.gov

4.2 Grantee's Grant Manager is:

Justin Radabaugh
2727 Martin Luther King Jr Blvd
Eugene, OR 97401
jradabaugh@lesd.k12.or.us

4.3 A Party may designate a new Grant Manager by written notice to the other Party.

SECTION 5: PROJECT ACTIVITIES

Grantee must perform the project activities set forth in Exhibit A (the "Project"), attached hereto and incorporated in this Grant by this reference, for the period beginning on the Effective Date and ending on the expiration date set forth in Section 3 (the "Performance Period").

SECTION 6: GRANT FUNDS

In accordance with the terms and conditions of this Grant, Agency will provide the Grantee the following amounts ("Grant Funds"): the full 2025-27 biennial allocation and a projected Quarter 1 disbursement for the 2027-29 biennium.

Grant Period	Performance Period	Amount
2025-27 Total Biennial Allocation (TBA)	July 1, 2025 – June 30, 2027	\$82,932.35
Less: 2025–27 Q1 projected amount made available under Agreement number 34523 (the "Prior Grant Agreement.")	July 1, 2025 – June 30, 2027	(\$10,629.09)
2025-26 Year 1 – Allocation - CURRENT	July 1, 2025 – June 30, 2027	\$30,007.76
2026-27 Year 2 – Allocation – RESERVED (not yet released)	July 1, 2025 – June 30, 2027	\$42,295.50
2027-29 Quarter 1 projected (2027-29 Q1)	July 1, 2027 – September 30, 2027	\$10,856.22
Total Grant Funds (2025-27 Current and Reserved Allocation + 2027-29 Q1 Projection)		\$83,159.48

The line items provided in the table above have the following meanings:

1. **TBA** equals the total final allocation for 2025 -27 based on the final approved budget.
2. **2025–27 Q1** amount reflects the portion of the 2025-27 biennium projected and made available under the Prior Grant Agreement.
3. **2025–27 Current Allocation** represents the 2025-27 TBA less the amount already made available under the Prior Grant Agreement.
4. **2027-29 Quarter 1** is a projection and will be disbursed subject to the provisions in Exhibit A. The terms and conditions of this Grant apply to the use of these funds. While this allocation is administered under this Grant, its period of performance under this Grant will roll into the full 2027–29 biennial period of performance under the subsequent grant agreement.
5. **Total Grant Funds** include both the current biennium allocation and the projected 2027-29 Q1 amount.

Grant Funds support only the program(s) administered by Grantee under the YCEP or JDEP, as described in Exhibit A, Section 1: **Program Participation**.

Agency will pay the Grant Funds from monies available in the Student Investment Account (“Funding Source”). A reduction in the monies in the Funding Source may result in a decrease in Grant Funds available to Agency and a reduction in disbursements to Grantee under this Grant.

SECTION 7: DISBURSEMENT GENERALLY

7.1 Disbursement.

- 7.1.1** Subject to the availability of sufficient moneys in and from the Funding Source based on Agency’s reasonable projections of moneys accruing to the Funding Source, Agency will disburse Grant Funds to Grantee for the allowable Project activities described in Exhibit A that are undertaken during the Performance Period.
- 7.1.2** Grantee must provide to Agency any information or detail regarding the expenditure of Grant Funds required under Exhibit A prior to disbursement or as Agency may request.
- 7.1.3** Agency will only disburse Grant Funds to Grantee for activities completed or materials produced, that, if required by Exhibit A, are approved by Agency. If Agency determines any completed Project activities or materials produced are not acceptable and any deficiencies are the responsibility of Grantee, Agency will prepare a detailed written description of the deficiencies within 15 days of receipt of the materials or performance of the activity, and will deliver such notice to Grantee. Grantee must correct any deficiencies at no additional cost to Agency within 15 days. Grantee may resubmit a request for disbursement that includes evidence satisfactory to Agency demonstrating deficiencies were corrected.

- 7.2 Conditions Precedent to Disbursement.** Agency’s obligation to disburse Grant Funds to Grantee under this Grant is subject to satisfaction of each of the following conditions precedent:

- 7.2.1 Agency has received sufficient funding, appropriations, expenditure limitation, allotments or other necessary expenditure authorizations to allow Agency, in the exercise of its reasonable administrative discretion, to make the disbursement from the Funding Source;
- 7.2.2 No default as described in Section 15 has occurred; and
- 7.2.3 Grantee's representations and warranties set forth in Section 8 are true and correct on the date of disbursement(s) with the same effect as though made on the date of disbursement.
- 7.3 **No Duplicate Payment.** Grantee may use other funds in addition to the Grant Funds to complete the Project; provided, however, the Grantee may not credit or pay any Grant Funds for Project costs that are paid for with other funds and would result in duplicate funding.
- 7.4 **Suspension of Funding and Project.** Agency may by written notice to Grantee, temporarily cease funding and require Grantee to stop all, or any part, of the Project dependent upon Grant Funds for a period of up to 180 days after the date of the notice, if Agency has or reasonably projects that it will have insufficient funds from the Funding Source to disburse the full amount of the Grant Funds. Upon receipt of the notice, Grantee must immediately cease all Project activities dependent on Grant Funds, or if that is impossible, must take all necessary steps to minimize the Project activities allocable to Grant Funds.

If Agency subsequently projects that it will have sufficient funds, Agency will notify Grantee that it may resume activities. If sufficient funds do not become available, Grantee and Agency will work together to amend this Grant to revise the amount of Grant Funds and Project activities to reflect the available funds. If sufficient funding does not become available or an amendment is not agreed to within a period of 180 days after issuance of the notice, Agency will either (i) cancel or modify its cessation order by a supplemental written notice or (ii) terminate this Grant as permitted by either the termination at Agency's discretion or for cause provisions of this Grant.

SECTION 8: REPRESENTATIONS AND WARRANTIES

- 8.1 **Organization/Authority.** Grantee represents and warrants to Agency that:
 - 8.1.1 Grantee is eligible to accept Grant Funds for this purpose, and is validly organized and existing under the laws of the State of Oregon;
 - 8.1.2 Grantee has all necessary rights, powers and authority under any organizational documents and under Oregon Law to (i) execute this Grant, (ii) incur and perform its obligations under this Grant, and (iii) receive financing, including the Grant Funds, for the Project;
 - 8.1.3 This Grant has been duly executed by Grantee and when executed by Agency, constitutes a legal, valid and binding obligation of Grantee enforceable in accordance

with its terms;

8.1.4 If applicable and necessary, the execution and delivery of this Grant by Grantee has been authorized by an ordinance, order or resolution of its governing body, or voter approval, that was adopted in accordance with applicable law and requirements for filing public notices and holding public meetings; and

8.1.5 There is no proceeding pending or threatened against Grantee before any court or governmental authority that if adversely determined would materially adversely affect the Project or the ability of Grantee to carry out the Project.

8.2 False Claims Act. Grantee acknowledges the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any “claim” (as defined by ORS 180.750) made by (or caused by) Grantee that pertains to this Grant or to the Project. Grantee certifies that no claim described in the previous sentence is or will be a “false claim” (as defined by ORS 180.750) or an act prohibited by ORS 180.755. Grantee further acknowledges in addition to the remedies under Section 16, if it makes (or causes to be made) a false claim or performs (or causes to be performed) an act prohibited under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the Grantee.

8.3 No limitation. The representations and warranties set forth in this Section are in addition to, and not in lieu of, any other representations or warranties provided by Grantee.

SECTION 9: OWNERSHIP

9.1 Intellectual Property Definitions. As used in this Section and elsewhere in this Grant, the following terms have the meanings set forth below:

“Third Party Intellectual Property” means any intellectual property owned by parties other than Grantee or Agency.

“Work Product” means every invention, discovery, work of authorship, trade secret or other tangible or intangible item Grantee is required to create or deliver as part of the Project, and all intellectual property rights therein.

9.2 Grantee Ownership. Grantee must deliver copies of all Work Product as directed in Exhibit A. Grantee retains ownership of all Work Product, and grants Agency an irrevocable, non-exclusive, perpetual, royalty-free license to use, to reproduce, to prepare derivative works based upon, to distribute, to perform and to display the Work Product, to authorize others to do the same on Agency’s behalf, and to sublicense the Work Product to other entities without restriction.

9.3 Third Party Ownership. If the Work Product created by Grantee under this Grant is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Grantee must secure an irrevocable, non-exclusive, perpetual, royalty-free license allowing Agency and other entities the same rights listed above for the pre-existing element of the Third party Intellectual Property employed in the

Work Product. If state or federal law requires that Agency or Grantee grant to the United States a license to any intellectual property in the Work Product, or if state or federal law requires Agency or the United States to own the intellectual property in the Work Product, then Grantee must execute such further documents and instruments as Agency may reasonably request in order to make any such grant or to assign ownership in such intellectual property to the United States or Agency.

- 9.4 Real Property.** If the Project includes the acquisition, construction, remodel or repair of real property or improvements to real property, Grantee may not sell, transfer, encumber, lease or otherwise dispose of any real property or improvements to real property paid for with Grant Funds for a period of six (6) years after the Effective Date of this Grant without the prior written consent of the Agency.

SECTION 10: CONFIDENTIAL INFORMATION

- 10.1 Confidential Information Definition.** Grantee acknowledges it and its employees or agents may, in the course of performing its responsibilities, be exposed to or acquire information that is: (i) confidential to Agency or Project participants or (ii) the disclosure of which is restricted under federal or state law, including without limitation: (a) personal information, as that term is used in ORS 646A.602(12), (b) social security numbers, and (c) information protected by the federal Family Educational Rights and Privacy Act under 20 USC § 1232g (items (i) and (ii) separately and collectively “Confidential Information”).
- 10.2 Nondisclosure.** Grantee agrees to hold Confidential Information as required by any applicable law and in all cases in strict confidence, using at least the same degree of care Grantee uses in maintaining the confidentiality of its own confidential information. Grantee may not copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties, or use Confidential Information except as is allowed by law and for the Project activities and Grantee must advise each of its employees and agents of these restrictions. Grantee must assist Agency in identifying and preventing any unauthorized use or disclosure of Confidential Information. Grantee must advise Agency immediately if Grantee learns or has reason to believe any Confidential Information has been, or may be, used or disclosed in violation of the restrictions in this Section. Grantee must, at its expense, cooperate with Agency in seeking injunctive or other equitable relief, in the name of Agency or Grantee, to stop or prevent any use or disclosure of Confidential Information. At Agency’s request, Grantee must return or destroy any Confidential Information. If Agency requests Grantee to destroy any Confidential Information, Grantee must provide Agency with written assurance indicating how, when and what information was destroyed.
- 10.3 Identity Protection Law.** Grantee must have and maintain a formal written information security program that provides safeguards to protect Confidential Information from loss, theft, and disclosure to unauthorized persons, as required by the Oregon Consumer Information Protection Act, ORS 646A.600-628. If Grantee or its agents discover or are notified of a potential or actual “Breach of Security”, as defined by ORS 646A.602(1)(a), or a failure to comply with the requirements of ORS 646A.600-628, (collectively, “Breach”) with respect to Confidential Information, Grantee must promptly but in any event within one

calendar day (i) notify the Agency Grant Manager of such Breach and (ii) if the applicable Confidential Information was in the possession of Grantee or its agents at the time of such Breach, Grantee must (a) investigate and remedy the technical causes and technical effects of the Breach and (b) provide Agency with a written root cause analysis of the Breach and the specific steps Grantee will take to prevent the recurrence of the Breach or to ensure the potential Breach will not recur. For the avoidance of doubt, if Agency determines notice is required of any such Breach to any individual(s) or entity(ies), Agency will have sole control over the timing, content, and method of such notice, subject to Grantee's obligations under applicable law.

- 10.4 Subgrants/Contracts.** Grantee must require any subgrantees, contractors or subcontractors under this Grant who are exposed to or acquire Confidential Information to treat and maintain such information in the same manner as is required of Grantee under subsections 10.1 and 10.2 of this Section.
- 10.5 Background Check.** If requested by Agency and permitted by law, Grantee's employees, agents, contractors, subcontractors, and volunteers that perform Project activities must agree to submit to a criminal background check prior to performance of any Project activities or receipt of Confidential Information. Background checks will be performed at Grantee's expense. Based on the results of the background check, Grantee or Agency may refuse or limit (i) the participation of any Grantee employee, agent, contractor, subgrantee, or volunteer, in Project activities or (ii) access to Agency Personal Information or Grantee premises.

SECTION 11: INDEMNITY/LIABILITY

- 11.1 Indemnity.** Grantee must defend, save, hold harmless, and indemnify the State of Oregon and Agency and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature whatsoever, including attorneys' fees, resulting from, arising out of, or relating to the activities of Grantee or its officers, employees, subgrantees, contractors, subcontractors, or agents under this Grant (each of the foregoing individually or collectively a "Claim" for purposes of this Section).
- 11.2 Defense.** Grantee may have control of the defense and settlement of any Claim subject to this Section. But neither Grantee nor any attorney engaged by Grantee may defend the Claim in the name of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without first receiving from the Attorney General, in a form and manner determined appropriate by the Attorney General, authority to act as legal counsel for the State of Oregon. Nor may Grantee settle any Claim on behalf of the State of Oregon without the approval of the Attorney General. The State of Oregon may, at its election and expense, assume its own defense and settlement in the event the State of Oregon determines Grantee is prohibited from defending the State of Oregon, or is not adequately defending the State of Oregon's interests, or an important governmental principle is at issue and the State of Oregon desires to assume its own defense. Grantee may not use any Grant Funds to reimburse itself for the defense of or settlement of any Claim.
- 11.3 Limitation.** Except as provided in this Section, neither Party will be liable for incidental,

consequential, or other indirect damages arising out of or related to this Grant, regardless of whether the damages or other liability is based in contract, tort (including negligence), strict liability, product liability or otherwise. Neither Party will be liable for any damages of any sort arising solely from the termination of this Grant in accordance with its terms.

SECTION 12: INSURANCE

- 12.1 Private Insurance.** If Grantee is a private entity, or if any contractors, subcontractors, or subgrantees used to carry out the Project are private entities, Grantee and any private contractors, subcontractors or subgrantees must obtain and maintain insurance covering Agency in the types and amounts indicated in Exhibit C.
- 12.2 Public Body Insurance.** If Grantee is a “public body” as defined in ORS 30.260, Grantee agrees to insure any obligations that may arise for Grantee under this Grant, including any indemnity obligations, through (i) the purchase of insurance as indicated in Exhibit C or (ii) the use of self-insurance or assessments paid under ORS 30.282 that is substantially similar to the types and amounts of insurance coverage indicated on Exhibit C, or (iii) a combination of any or all of the foregoing.
- 12.3 Real Property.** If the Project includes the construction, remodel or repair of real property or improvements to real property, Grantee must insure the real property and improvements against liability and risk of direct physical loss, damage or destruction at least to the extent that similar insurance is customarily carried by entities constructing, operating and maintaining similar property or facilities.

SECTION 13: GOVERNING LAW, JURISDICTION

This Grant is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively “Claim”) between Agency or any other agency or department of the State of Oregon, or both, and Grantee that arises from or relates to this Grant must be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it will be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event may this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court. GRANTEE, BY EXECUTION OF THIS GRANT, HEREBY CONSENTS TO THE PERSONAL JURISDICTION OF SUCH COURTS.

SECTION 14: ALTERNATIVE DISPUTE RESOLUTION

The Parties should attempt in good faith to resolve any dispute arising out of this Grant. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Grant. In addition, the Parties may agree to utilize a

jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each Party will bear its own costs incurred for any mediation or non-binding arbitration.

SECTION 15: DEFAULT

- 15.1 Grantee.** Grantee will be in default under this Grant upon the occurrence of any of the following events:
- 15.1.1** Grantee fails to use the Grant Funds for the intended purpose described in Exhibit A or otherwise fails to perform, observe or discharge any of its covenants, agreements, or obligations under this Grant;
 - 15.1.2** Any representation, warranty or statement made by Grantee in this Grant or in any documents or reports relied upon by Agency to measure the Project, the expenditure of Grant Funds or the performance by Grantee is untrue in any material respect when made; or
 - 15.1.3** A petition, proceeding or case is filed by or against Grantee under any federal or state bankruptcy, insolvency, receivership or other law relating to reorganization, liquidation, dissolution, winding-up or adjustment of debts; in the case of a petition filed against Grantee, Grantee acquiesces to such petition or such petition is not dismissed within 20 calendar days after such filing, or such dismissal is not final or is subject to appeal; or Grantee becomes insolvent or admits its inability to pay its debts as they become due, or Grantee makes an assignment for the benefit of its creditors.
- 15.2 Agency.** Agency will be in default under this Grant if, after 15 days written notice specifying the nature of the default, Agency fails to perform, observe or discharge any of its covenants, agreements, or obligations under this Grant; provided, however, Agency will not be in default if Agency fails to disburse Grant Funds because there is insufficient expenditure authority for, or moneys available from, the Funding Source.

SECTION 16: REMEDIES

- 16.1 Agency Remedies.** In the event Grantee is in default under Section 15.1, Agency may, at its option, pursue any or all of the remedies available to it under this Grant and at law or in equity, including, but not limited to: (i) termination of this Grant under Section 18.2, (ii) reducing or withholding payment for Project activities or materials that are deficient or Grantee has failed to complete by any scheduled deadlines, (iii) requiring Grantee to complete, at Grantee's expense, additional activities necessary to satisfy its obligations or meet performance standards under this Grant, (iv) initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief, (v) exercise of its right of recovery of overpayments under Section 17 of this Grant or setoff, or both, or (vi) declaring Grantee ineligible for the receipt of future awards from Agency. These remedies are cumulative to the extent the remedies are not inconsistent, and Agency may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

- 16.2 Grantee Remedies.** In the event Agency is in default under Section 15.2 and whether or not Grantee elects to terminate this Grant, Grantee's sole monetary remedy will be, within any limits set forth in this Grant, reimbursement of Project activities completed and accepted by Agency and authorized expenses incurred, less any claims Agency has against Grantee. In no event will Agency be liable to Grantee for any expenses related to termination of this Grant or for anticipated profits.

SECTION 17: WITHHOLDING FUNDS, RECOVERY

Agency may withhold from disbursements of Grant Funds due to Grantee, or Grantee must return to Agency within 30 days of Agency's written demand:

- 17.1** Any Grant Funds paid to Grantee under this Grant, or payments made under any other agreement between Agency and Grantee, that exceed the amount to which Grantee is entitled;
- 17.2** Any Grant Funds received by Grantee that remain unexpended or contractually committed for payment of the Project at the end of the Performance Period;
- 17.3** Any Grant Funds determined by Agency to be spent for purposes other than allowable Project activities; or
- 17.4** Any Grant Funds requested by Grantee as payment for deficient activities or materials.

SECTION 18: TERMINATION

- 18.1 Mutual.** This Grant may be terminated at any time by mutual written consent of the Parties.
- 18.2 By Agency.** Agency may terminate this Grant as follows:
- 18.2.1** At Agency's discretion, upon 30 days advance written notice to Grantee;
- 18.2.2** Immediately upon written notice to Grantee, if Agency fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Agency's reasonable administrative discretion, to perform its obligations under this Grant;
- 18.2.3** Immediately upon written notice to Grantee, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Agency's performance under this Grant is prohibited or Agency is prohibited from funding the Grant from the Funding Source; or
- 18.2.4** Immediately upon written notice to Grantee, if Grantee is in default under this Grant and such default remains uncured 15 days after written notice thereof to Grantee.
- 18.3 By Grantee.** Grantee may terminate this Grant as follows:
- 18.3.1** If Grantee is a governmental entity, immediately upon written notice to Agency, if

Grantee fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to perform its obligations under this Grant.

18.3.2 If Grantee is a governmental entity, immediately upon written notice to Agency, if applicable laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project activities contemplated under this Grant are prohibited by law or Grantee is prohibited from paying for the Project from the Grant Funds or other planned Project funding; or

18.3.3 Immediately upon written notice to Agency, if Agency is in default under this Grant and such default remains uncured 15 days after written notice thereof to Agency.

18.4 Cease Activities. Upon receiving a notice of termination of this Grant, Grantee must immediately cease all activities under this Grant, unless Agency expressly directs otherwise in such notice. Upon termination, Grantee must deliver to Agency all materials or other property that are or would be required to be provided to Agency under this Grant or that are needed to complete the Project activities that would have been performed by Grantee.

SECTION 19: MISCELLANEOUS

19.1 Conflict of Interest. Grantee by signature to this Grant declares and certifies the award of this Grant and the Project activities to be funded by this Grant, create no potential or actual conflict of interest, as defined by ORS Chapter 244, for a director, officer or employee of Grantee.

19.2 Nonappropriation. Agency's obligation to pay any amounts and otherwise perform its duties under this Grant is conditioned upon Agency receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to meet its obligations under this Grant. Nothing in this Grant may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of Agency.

19.3 Amendments. The terms of this Grant may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties.

19.4 Notice. Except as otherwise expressly provided in this Grant, any notices to be given under this Grant must be given in writing by email, personal delivery, or postage prepaid mail, to a Party's Grant Manager at the physical address or email address set forth in this Grant, or to such other addresses as either Party may indicate pursuant to this Section. Any notice so addressed and mailed becomes effective five (5) days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by email becomes effective upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system.

19.5 Survival. All rights and obligations of the Parties under this Grant will cease upon termination of this Grant, other than the rights and obligations arising under Sections 11,

13, 14, 16, 17 and subsection 19.5 hereof and those rights and obligations that by their express terms survive termination of this Grant; provided, however, termination of this Grant will not prejudice any rights or obligations accrued to the Parties under this Grant prior to termination.

- 19.6 Severability.** The Parties agree if any term or provision of this Grant is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Grant did not contain the particular term or provision held to be invalid.
- 19.7 Counterparts.** This Grant may be executed in several counterparts, all of which when taken together constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Grant so executed constitutes an original.
- 19.8 Compliance with Law.** In connection with their activities under this Grant, the Parties must comply with all applicable federal, state and local laws.
- 19.9 Intended Beneficiaries.** Agency and Grantee are the only parties to this Grant and are the only parties entitled to enforce its terms. Nothing in this Grant provides, is intended to provide, or may be construed to provide any direct or indirect benefit or right to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of this Grant.
- 19.10 Assignment and Successors.** Grantee may not assign or transfer its interest in this Grant without the prior written consent of Agency and any attempt by Grantee to assign or transfer its interest in this Grant without such consent will be void and of no force or effect. Agency's consent to Grantee's assignment or transfer of its interest in this Grant will not relieve Grantee of any of its duties or obligations under this Grant. The provisions of this Grant will be binding upon and inure to the benefit of the Parties hereto, and their respective successors and permitted assigns.
- 19.11 Contracts and Subgrants.** Grantee may not, without Agency's prior written consent, enter into any contracts or subgrants for any of the Project activities required of Grantee under this Grant. Agency's consent to any contract or subgrant will not relieve Grantee of any of its duties or obligations under this Grant.
- 19.12 Time of the Essence.** Time is of the essence in Grantee's performance of the Project activities under this Grant.
- 19.13 Records Maintenance and Access.** Grantee must maintain all financial records relating to this Grant in accordance with generally accepted accounting principles. In addition, Grantee must maintain any other records, whether in paper, electronic or other form, pertinent to this Grant in such a manner as to clearly document Grantee's performance. All financial records and other records, whether in paper, electronic or other form, that are pertinent to this Grant, are collectively referred to as "Records." Grantee acknowledges and agrees Agency and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to all Records to perform examinations and

audits and make excerpts and transcripts. Grantee must retain and keep accessible all Records for a minimum of six (6) years, or such longer period as may be required by applicable law, following termination of this Grant, or until the conclusion of any audit, controversy or litigation arising out of or related to this Grant, whichever date is later.

19.14 Headings. The headings and captions to sections of this Grant have been inserted for identification and reference purposes only and may not be used to construe the meaning or to interpret this Grant.

19.15 Grant Documents. This Grant consists of the following documents, which are incorporated by this reference and listed in descending order of precedence:

- This Grant less all exhibits
- Exhibit A (the “Project”)
- Exhibit B (Common and Customized Framework)
- Exhibit C (Insurance)

19.16 Merger, Waiver. This Grant and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Grant. No waiver or consent under this Grant binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given.

SECTION 20: SIGNATURES

EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES IT HAS READ THIS GRANT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. The Parties further agree that by the exchange of this Grant electronically, each has agreed to the use of electronic means, if applicable, instead of the exchange of physical documents and manual signatures. By inserting an electronic or manual signature below, each authorized representative acknowledges that it is their signature, that each intends to execute this Grant, and that their electronic or manual signature should be given full force and effect to create a valid and legally binding agreement.

IN WITNESS WHEREOF, the Parties have executed this Grant as of the dates set forth below.

STATE OF OREGON acting by and through its Department of Education

By: Michelle Choate

Contracting Officer

11/04/2025

Date

Lane ESD

By: _____

Authorized Signature

Date

Printed Name

Title

Federal Tax ID Number

Approved for Legal Sufficiency in accordance with ORS 291.047

By: AAG Devon Thorson

Assistant Attorney General

11/04/2025

Date

EXHIBIT A THE PROJECT

SECTION I – BACKGROUND AND GOALS

Signed into law in May of 2019, the Student Success Act (SSA) is a historic opportunity for Oregon schools. The law is rooted in equity, authentic community engagement and shared accountability for student success.

SSA established the Student Investment Account (SIA) to provide Oregon school districts, eligible charter schools, YCEP, and JDEP with access to non-competitive grant funds. Each SIA applicant is required to collaborate with educators, students, families, and their community to develop a plan that outlines priorities and activities aligned to the allowable uses defined in law.

The SIA grants are designed to achieve two primary purposes:

- 1) Meeting students' mental and behavioral health needs, and
- 2) Increasing academic achievement and reducing academic disparities for students from racial or ethnic groups that have historically experienced academic disparities; students with disabilities; English language learners; economically disadvantaged students; students who are homeless; and students who are foster children.

Achievement of these purposes will be measured through Progress Markers and, for larger districts, Longitudinal Performance Growth Targets (LPGTs), forming the basis for the activities, outcomes and reporting requirements described in the following sections of this Exhibit.

Program Participation

Grantee provides educational services to youth through the following program(s) under the **YCEP** or **JDEP: Lane County Dept of Youth**, each administered in alignment with an approved Integrated Plan. Grant funds awarded under this Agreement are separate and distinct from any other grant agreements awarded to Grantee for this grant program. Grantee shall track expenditures and report outcomes separately for each program in accordance with ORS 327.185(1) and OAR 581-014-0001.

SECTION II – PROJECT DEFINITIONS

The following capitalized terms have the meanings assigned below for purposes of Exhibits A and B. Definitions are derived from the Act, applicable administrative rules, and the Guidance for Eligible Applicants issued by the Agency.

“Act” means the “Student Success Act” codified in 2019 Oregon Laws Chapter 122, as amended from time to time, inclusive.

“Allowable Project Costs” means Grantee’s actual costs that are reasonable, necessary, and directly related to the implementation of the Integrated Plan and are allowable uses of the Grant Funds under the Act.

“Baseline Targets” means the minimum expectations for improvement set forth in the Integrated Plan by the district in either: (i) raising academic achievement or (ii) reducing academic disparities and closing gaps, as further defined in the December 2019 “Guidance for Eligible Applicants”.

“Common Metrics” means the Five-Year Completion Rate, Third-Grade Reading Proficiency Rate, Ninth-Grade On-Track Rate, Regular Attendance Rate, and Four-Year On-Time Graduation rate used by the Agency to measure the success of activities funded by the SIA.

“Disaggregated” has the meaning given in section 12(a) of the Act.

“Five-Year Completion Rate” has the meaning given in section 12(b) of the Act.

“Focal Student Groups” means students from racial or ethnic groups that have historically experienced academic disparities, students with disabilities, English language learners, students who are economically disadvantaged, students who are homeless and students who are foster children.

“Four-Year on-Time Graduation Rate” means the percentage of students who received a high school diploma or a modified diploma within four years of the student beginning the ninth grade.

“Gap Closing Targets” or “Closing Gap Targets” means the reduction of academic disparities between groups of students especially for Focal Student Groups set forth in the Integrated Plan based on the February 2022 “Aligning for Student Success: Integrated Guidance for Six ODE Initiatives”.

“Integrated Programs” means the integration of the following nine programs: High School Success (HSS), Student Investment Account (SIA), Continuous Improvement Planning (CIP), Career and Technical Education-Perkins V (CTE), Every Day Matters (EDM), Early Indicators Intervention Systems (EiIS), Early Literacy School District Success Grants, Federal School Improvement (FSI) and Career Connected Learning. Together operationally, integrating these programs creates opportunities to improve outcomes and learning conditions for students and educators. Working within existing state statutes and administrative rules, Agency developed an Integrated Programs framework for success that meets the core purpose of each program while trying to create a stronger framework from which progress, long-term impact, and learning approach to monitoring and evaluation is a hallmark of high-performing educational systems. This work is informed through Integrated Guidance.

“Integrated Plan” means the Grantee’s approved biennial plan developed following the Integrated Guidance, which includes the SIA, which has a focus on increasing academic achievement by all students, reducing academic disparities for identified student groups, and meeting students’ mental and behavioral health needs in addition to other needs deemed important at each school, stated outcomes, strategies, and activities The Integrated Plan may only be adjusted with approval from ODE staff in order to align with the anticipated outcomes and approved by Agency.

“Local Optional Metrics” are optional metrics established in addition to the 5 common metrics that are designed to allow grantees to monitor progress connected to their outcomes.

“Longitudinal Performance Growth Targets (LPGTs)” means the required common metrics and optional locally defined metrics, including targets related to student mental and behavioral health needs, included in Grantee’s Integrated Plan.

“Ninth-grade On-Track Rate” has the meaning given in section 12(d) of the Act.

“Progress Markers” means sets of indicators set forth as a part of the Integrated Programs and Guidance that identify the kinds of changes the Agency expects to see in policies, practices and approaches that lead to Grantees reaching established LPGTs.

“Regular Attendance Rate” has the meaning given in section 12(f) of the Act.

“SIA Account” means the Student Investment Account established, pursuant to ORS 327.175, within the Fund for Student Success for the purpose of distributing grants under ORS 327.195.

“Stretch Targets” means significant improvement set forth in the Integrated Plan by the district in either: (I) raising academic achievement or (ii) reducing academic disparities and closing gaps, as further described in the December 2019 “Guidance for Eligible Applicants”.

“Third-Grade Reading Proficiency Rate” has the meaning given in section 12(g) of the Act.

SECTION III – PROJECT ACTIVITIES

Integrated Plan Implementation

Agency will disburse Grant Funds for Allowable Project Costs that implement Grantee’s approved Integrated Plan during the Performance Period, in accordance with the allowable uses and activities described in the Act and as further detailed in the “Allowable Use of Grant Funds” section below.

Allowable Use of Grant Funds

Grantee must use the Grant Funds only for:

1. Increasing instructional time, which may include:
 - More hours or days of instructional time;
 - Summer programs;
 - Before-school or after-school programs; or
 - Technological investments that minimize class time used for student assessments.
2. Addressing students’ health or safety needs, which may include:
 - Social-emotional learning and development;
 - Student mental and behavioral health;
 - Improvements to teaching and learning practices or organizational structures that lead to better interpersonal relationships at the school;
 - Student health and wellness;
 - Trauma-informed practices;
 - School health professionals and assistants;
 - Facility improvements directly related to improving student health or safety.
3. Reducing class sizes, which may include:

- increasing the use of instructional assistants, by using evidence-based criteria to ensure appropriate student-teacher ratios or staff caseloads.
4. Expanding availability of and student participation in well-rounded learning experiences, which may include:
- Developmentally appropriate and culturally responsive early literacy practices and programs in prekindergarten through third grade;
 - Culturally responsive practices and programs in grades six through eight, including learning, counseling and student support that is connected to colleges and careers;
 - Broadened curricular options at all grade levels, including access to:
 - Art, music, and physical education classes;
 - Science, technology, engineering, and mathematics (STEM) education;
 - Career and technical education, including career and technical student organization programs;
 - Electives that are engaging to students;
 - Accelerated college credit programs, including dual credit programs, International Baccalaureate programs and advanced placement programs;
 - Dropout prevention programs and transition supports;
 - Life skills classes;
 - Talented and gifted programs;
 - Access to licensed educators with a library media endorsement

Administrative costs shall not exceed 5% or \$500,000 annually, whichever is less, of Grantee's total expenditures. Administrative costs may include ongoing community engagement and costs associated with the administration of the grant.

SECTION IV – REPORTING REQUIREMENTS

Grantee must submit financial and performance progress reports for each fiscal year of the biennium, using templates provided by the Agency, according to the schedule below.

Reporting Period	Due Date	Deliverable
July 1 – September 30	November 15	Submit financial and performance progress report.
October 1 – December 31	February 15	Submit financial and performance progress report. Include board minutes showing the Financial Audit was presented at an open meeting with opportunity for public comment (not consent agenda) (ORS 327.201(1)(b)(B)).
January 1 – June 30	August 15	Submit financial report of expenditures AND Annual Report (narrative responses). The Annual Report must be presented to the governing board at an open meeting, with an opportunity for public comment (not on a consent agenda). Board minutes documenting the presentation must be submitted alongside the Annual Report. Grantee must post the Annual Report on its website and make it available at the main office, in accordance with ORS 327.201(1)(b)(A)-(B).

If the Performance Period begins prior to the Executed Date, any reports for Project activities shown in this Exhibit A as due prior to the Executed Date must be submitted to the Agency within 30 days of the Executed Date, if not already provided to Agency. Grantee will not be in default for failure to perform any reporting requirements prior to the Executed Date.

Grantee shall supply any related or additional reports and information as Agency may require.

The Agency will monitor and evaluate Grantee's progress toward Progress Markers and LPGTs described in Exhibit B, in accordance with ODE guidance and the monitoring provisions of this Grant.

SIA Grant Monitoring

The Agency will monitor Grantee's performance under this Grant in person, video conferencing or by phone. Agency will provide written notice to Grantee, as provided in Section 19.4 of the Grant, at least 15 days in advance of Agency's monitoring activities and will schedule in person visits, video conferencing and phone calls.

A Grant monitoring visit or call may cover a variety of topics at Agency's discretion including but not limited to: Grantee's compliance with the SIA Account purposes; challenges faced by the Grantee in implementing its Plan; Integrated Plan outcomes; its budget and expenditure of moneys received from the SIA Account, Grantee's progress toward achieving its Progress Markers; financial reporting, any expenditure changes, and reconciliation of Grant Funds; or Grantee's training and technical assistance needs.

Before an on-site visit, the Agency will advise Grantee on how to prepare for the monitoring visit and financial reconciliation, the format for the visit, and which Grantee organizational leaders, staff or others should be involved in the visit. Once a date and time are confirmed, the Grantee should send a notification to its organizational leaders, staff, students and community partners who are expected to participate; identify a meeting location and prepare all necessary monitoring documents and data.

The department may establish a procedure for conducting performance audits on a random basis or based on just cause as allowed under rules adopted by the board. If Grantee does not use the Grant Funds for Allowable Project Costs, the Agency may exercise the remedies provided in Section 16 or 17 of this Grant, including, without limitation, deducting amounts from future disbursements of Grant Funds.

Each grant recipient must conduct a performance review at least once every four years in accordance with standards adopted in board rule (OAR 581-014-0013) to ensure accountability and continuous improvement of SIA-funded activities.

SECTION V – DISBURSEMENT

Disbursement of Grant Funds Agency will disburse the Grant Funds using its Electronic Grants Management System (“EGMS”), on a quarterly basis as outlined below:

Quarter	Disbursement Date	Quarterly Disbursement Amount/%
Q1	July 1, 2025	Variable projection (made available under prior agreement; <i>may differ from the projected 12.5%</i>)
Q2	October 1, 2025	True-Up / Adjustment to reconcile Q1 difference (<i>ensures Q1 + Q2 equals 25% of TBA</i>)
Q3	January 1, 2026	12.5%
Q4	April 1, 2026	12.5%
Q5	July 1, 2026	12.5%
Q6	October 1, 2026	12.5%
Q7	January 1, 2027	12.5%
Q8	April 1, 2027	12.5%
2027-29 Q1	July 1, 2027	12.5% (Projected) of 2027–29 Biennium

Disbursements outlined in the table above are subject to the following:

1. If this Grant is not fully executed by October 1, the Agency will disburse the Grant Funds due for disbursement within 30 days of the Execution Date.
2. Disbursements will be made as advance payments, not reimbursements.
3. Q3 – Q8 disbursements are 12.5% of the TBA, plus any unclaimed amounts from the prior quarter disbursements.
4. Grantees are encouraged to draw down funds according to the schedule. **All funds for 2025-27 Q1 – Q8 must be drawn down and expended by June 30th, 2027.**
5. Any 2025-27 Grant Funds that are not expended by the Grantee by June 30, 2027 must be returned to Agency for deposit in the Student Investment Account.
6. Any 2027-29 Q1 Grant Funds that are not expended by the Grantee by June 30, 2029, must be returned to the Agency for deposit in the Student Investment Account.

Allocation and Projections

1. By April 30, 2027, Grantee shall submit to the Agency an Integrated Plan and Budget for subsequent biennium (2027-29). This Integrated Plan and Budget must describe how Grantee will utilize the Grant Funds allocated for 2027-29 Q1.
2. The amount of Grant Funds allocated for 2027-29 Q1 is based on projections for the continued implementation and sustainability of the approved Integrated Plan, anticipating ongoing efforts to achieve the established Progress Markers. These funds are intended to support continued activities and initiatives, ensuring continuity in programmatic efforts aimed at achieving the specified objectives.
3. The amount of Grant Funds allocated above for 2027-29 Q1 will be considered in determining the subsequent Q1 allocation in the next biennium (July 1, 2027 – June 30, 2029). Any differences between projected and actual Q1 disbursements will be reconciled in the Q2 disbursement to balance total funding across the biennium.
4. The utilization of 2027-29 Q1 funds allocated under this Agreement will be documented in the subsequent grant agreement, if executed, covering the 2027 – 2029 biennium.

EXHIBIT B

COMMON AND CUSTOMIZED PERFORMANCE FRAMEWORK

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SECTION I – PROGRESS MARKERS FOR 2025-2027 BIENNIUM

The Progress Markers outlined in this Exhibit B provide a framework for measuring the outcomes and activities described in Exhibit A. They support a developmental approach to evaluation, focusing on the types of changes that result from distinct investments. Grantees will provide updates toward these Progress Markers through the quarterly and annual reports. The fifteen Progress Markers below are organized into three categories: A ‘Start to See,’ B ‘Gaining Traction,’ and C ‘Profound Progress,’ representing advancement from early signs of progress to substantial and transformational changes.

- A. “Start to See: Early Signs of Progress”** Based on your investments and activities, what changes or contributions are you noticing? What practices are improving?
- B. “Gaining Traction: Intermediate Changes”** Based on your investments and activities, are you seeing any of these impacts?
- C. “Profound Progress: Substantial and Significant Changes”** Based on your investments and activities, are any of these more transformational changes noticeable?

A. Start to See: Early Signs of Progress

1	Community engagement is authentic, consistent, and ongoing. The strengths that educators, students, families, focal groups, and tribal communities bring to the educational experience informs school and district practices and planning.
2	Equity tools are utilized in continuous improvement cycles, including the ongoing use of an equity lens or decision-tool that impacts policies, procedures, people/students, resource allocation, and practices that may impact grading, discipline, and attendance.
3	Data teams are formed and provided time to meet regularly to review disaggregated student data in multiple categories (grade bands, content areas, attendance, discipline, mental health, participation in advanced coursework, formative assessment data, etc.). These teams have open access to timely student data and as a result decisions are made that positively impact district/school-wide systems and focal populations.
4	Schools and districts have an accurate inventory of literacy assessments, tools, and curriculum being used, including digital resources, to support literacy (reading, writing, listening, and speaking). The inventory includes a review of what resources and professional development are research-aligned, formative, diagnostic, and culturally responsive.

B. Gaining Traction: Intermediate Changes

5	Two-way communication practices are in place, with attention to mobile students and primary family languages. Families understand approaches to engagement and attendance, literacy strategy, math vision, what “9th grade on-track” means, graduation requirements, access to advanced/college-level courses and CTE experiences, and approaches to supporting student well-being and well-rounded education.
6	Student agency and voice is elevated. Educators use student-centered approaches and instructional practices that shift processes and policies that actualize student and family ideas and priorities.

7	Action research, professional learning, data teams, and strengths-based intervention systems are supported by school leaders and are working in concert to identify policies, practices, or procedures informed by staff feedback to meet student needs, including addressing systemic barriers, the root-causes of chronic absenteeism, academic disparity, and student well-being. These changes and supports are monitored and adjusted as needed.
8	Comprehensive, evidence-informed, culturally responsive literacy plans, including professional development for educators, are documented and communicated to staff, students (developmentally appropriate), and families. Literacy plans and instruction are evaluated and adjusted to deepen students' learning. Digital resources are being used with fidelity to advance learners' engagement with instruction.
9	A review of 9th grade course scheduling, as it relates to on-track status for focal student groups, accounts for core and support core class placement . School staff ensure emerging bilingual students are enrolled in appropriate credit-bearing courses that meet graduation requirements.
10	Foundational learning practices that create a culturally sustaining and welcoming climate are visible. This includes practices that ensure safe, brave, and welcoming classrooms, schools and co/extracurricular environments. Strengths-based, equity-centered, trauma and SEL-informed practices are present and noticeable. Policies and practices prioritize health, well-being, care, connection, engagement, and relationship building. Multiple ways of being are supported through culturally affirming and sustaining practices for students, staff, and administrators.

C. Profound Progress: Substantial and Significant Changes

11	Schools strengthen partnerships with active community organizations and partners, including local public health, mental health, colleges, workforce development boards, employers, labor partners, faith communities, Tribal nations, and other education partners in order to collaboratively support students' growth and well-being. Characteristics of strong partnerships include mutual trust and respect, strengths-based and collaborative approaches, clear communication around roles, and shared responsibilities and decision-making power.
12	Financial stewardship reflects high-quality spending with accurate and transparent use of state and federal funds in relationship to a comprehensive needs assessment, disaggregated data, and the priorities expressed by students, families, communities, business, and Tribal partners in resource allocation and review.
13	Students and educators experience a well-rounded and balanced use of assessment systems that help them identify student learning in the areas of the Oregon State Standards. Educators understand how to assess emerging multilingual students' assets to inform gauging progress.
14	Policies, practices, and learning communities address systemic barriers. Schools and districts have a process to identify, analyze, and address barriers that disconnect students from their educational goals, impact student engagement or attendance, and/or impede students from graduating on-time or transitioning to their next steps after high school. Staff members are consistently engaging in action research, guided by student's strengths and interests, to improve their practice and advance professional learning.
15	Schools create places and learning conditions where every student, family, educator and staff member is welcomed, where their culture and assets are valued and supported, and where their voices are integral to decision making. Instruction is monitored and adjusted to advance and deepen individual learners' knowledge and understanding of the curriculum. Educators are empowered with agency and creativity. Communities are alive with visions, stories, and systems of vitality, wholeness, and sustainability.

SECTION II – FINALIZED CO-DEVELOPED LPGTS

The Longitudinal Performance Growth Targets (LPGTs) include baseline, stretch, and gap-closing targets for each of the common metrics. These targets center focal student groups while supporting public transparency and learning. Progress toward meeting these Longitudinal Performance Growth Targets will be included in the Annual Report. While all three types of targets are named in the Grant Agreement, ODE will review and consider when or if intervention is needed using only the Baseline and Gap-Closing Targets, in alignment with ODE guidance on target-setting and reporting practices.

Target Type	2025-26	2026-27	2027-28
Four Year Cohort Graduation			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			
Five Year Cohort Completion			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			
9th Grade on-Track			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			
3rd Grade ELA Proficiency			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			
Regular Attenders			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			

SECTION III – APPROVED LOCAL OPTIONAL METRICS (IF APPLICABLE)

Local optional metrics are designed to allow grantees to set and monitor metrics connected to outcomes they have described in their Integrated Plan.

	2025-26	2026-27	2027-28
Local Optional Metrics			
Baseline Target: All Students			
Stretch Target: All Students			
Gap-Closing Target: All Focal Group Students			

EXHIBIT C

INSURANCE

INSURANCE REQUIREMENTS

Grantee/Recipient shall obtain at Grantee/Recipient's expense the insurance specified in this Exhibit C prior to performing under this Contract. Grantee/Recipient shall maintain such insurance in full force and at its own expense throughout the duration of this Contract, as required by any extended reporting period or continuous claims made coverage requirements, and all warranty periods that apply. Grantee/Recipient shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to Agency. All coverage shall be primary and non-contributory with any other insurance and self-insurance, with the exception of Professional Liability and Workers' Compensation. Grantee/Recipient shall pay for all deductibles, self-insured retention, and self-insurance, if any.

If Grantee/Recipient maintains broader coverage and/or higher limits than the minimums shown in this insurance requirement exhibit, Agency requires and shall be entitled to the broader coverage and/or higher limits maintained by Grantee/Recipient.

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

All employers, including Grantee/Recipient, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017, and provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Grantee/Recipient shall require and ensure that each of its subcontractors complies with these requirements. If Grantee/Recipient is a subject employer, as defined in ORS 656.023, Grantee/Recipient shall also obtain employers' liability insurance coverage with limits not less than \$500,000 each accident.

If Grantee/Recipient is an employer subject to any other state's workers' compensation law, Contactor shall provide workers' compensation insurance coverage for its employees as required by applicable workers' compensation laws including employers' liability insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state subcontractors complies with these requirements.

As applicable, Grantee/Recipient/Recipient shall obtain coverage to discharge all responsibilities and liabilities that arise out of or relate to the Jones Act with limits of no less than \$5,000,000 and/or the Longshoremen's and Harbor Workers' Compensation Act.

COMMERCIAL GENERAL LIABILITY

Grantee/Recipient shall provide Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this contract, and have no limitation of coverage to designated premises, project, or operation. Coverage must be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$2,000,000 annual aggregate limit.

AUTOMOBILE LIABILITY INSURANCE

☒ **Required** ☐ **Not required**

Grantee/Recipient shall provide Automobile Liability Insurance covering Grantee/Recipient's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and

Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

PROFESSIONAL LIABILITY

☒ **Required** ☐ **Not required**

Grantee/Recipient shall provide Professional Liability covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Contract by the Grantee/Recipient and Grantee/Recipient's subcontractors, agents, officers or employees in an amount not less than \$1,000,000 per claim and not less than \$2,000,000 annual aggregate limit.

If coverage is provided on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or the Grantee/Recipient shall provide Continuous Claims Made coverage as stated below.

EXCESS/UMBRELLA INSURANCE

A combination of primary and excess/umbrella insurance may be used to meet the required limits of insurance. When used, all of the primary and umbrella or excess policies shall provide all of the insurance coverages herein required, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The umbrella or excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Contractor's primary and excess liability policies are exhausted.

If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance.

ADDITIONAL INSURED

All liability insurance, except for Workers' Compensation, Professional Liability, Pollution Liability and Network Security and Privacy Liability (if applicable), required under this Contract must include an additional insured endorsement specifying the State of Oregon, its officers, employees, and agents as Additional Insureds, but only with respect to Grantee/Recipient's activities to be performed under this contract. Coverage shall be primary and non-contributory with any other activities to be performed under this Grant.

Regarding Additional Insured status under the General Liability policy, we require additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Grantee/Recipient's activities to be performed under this Contract. The Additional Insured endorsement with respect to liability arising out of your ongoing operations must be on or at least as broad as ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on or at least as broad as ISO form CG 20 37.

WAIVER OF SUBROGATION

Grantee waives, and must require its first tier contractors and subgrantees waive, rights of subrogation which Grantee, Grantee's first tier contractors and subgrantees, if any, or any insurer of Grantee may acquire against the Agency or State of Oregon by virtue of the payment of any loss. Grantee must obtain, and require its first tier contractors and subgrantees to obtain, any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Agency has received a waiver of subrogation endorsement from the Grantee or the Grantee's insurer(s).

CONTINUOUS CLAIMS MADE COVERAGE

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Grantee/Recipient shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of the Grant Agreement, for a minimum of 24 months following the later of:

1. Grantee/Recipient's completion and Agency's acceptance of all Services required under the Contract, or
2. Agency or Grantee/Recipient termination of this Contract, or
3. The expiration of all warranty periods provided under this Contract.

CERTIFICATE(S) AND PROOF OF INSURANCE

Grantee/Recipient shall provide to Agency Certificate(s) of Insurance for all required insurance before delivering any Goods and performing any Services required under this Contract. The Certificate(s) shall list the State of Oregon, its officers, employees and agents as a Certificate holder and as an endorsed Additional Insured. The Certificate(s) shall also include all required endorsements or copies of the applicable policy language effecting coverage required by this Contract. If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance. As proof of insurance Agency has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Contract.

NOTICE OF CHANGE OR CANCELLATION

The Grantee/Recipient or its insurer must provide at least 30 days' written notice to Agency before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW

Grantee/Recipient agrees to periodic review of insurance requirements by Agency under this Contract and to provide updated requirements as mutually agreed upon by Grantee/Recipient and Agency.

STATE ACCEPTANCE

All insurance providers are subject to Agency acceptance. If requested by Agency, Grantee/Recipient shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to Agency's representatives responsible for verification of the insurance coverages required under this Exhibit C.

Additional Coverages That May Apply:

DIRECTORS, OFFICERS AND ORGANIZATION LIABILITY:

☒ **Required** ☐ **Not required**

Grantee/Recipient shall provide **Directors, Officers and Organization** insurance covering the Grantee/Recipient's Organization, Directors, Officers, and Trustees actual or alleged errors, omissions, negligent, or wrongful acts, including improper governance, employment practices and financial oversight - including improper oversight and/or use of use of grant funds and donor contributions which includes state or federal funds - with a combined single limit of not less than \$1,000,000 per claim.

PHYSICAL ABUSE AND MOLESTATION INSURANCE COVERAGE:

☒ **Required** ☐ **Not required**

Grantee/Recipient shall provide Abuse and Molestation Insurance in a form and with coverage that are satisfactory to the State covering damages arising out of actual, perceived, or threatened physical abuse, mental injury, sexual molestation, negligent: hiring, employment, supervision, training, investigation, reporting to proper authorities, and retention of any person for whom the Grantee/Recipient is responsible including but not limited to Grantee/Recipient and Grantee/Recipient's employees and volunteers. Policy endorsement's definition of an insured shall include the Grantee/Recipient, and the Grantee/Recipient's employees and volunteers. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$3,000,000 annual aggregate. Coverage can be provided by a separate policy or as an endorsement to the commercial general liability or professional liability policies. The limits shall be exclusive to this required coverage. Incidents related to or arising out of physical abuse, mental injury, or sexual molestation, whether committed by one or more individuals, and irrespective of the number of incidents or injuries or the time period or area over which the incidents or injuries occur, shall be treated as a separate occurrence for each victim. Coverage shall include the cost of defense and the cost of defense shall be provided outside the coverage limit.

OAESD Officer Council Election Information - 2026

General Description: 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 2026 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 6. Newly elected officers may join meetings and events in a non-voting capacity for the remainder of the 2025-26 year. Official duties will begin on July 1, 2026.

Bylaw Language Pertaining to the Officer Council: *The Officers Council is charged with implementing the purposes of OAESD, including but not limited to:*

- 1) *Creating a job description, recruiting, interviewing and hiring of the Executive Director to administer the effective implementation of the purposes of OAESD.*
- 2) *Entering into and administering the employment contract for the Executive Director.*
- 3) *Conducting an annual review of the Executive Director and reporting the results of the review to the Governance Council. The Past-President shall facilitate such annual review.*
- 4) *Dismissal or non-renewal of the contract for the Executive Director.*
- 5) *Interviewing and hiring of the Director of Government Relations.*
- 6) *Entering into and administering the employment contract for the Director of Government Relations.*
- 7) *Conducting an annual review of the Director of Government Relations. The Past-President shall facilitate such annual review.*
- 8) *Dismissal or non-renewal of the Director of Government Relations.*
- 9) *Advising the Executive Director in contracting with member ESDs for fiscal, website and executive secretary services, and other administrative services necessary to carry out the functions of OAESD.*
- 10) *Advising the Executive Director in developing an annual work plan, including communication strategies, for OAESD to provide priorities for the Association.*
- 11) *Advising the Executive Director in creating an annual schedule of meetings and other events.*
- 12) *Advising the Executive Director in creating a proposed annual budget for OAESD*
- 13) *Advising the Executive Director in planning Association conferences and workshops.*
- 14) *Advising the Executive Director in developing agendas, call, publicize, chair and arrange for minutes to be taken for all official OAESD meetings of the OAESD Governance Council.*
- 15) *The President-Elect shall serve as Chair of the Legislative Committee.*
- 16) *The Chair-Elect shall serve as OAESD Representative to the Ex-Officio position on the OSBA Board of Directors.*

Lane Education Service District

Code: IB
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IB

Freedom of Expression

The Board seeks to educate young people in the democratic tradition, to foster recognition of individual freedom and social responsibility, and to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Freedom of expression includes the right and responsibility of educators and students to study, investigate, present, interpret and discuss all facts and ideas relevant to the subject matter of the classroom and appropriate to the maturity, intellectual and emotional capacities of the students. Freedom of expression will be guaranteed to Lane ESD school teachers to create a classroom atmosphere that allows students to raise questions dealing with critical issues.

Teachers are responsible for exercising judgment in selecting issues of educational value for discussion.

Students are required to exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 329.025](#)
[ORS 332.072](#)

[ORS 334.125\(7\)](#)
[ORS 339.880](#)
[ORS 339.885](#)

[ORS 659.850](#)
[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2018).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
U.S. CONST. amend. I; U.S. CONST. amend. XIV.
OR. CONST., art. I, § 8.

Lane Education Service District

Code: IC/ICA/~~ID~~
Adopted: 10/26/93
Revised/Readopted: 6/26/01
Orig. Code(s): IC/ICA/ID

~~Instructional Day/Year/Calendar~~ ESD Calendar/School Year

~~The Board recognizes that the preparation of a calendar for the instructional year of the schools is necessary for orderly educational planning and for the efficient operation of the district.~~

The Board shall annually establish ~~annually~~ the school calendar that includes the number of days and number of hours when classrooms shall be in session for instructional purposes. The specific calendar in each case shall be that of the school and district in which the classroom is located or shall be the calendar established by the ESD generally. The calendar will meet state requirements.

The superintendent shall prepare ~~each year~~ a calendar ~~which that~~ accommodates the calendars of the host schools as well as the needs of the ESD. The calendar shall be prepared in consultation with appropriate staff members and shall be presented to the Board for adoption.

The Board reserves the right to alter the school calendar ~~when advisable in the best interests of the students involved~~, but shall not in so doing disturb coordination with calendars for host schools nor exceed the total number of instructional and duty days originally adopted.

Days lost may be made up to ensure that the required number of student days/hours are met by the district.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 243.650](#)

[ORS 334.125\(7\)](#)
[ORS 336.010](#)

[OAR 581-022-1620](#) 2320

Lane Education Service District

Code: ICB
Adopted: 12/08/23
Orig. Code(s): ICB

Religious and Cultural Holidays**

Accommodation for Religious Instruction and Cultural Observance

The ESD recognizes each student's individual right to free exercise of religion. The ESD may accommodate students' religious or cultural¹ observance, while neither promoting one religion or culture over another nor preferring religion over non-religion. Specific requests for religious or cultural accommodation should be directed to the student's teacher, principal or program supervisor in accordance with Board policy IGBHD - Program Exemptions.

Release Time for Religious and Instruction and Cultural Holidays

The ESD will permit elementary and secondary school students to be released from school each week consistently for religious instruction in accordance with Oregon law.

Accommodation of Absences for Religious and Cultural Reasons

Any student unable to attend classes on a particular day due to religious beliefs or cultural observance shall be excused from attendance requirements for that day. No such absence shall be counted against a student in determining eligibility for educational benefits, exclusion from programs, reduction of grades or failure.

Scheduling Around Major Religious and Cultural Holidays

For purposes of this policy, "major religious or cultural holidays"² are holidays, observance of which: (1) is common among adherents of a student's religion or culture; (2) include ritual or worship obligations or practices that cannot reasonably be fulfilled during school activities;³ and (3) fulfillment of such obligations or practices would necessarily conflict with scheduled school activities.⁴

1. Schoolwide and Gradewide Events. Schools should avoid scheduling important events that by their nature cannot be made up (such as picture day, open house, prom, graduation, and Outdoor School) on days that conflict with major religious or cultural holidays that may impact student attendance or participation. Such events shall be scheduled on major religious or cultural holidays only if such

¹ An example of a major non-religious cultural holiday would be the Chinese New Year.

² ~~ESDs are encouraged to engage with the community to identify holidays that are observed by students, staff and community members that would be considered major religious or cultural holidays.~~

³ For example, holiday-related dietary restrictions may still be observed while at school, but group prayer or ritual hymns may not.

⁴ If such obligations occur in the evening, then there would be no constraints on scheduling such activities during the school day, so long as the students will be timely released to engage in such evening activities.

scheduling is reasonably necessary to carry out the proper functioning of a school program or course of study, to avoid an unreasonable burden on other students, or if such scheduling is outside the control of school employees.

The ESD will make a good faith effort to identify major religious or cultural holidays observed in the local community by consulting generally accepted sources of information. Students and families may request that one or more holidays from their religious or cultural tradition be included on the ESD's list of major religious or cultural holidays under this policy.

2. **Field Trips, Cocurricular and Extracurricular Activities.** When scheduling other special events such as field trips, try-outs, plays, concerts and major cocurricular and extracurricular activities, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Staff will inform students and parents of plans as far in advance as possible, so that conflicts with major religious or cultural holidays can be avoided, if it is possible to do so without making burdensome demands on programs or other students, and otherwise accommodated if not. Parents and students are encouraged to communicate their need for accommodation to the school, for major religious or cultural holidays not already recognized by the ESD.

The field trip approval process will include a question about scheduling and major religious or cultural holidays. For a field trip to be scheduled on a major religious or cultural holiday, an administrator must review and approve the request. Administrator approval is also required to schedule a major cocurricular or extracurricular activity on a major religious or cultural holiday when scheduling is within the control of the school or ESD.

3. **Tests and Assignments.** Any tests and assignments a student misses because of religious instruction or religious or cultural observances shall be given to the student at another time. Teachers shall provide students a meaningful opportunity and reasonable time to make up missed classwork, tests, quizzes, and final exam reviews, and to complete homework due on that day or the following school day. When scheduling tests, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Make-up opportunities will not be required of a student on the school day immediately after a student is absent from school to observe a major religious or cultural holiday.
4. **Final Exams.** Final exams are scheduled based on the ESD-adopted calendar. The Board should consider the likely resulting exam schedule and possible conflicts with major religious or cultural holidays as they consider calendar options.

Communication

The superintendent will prepare guidelines implementing this policy, including a list of major religious holidays and cultural holidays, which will be communicated to staff. School staff will be informed at least twice per year of dates of major religious or cultural holidays. Parents will be informed at least annually about this policy and their student's right to request accommodation. Information including a list of major religious or cultural holidays will be made available on the ESD website. Parents are encouraged to communicate their student's need for accommodation to the school.

The superintendent shall reconsider the scope of this policy and recommend changes to the Board as needed if the total number of school days identified as major religious or cultural holidays is likely to impose an unreasonable burden on the ESD’s ability to schedule important school events.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 336.035\(2\)](#)

[ORS 336.465](#)

[ORS 336.615](#)

[ORS 336.625](#)

[ORS 336.635](#)

[OAR 581-002-0035](#)

[OAR 581-021-0009](#)

[OAR 581-021-0071](#)

[OAR 581-022-2050](#)

[OAR 581-022-2110](#)

[OAR 581-022-2505](#)

Lane Education Service District

Code: IF
Adopted: 10/26/903
Readopted: 6/26/01; 8/27/02
Orig. Code(s): IF; IM

Instructional Program Development

The Board recognizes its responsibility for the improvement and growth of the instructional programs. To this end, the programs shall be evaluated, adapted and developed on a continuing basis and in accordance with a plan for curriculum growth.

~~The Board reserves the right to review all program curriculum and to direct a continuing program of curriculum review and modification.~~

As educational leader of the ~~district~~ ESD, the superintendent shall be responsible to the Board for the ~~development of program curriculum~~ implementation of an instructional services planning process which ensures the participation of representatives of the component school districts and staff members. ~~He/She shall establish procedures for curriculum development which ensure the participation of appropriate representatives of component districts, staff members and the utilization of all available resources, as appropriate.~~ Activities will include identifying appropriate instructional programs, determining priorities for addressing needs and assisting, as needed, the State Board of Education in providing state level services to component school districts.

The Board reserves the right to review program curriculum and to direct such modification as may be deemed appropriate.

(moved from policy IM) The purposes of evaluation of instruction will be to:

1. Determine Lane ESD and component districts' educational needs and provide information for planning;
2. Indicate instructional strengths and weaknesses;
3. Check on the suitability of programs within the community;
4. Show the relationship between achievement and the system's stated goals;
5. Provide data for public information.

The Board will rely on the professional staff to provide continuous evaluation of the educational program and instructional processes. The Board may participate with the professional staff in such evaluation. It may also arrange for evaluations to be conducted by outside agencies.

Appropriate research studies will be periodically reviewed to determine recent trends and developments in evaluation techniques.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 334.125](#) ~~(4)~~

[ORS 336.035](#)

[ORS 336.067](#)

[OAR 581-022](#)-2000

[OAR 581-022](#)-2030

[OAR 581-022](#)-2250

[OAR 581-022](#)-2310

[OAR 581-022](#)-2315

[OAR 581-024](#)-0215

[OAR 581-024](#)-0231

[OAR 581-024](#)-0240

Lane Education Service District

Code: IFA
Adopted: 7/12/94
Revised/Readopted: 6/26/01
Orig. Code(s): IFA

Instructional Research

The ~~district~~ ESD may be involved in research for the purposes of gaining information to advise the Board regarding policy matters, to help staff make effective decisions, and to advance the level of knowledge in the field of public education. The ~~district~~ ESD is committed to the position that planning and decision making be supported by information developed through objective research or similar processes.

The superintendent will establish formal procedures through which ~~district~~ ESD personnel and agencies or individuals from outside the ~~district~~ ESD can propose to do educational research within the ~~district~~ ESD.

The objectives for such proposals will include:

1. Inducing change in programs and services under conditions which are conducive to the overall growth of ESD programs;
2. Gathering objective information which may lead to changes in ~~district~~ policies or procedures;
3. Encouraging and coordinating creative efforts so that duplications, conflict and redundant efforts may be avoided;
4. Facilitating the teaching-learning process and developing greater effectiveness in teaching;
5. Creating a climate for professional growth through creativity and innovation;
6. Establishing criteria for change in educational practices through innovative development and creativity.

Proposals to involve the ~~district~~ ESD in research require prior approval from the superintendent or designee. The basic premise for involving the ESD in research is the ability of the ESD to use results.

All research proposals and practices shall comply with the U.S. Department of Health and Human Services policy on Protection of Human Subjects (DHHS Policy 45 CFR Part 46, ~~August 19, 1981~~).

END OF POLICY

Legal Reference(s):

[ORS 329.704](#)

[ORS 334.125](#)

[OAR 581-024-0231](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Lane Education Service District

Code: IFB
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IFB

Pilot Projects

A pilot project is defined as an educational practice conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that practice for fulfilling present and future needs of the ~~district~~ ESD.

Requests for permission to conduct such projects must be submitted to the superintendent and must be approved by the Board. Pilot projects are subject to compliance with state and federal laws and to Board policy and administrative ~~rule~~ regulations.

END OF POLICY

Legal Reference(s):

~~ORS 329.675 – 329.745~~ ORS 334.125

Family Educational Rights and Privacy Act, 20 U.S.C. § ~~Section~~ 1232g; 34 C.F.R. Part 99-~~(2000)~~.
Protection of Pupil Rights, 20 U.S.C. § ~~Section~~ 1232h; 34 C.F.R. Part 98-~~(2000)~~.

Lane Education Service District

Code: IFD
Adopted: 6/26/01
Orig. Code(s): IFD

Curriculum Adoption

The Board believes it is necessary to continually develop and modify ~~all district~~ the ESD's curricula to meet changing needs in technology and ~~fields of~~ content knowledge and to ~~assure the full, rounded and continuing development of students~~ help students develop critical skills and knowledge. While keeping with the requirements of state law, the Board authorizes the superintendent to review the curricula periodically and to advise the Board on needed changes.

The Board retains its full rights and responsibilities under the laws and regulations of the state of Oregon with regard to adopting curriculum.

The ~~district~~ ESD will coordinate curriculum development with component school districts, where appropriate.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#) (4)(a), (7)
[ORS 334.175](#)

[ORS 336.035](#)
[OAR 581-022-1130](#) 2000

[OAR 581-022-1210](#) 2030
[OAR 581-024-0231](#)

Lane Education Service District

Code: IFE
Adopted: 12/7/93
Revised/Readopted: 6/26/01
Orig. Code(s): IFE

Curriculum Guides and Course Outlines

Curriculum guides will be available for each subject or course offered ~~in~~ by the ~~district~~ ESD. The guides will include the appropriate benchmarks ~~consisting of the Essential Learning Skills and Common Knowledge and Skills~~ to meet academic content standards adopted by the State Board of Education, except that the curriculum for students who are on individualized education programs (IEP's) will be determined by each student's ~~individual program~~ IEP, as developed by their IEP team.

Information regarding subject area goals and objectives will be available to all students and interested district patrons.

END OF POLICY

Legal Reference(s):

[ORS 332.075\(1\)](#)

[ORS 334.125](#)

[ORS 336.035](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-022-2000](#)

[OAR 581-022-2030](#)

[OAR 581-022-2250](#)

[OAR 581-022-2300](#)

[OAR 581-022-2305](#)

[OAR 581-022-2310](#)

[OAR 581-022-2315](#)

Lane Education Service District

Code:
Adopted:

IGAI

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

(Highly recommended for ESDs that operate a school)

The ESD shall provide an age-appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instruction session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction aligned with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and update biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality, AIDS/HIV instruction. Any parent may request that their child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced and accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses high-risk behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and Hepatitis B/C can be serious possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teachers students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for ones' actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources and the laws that protect the rights of minors to anonymously access these resources; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skill-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practices; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

The ESD's health and sexuality education will provide information on menstrual health and will be inclusive and affirming of transgender, non-binary, intersex, and two spirit/indigiqueer students; be positive and not fear- or shame-based; be age-appropriate; be medically-accurate; be culturally responsive; and be accessible for students with disabilities.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)
[ORS 336.035](#)
[ORS 336.059](#)
[ORS 336.107](#)

[ORS 336.455 - 336.474](#)
[ORS 339.370 - 339.400](#)
[OAR 581-021-0009](#)
[OAR 581-021-0593](#)

[OAR 581-022-2030](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)

Lane Education Service District

Code: IGBA
Adopted: 12/06/17
Revised/Readopted: 2/05/19
Orig. Code(s): IGBA

Students with Disabilities - Child Identification Procedures

(Required only if the ESD is a contractor for ODE direct service programs such as EI/ECSE or correctional education.)

The ESD implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education (EI/ESCE) or special education services. For preschool children the ESD is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency [EC CARES] is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The ESD identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the ESD;
7. Attending a component district charter school;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The ESD determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The ESD enrolls all students who are five on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the ESD through the school year in which they reach the age of 21 if they have not graduated with a regular high school diploma.

The ESD shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated and are receiving special education and related services. The ESD conducts an annual count of the total number of private

school children attending private schools located within the boundaries of the ESD, and a count of all children with disabilities attending private schools located within the boundaries of the ESD, in accordance with OAR 581-015-2465. The ESD reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 338.165](#)
[ORS 339.115 - 339.137](#)
[ORS 343.151](#)
[ORS 343.157](#)
[ORS 343.193](#)
[ORS 343.221](#)

[ORS 343.517](#)
[ORS 343.533](#)

[OAR 581-015-2040](#)
[OAR 581-015-2045](#)
[OAR 581-015-2080](#)
[OAR 581-015-2085](#)

[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2315](#)
[OAR 581-015-2480](#)
[OAR 581-021-0029](#)
[OAR 581-022-2315](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(3) (2012).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).

Lane Education Service District

Code:
Adopted:

IGBA-AR

Students with Disabilities - Child Identification Procedures

(Required if ESD is contractor for ODE direct service programs EI/ECSE)

1. The ESD's child find efforts include:
 - a. Public awareness. ESD child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - (1) The ESD provides information about special education services in the ESD's service area and the ESD's special education referral process to public and private facilities located in the ESD's service area, including day care centers, homeless shelters, group homes, local or regional correctional facilities, hospitals, medical offices and other facilities that serve children birth to 21 years of age.
 - (2) The ESD provides information about special education services and how to make a referral to any migrant education programs operating in the district.
 - b. Notice of confidentiality. Before any major child find activity, the ESD publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
 - c. Staff awareness. The ESD ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
 - d. Communication to parents. ESD staff shall inform parents about the availability of special education services in the ESD's service area and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EI/ECSE) and the designated referral and evaluation agencies with which the ESD collaborates.
2. Private School Children with Disabilities
 - a. The ESD's child find system applies to children, including those children who are residents of another state, that are enrolled by their parents in private schools located within the boundaries of the ESD.
 - b. The ESD's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in component district public schools.
 - c. The ESD does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal Individuals with Disabilities Education Act (IDEA) funds on parentally-placed school students with disabilities.
 - d. The ESD consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:

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- (1) How private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers and private school officials will be informed of the process.
- e. The ESD child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

3. Home-Schooled Students with Disabilities

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- a. The component district collaborates with the ESD that serves the component district to ensure that the component district responds promptly to information about home-schooled students with suspected disabilities.
 - b. The ESD collaborates with home schooling organizations in the ESD's jurisdiction and provides information about special education services in the ESD's service area and how to make a referral.
 - c. If the ESD has reason to suspect that a home-schooled student has a disability, the ESD will obtain parent consent for initial evaluation.
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Lane Education Service District

Code: IGBAB/JO
Adopted: 11/15/11
Readopted: 8/28/12
Orig. Code(s): IGBAB/JO

Education Records/Records of Students with Disabilities**

Education records are those records maintained by the ESD that are directly related to a student.

~~The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.~~

The ESD shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The ESD annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

~~The ESD may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the ESD, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The ESD may pursue the fees, fines or damages through a private collection agency or other method available to the district. The ESD may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.~~

The ESD shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The ESD provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The ESD provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the ESD.

The ESD annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student's records;

2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the ESD to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the ESD's education records policy.

~~Regarding records to be released to ESD officials within the agency, the~~ The ESD's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency have legitimate educational interests. ESD officials may also include a volunteer or contractor who performs an institutional service on behalf of the ESD.

The ESD annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (see Board policy JOA – Directory Information).

The ESD shall give full rights to education records to either parent, unless the ESD has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation~~rule~~ shall be made available upon request to parents and students 18 years of age or older or an emancipated student and the general public.

Records requested by another school district or ESD to determine a student's appropriate placement may not be withheld.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 326.580](#)
[ORS 339.270](#)
[ORS 343.177\(3\)](#)

[OAR 166-400-0010 to 166-400-0065](#)
[OAR 581-021-0220 to -0430](#)
[OAR 581-022-2260](#)
[OAR 581-022-2270](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

Lane Education Service District

Code: IGBAB/JO-AR
Revised/Reviewed: 6/26/01; 8/27/02; 7/24/12;
9/24/12
Orig. Code(s): IGBAB/JO-AR

Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the ESD, or by a party acting for the ESD; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the ESD subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the ESD that are made and maintained in the normal course of business; that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the ESD who is employed as a result of ~~his/her~~ status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in ~~his/her~~ professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the ESD.
- e. Records that only contain information relating to activities in which an individual engaged after ~~the individual~~ ~~he/she~~ is no longer a student at the ESD;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the ESD, and which are not used for education purposes or planning.

The ESD shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;

- e. Date of entry in school;
- f. Name of school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The ESD may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The ESD shall retain permanent records in a minimum one-hour fire-safe place in the ESD, or keep a duplicate copy of the permanent records in a safe depository in another ESD location.

2. Confidentiality of Student Records

- a. The ESD shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each ESD shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each ESD shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The ESD shall annually notify parents and eligible students through the ESD student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or **an** eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the ESD to comply with the requirements of federal law; and
- e. Obtain a copy of the ESD policy with regard to student education records.

The notification shall also inform parents or eligible students that the ESD forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the ESD policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the ESD shall provide effective notice.

These rights shall be given to either parent unless the ESD has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the ESD from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The ESD shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The ESD shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an individualized education program (IEP), or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The ESD shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or an eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record; and
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The ESD shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the ESD is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at their ~~his/her~~ expense, choose ~~have those records reviewed by~~ a physician or other appropriate professional and have those records reviewed ~~of his/her choice~~.

If an eligible student or student's parent(s) so requests, the ESD shall give the eligible student or student's parent(s) a copy of the student's education record. The ESD may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's educational records. The ESD may not charge a fee to search for or to retrieve the education records of a student.

The ESD shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.345~~501~~(4) unless authorized by federal law.

The ESD will maintain a list of the types and locations of education records maintained by the ESD and the titles and addresses of officials responsible for the records.

~~Students'~~ ~~Student's~~ education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the ESD. The ~~administrator/principal or his/her designee~~ shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the ESD who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means an ESD official employed by the ESD as an administrator, supervisor, instructor or staff support member; a person serving on ~~an~~ ESD or component district Board; who need to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the ESD would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The ESD shall maintain, for public inspection, a listing of the names and positions of individuals within the ESD who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another department within the ESD;
- c. The disclosure is to authorized representatives of:

The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of or compliance with federal or state-supported education programs or the enforcement of or compliance with federal or state regulations.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
- (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section “financial aid” means any payment of funds provided to an individual that is conditioned on the individual’s attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the ESD to:
- (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The ESD may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:

- (1) Designates the individual or entity as an authorized representative;
- (2) Specifies the personally identifiable information being disclosed;
- (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state-supported education programs;
- (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;

- (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
 - h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The ESD may disclose information under this section only if the ESD makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
 - i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
 - j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - k. The disclosure is in connection with a health or safety emergency. The ESD shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the ESD determines that there is an articulable and significant threat, the ESD will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health to safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the ESD may in good faith determine a health or safety emergency.

- l. The disclosure is information the ESD has designated as "directory information" (See Board policy JOA - Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability;
- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

The ESD will use reasonable methods to identify and authenticate the identity of the parents, students, school officials and any other parties to whom the district discloses personally identifiable information from educational records;

- p. The disclosure is to a caseworker or other representative, who has the right to access the student's case plan, of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

6. Record-Keeping Requirements

The ESD shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or ~~his/her~~ assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The ESD shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:

- a. The parent(s) or ~~an~~ eligible student;
- b. The ESD official or ~~his/her~~ assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, ~~the student or parent(s)~~ ~~he/she~~ may ask the building level principal/ESD official where the record is maintained to amend the record.

The principal/ESD official shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal/ESD official decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of ~~a~~ ~~his/her~~ right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal/ESD official decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The ESD shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the ESD, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal/ESD official or ~~his/her~~ designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at ~~his/her~~ own expense, ~~choose~~ ~~be assisted or represented by~~ one or more individuals ~~to assist or represent them~~ ~~of his/her own choice~~, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or a contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why ~~there is disagreement~~ ~~he/she~~ ~~disagrees~~ with the decision of the panel. If a statement is placed in an education record, the district/ESD will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or a contested portion is maintained by the district/ESD; and
- b. Is disclosed by the district/ESD to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The ESD shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency or detention facility or youth care center in which the student was formerly enrolled, and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The ESD shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the ESD. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the ESD will use your SSN for record-keeping, research, and reporting purposes only. The ESD will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes districts¹ to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

¹ OAR 581-021-0220(5) defines school districts to include ESDs.

Lane Education Service District

Code: IGBAC
Adopted: 6/26/01
Orig. Code(s): IGBAC

Special Education - Personnel Development

~~The ESD contributes to and uses the comprehensive system of personnel development established by the Oregon Department of Education, as appropriate.~~

~~ESD personnel are appropriately and adequately prepared to implement special education and related services that are consistent with Teacher Standards and Practices Commission requirements.~~

Consistent with Teacher Standards and Practices Commission (TSPC) requirements, the ESD's personnel are appropriately and adequately prepared to implement special education and related services, and have the content knowledge and skills to serve children with disabilities.

The ESD takes measurable steps to recruit, hire, train and retain personnel, who are appropriately licensed by TSPC, to provide special education and related services to children with disabilities.

The ESD's plan for providing personnel development programs in the ESD ~~district~~ is found in Board policy GCL - ~~Professional~~ Staff Development - Licensed.

END OF POLICY

Legal Reference(s):

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.156(d) and § 300.207 (2017).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(14)(D) and § 1413(a)(3) (2012).

Lane Education Service District

Code: IGBAE
Adopted: 6/26/01
Orig. Code(s): IGBAE

Special Education - Participation in Regular Education Programs

{Required if ESD is contractor for ODE direct service programs}

The ESD ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if ~~when~~ the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

[ORS 343.223](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2050](#)

[OAR 581-015-2055](#)

[OAR 581-015-2060](#)

[OAR 581-015-2065](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.114-330.118 (2006).

Lane Education Service District

Code:
Adopted:

IGBAE-AR

Special Education - Participation in Regular Education Programs**

(Required if the ESD is a contractor for ODE direct service programs)

1. Placement Decisions of the Student
 - a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
 - b. The student is educated in the school that he/she would attend if nondisabled unless the services identified in the IEP cannot feasibly be provided in this setting.
 - c. The ESD ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
 - d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all IEP services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the ESD will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;
 - (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
 - (4) Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;

- (5) In selecting the student's placement, the placement team considers and documents:
- (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that he or she needs; and
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
- (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
- (7) If the selected placement is a change from previous placement, the ESD provides the parent with prior written notice of the change in placement; and
- (8) If the parent requests a specific placement that the team rejects, the ESD provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to a free appropriate public education (FAPE), the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The ESD takes steps, including providing the supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.

Lane Education Service District

Code: IGBAF
Adopted: 6/26/01
Revised/Readopted: 2/07/23
Orig. Code(s): IGBAF

Special Education - Individualized Education Program (IEP)**

{Required only if ESD is contractor for ODE direct service programs}

In cooperation with a component school district an individualized education program (IEP) shall be developed and implemented for each student with disabilities in the ESD, (kindergarten through 21 years of age), including those who are placed in or referred to a private school or facility by the ESD or receive related services from the ESD. The ESD is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The ESD will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the ESD will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the ESD shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

Legal Reference(s):

[ORS 343.151](#)
[ORS 343.155](#)
[ORS 343.321 - 343.333](#)

[OAR 581-015-2000](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)

[OAR 581-015-2200](#)
[OAR 581-015-2205](#)
[OAR 581-015-2210](#)
[OAR 581-015-2215](#)
[OAR 581-015-2220](#)
[OAR 581-015-2225](#)
[OAR 581-015-2229](#)

[OAR 581-015-2230](#)
[OAR 581-015-2235](#)
[OAR 581-015-2055](#)
[OAR 581-015-2600](#)
[OAR 581-015-2065](#)
[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5-300.6, 300.22-300.24, 300.34, 300.43, 300.105-106, 300.112, 300.325, 300.328, 300.501 (2006).

Lane Education Service District

Code: IGBAF-AR
Adopted: 2/23/16
Revised/Readopted: 1/03/23
Orig. Code(s): IGBAF-AR

Special Education - Individualized Education Program (IEP)**

{Required only if ESD is contractor for ODE direct service programs}

1. General IEP Information

- a. The ESD ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the ESD is responsible; and
 - (3) Before the ESD implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The ESD uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The ESD develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The ESD takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The ESD ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the ESD and parents agreed to make between annual reviews.

The ESD takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The ESD provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The ESD conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.

- b. The ESD convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the ESD and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the ESD will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the ESD fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The ESD's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the ESD will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about ESD resources. The representative of the ESD will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or ESD, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the ESD includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the ESD will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

- (1) With parent or adult student written consent, and where appropriate, the ESD invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
- (2) If the ESD refers or places a student in an ESD, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The ESD and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The ESD designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the ESD ensures:
 - (1) The parent and the ESD consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the ESD considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The ESD ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
 - (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate

achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:

- (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the ESD provides to the student:
- (a) The ESD bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
- (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the ESD will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

~~6. Individualized COVID-19 Recovery Services[†]~~

~~Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:~~

- ~~a. Special education and related services;~~
- ~~b. Supplementary aids and services;~~

[†]~~The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.~~

- ~~e. Additional or intensified instruction;~~
- ~~d. Social-emotional learning support; and~~
- ~~e. Peer or adult support.~~

~~The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.~~

- ~~a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.~~
- ~~b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.~~
- ~~c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.~~

~~Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.~~

- ~~a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~
- ~~b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~

~~When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.~~

~~The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.~~

~~After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:~~

- ~~a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;~~

- ~~b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services~~
- ~~c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.~~

~~If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.~~

~~Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.~~

- ~~7. Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.~~

~~8.6. Agreement to Amend or Modify IEP~~

Between annual IEP meetings, the ESD and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the ESD and the parent.

- a. The ESD and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The ESD files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The ESD provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

~~9.7. IEP Team Considerations and Special Factors~~

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.

- c. As appropriate, the IEP team also considers the following special factors:
- (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) ~~411-441~~ 411-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the ESD has informed the student that all procedural rights will transfer at the age of majority; and

- (3) If identified transition service providers, other than the ESD, fail to provide any of the services identified on the IEP, the ESD will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall providing the student and the Student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

~~10.8.~~ Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

~~11.9.~~ Extended School Year Services

- a. The ESD makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The ESD does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The ESD provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The ESD's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

~~12.10.~~ Assistive Technology

- a. The ESD ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the ESD permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, ESD policy will govern liability and transfer of the device when the student ceases to attend the district.

~~13.11.~~ Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

- (1) Adopts the student's IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARs.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

~~14.12.~~ Abbreviated School Day

"Abbreviated school day" means any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student's resident school district.

"Abbreviated school day program" means an education program:

- a. In which an ESD restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student's resident school; and
- b. That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

Abbreviated school day programs are only allowed when all requirements in state law are met.²

Informed and written consent from the parent or foster parent is necessary prior to implementing an abbreviated school day program. A parent or a foster parent may, at any time, revoke consent for the placement of a student on an abbreviated school day program. Revoking consent or objecting to an abbreviated school day program shall be in writing.

Abbreviated school day programs limitations do not apply to students who are exempt per ORS 343.331.

² See ORS 343.324.

Lane Education Service District

Code: IGBAG
Adopted: 6/26/01
Orig. Code(s): IGBAG

Special Education - Procedural Safeguards**

~~For early intervention and early childhood special education students and students served in long-term care programs operated by the ESD, the ESD is responsible for providing written notices to parents.~~

~~For all other students served in an ESD program, the component district provides written notice to the parent of a student or eligible student, within a reasonable period of time, when the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a free appropriate public education.~~

~~Parents of students with disabilities may request a due process hearing if the district refuses to initiate or change the identification, evaluation or educational placement of the student or to provide a free appropriate public education to the student.~~

~~During the pendency of any administrative or judicial proceeding concerning the identification, evaluation or educational placement of a student or the provision of a free appropriate public education, unless the district and parents of the student agree otherwise, the student involved must remain in his/her present educational placement, which may be an ESD program. In the case of an application for initial admission to school, the student, with the consent of the parents, shall be placed in a program provided or selected by the district until the completion of all proceedings, which may include an ESD program.~~

~~The placement may be changed to an interim alternative education setting offered by the ESD for up to 45 days, due to a weapon, illegal drug or controlled substance incident or due to the substantial likelihood of injurious behavior. However, the ESD has the responsibility to determine if the student's needs can be met in one of the ESD programs.~~

Procedural Safeguards – General

The ESD ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the ESD: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special

6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

Procedural Safeguards Notice

1. The ESD provides to parents a copy of the *Notice of Procedural Safeguards*, published by the Oregon Department of Education (ODE), at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The ESD also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The ESD provides the *Notice of Procedural Safeguards* in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the ESD takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The ESD maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The ESD provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of FAPE to the student.
2. The ESD provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;

education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the ESD will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the ESD is not required to convene an IEP team meeting or develop an individualized education program (IEP) for the child for further provision of special education or related services.

- d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The ESD takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
 4. If neither parent can attend, the ESD will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
 5. The ESD may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.165](#)
[ORS 343.177](#)
[ORS 343.181](#)

[OAR 581-001-0005](#)
[OAR 581-015-2000](#)

[OAR 581-015-2030](#)
[OAR 581-015-2090](#)
[OAR 581-015-2095](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2305](#)
[OAR 581-015-2310](#)

[OAR 581-015-2325](#)
[OAR 581-015-2330](#)
[OAR 581-015-2345](#)
[OAR 581-015-2360](#)
[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 - 300.505, 300.515, 300.517 (2006).
 Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).

Lane Education Service District

Code: IGBAG-AR
Adopted: 9/24/12
Revised/Readopted: 11/07/17; 1/08/19
Orig. Code(s): IGBAG-AR

Special Education - Procedural Safeguards**

1. Procedural Safeguards

- a. The ESD provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority, or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
- b. The ESD gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the ESD takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in ~~their~~ **his/her** native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the ESD has met these requirements.

2. Content of Procedural Safeguards Notice

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

3. Parent or Adult Student Meeting Participation

- a. The ESD provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The ESD provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The ESD takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the ESD will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The ESD may conduct an evaluation planning or eligibility meeting without the parent or adult student if the ESD provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The ESD may conduct an IEP or placement meeting without the parent or adult student if the ESD is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the ESD:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the ESD proceeds with an IEP meeting without a parent or adult student, the ESD must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and

- (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The ESD takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the ESD provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the ESD.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving ESD personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that ESD or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The ESD protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The ESD secures nominations of persons to serve as surrogates. The ESD appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The ESD will only appoint a surrogate who:
 - (1) Is not an employee of the ESD or ODE;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The ESD will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The ESD provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the ESD solely on the basis that the surrogate is compensated from public funds.

- f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
 - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the ESD appoints a surrogate at parent request, the ESD will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The ESD will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment;
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The ESD will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The ESD may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The ESD will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The ESD provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The ESD provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the ESD provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the ESD.
- g. To promote self-determination and independence, the district shall provide to student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary goals and transition services.

6. Prior Written Notice

- a. The ESD provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the ESD:
 - (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of FAPE to the child.
- b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the ESD;
 - (2) An explanation of why the ESD proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;

- (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
- (1) Written in language understandable to the general public; and
 - (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
 - (3) If the native language or other mode of communication of the parent is not a written language, the ESD shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The ESD provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the ESD to provide special education and related services.
- b. The ESD makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the ESD may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The ESD does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The ESD provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The ESD makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the ESD does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The ESD will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The ESD stands ready to serve the student if the parent or adult student later consents.

¹ "Consent" means that the parent or adult student a) has been fully informed, in ~~their~~^{his/her} native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which ~~their~~^{his/her} consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and FERPA.

9. Consent – Re-evaluation

- a. The ESD obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The ESD does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the ESD does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the re-evaluation, the ESD may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.
- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The ESD documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the ESD:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the ESD does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the ESD:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The ESD will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The ESD is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The ESD does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The ESD does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the ESD has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The ESD does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the ESD.
- b. If a parent requests an independent educational evaluation at public expense, the ESD provides information to parents about where an independent educational evaluation may be obtained, and the ESD criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the ESD, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the ESD demonstrates in a hearing that the evaluation obtained by the parent did not meet ESD criteria.
- d. The ESD criteria for independent educational evaluations are the same as for ESD evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the ESD do not preclude the parent's access to an independent educational evaluation.
 - (2) The ESD provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the ESD's criteria.

- (3) A parent may be limited to one independent educational evaluation at public expense each time the ESD conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the ESD may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The ESD may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The ESD considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets ESD criteria.

13. Dispute Resolution – Mediation

- a. The ESD or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The ESD acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent’s right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the ESD who has the authority to bind the ESD to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or an ESD is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year

before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for an ESD response to the allegations in the complaint.

- b. Upon receiving a request for response from ODE, the ESD responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The ESD sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, ESD personnel participate in interviews and provide additional documents as needed.
- d. The ESD and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The ESD satisfies its corrective action obligations in a timely manner.
- f. If the ESD disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The ESD acknowledges that parents may request a due process hearing if they disagree with an ESD proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The ESD may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the ESD or the attorney representing the ESD provides notice to the parent and to ODE.
- d. The party, including the ESD, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the ESD's proposal or refusal, the ESD, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the ESD proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the ESD considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the ESD used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the ESD's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the ESD will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the ESD who has decision-making authority for the ESD.

- (1) The ESD will not include an attorney unless the parent brings an attorney.
- (2) The ESD will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the ESD has an opportunity to resolve the dispute.
- (3) The ESD and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the ESD and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the ESD act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the ESD withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The ESD reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The ESD provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
- c. The ESD does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/~~JGEA~~ - Discipline of Students with Disabilities.

Lane Education Service District

Code: IGBAH
Adopted: 6/26/01
Revised/Readopted: 12/06/17; 2/05/19
Orig. Code(s): IGBAH

Special Education - Evaluation Procedures**

(Required only if ESD is contractor for ODE direct service programs)

Consistent with its child find and parent consent obligations, the ESD responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meet the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The ESD implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The ESD identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the district;
7. Attending a district charter school;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The ESD is responsible for evaluating and determining eligibility for special education services for school-age children. The ESD is responsible for evaluating children who may be eligible for early intervention/early childhood special education services (EI/ECSE). The ESD's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the ESD:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The ESD conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the ESD provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the ESD provides the parent or eligible child documentation of eligibility determination at no cost.

The ESD ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The ESD conducts re-evaluations:

1. When the educational or related service needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The ESD does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the ESD will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.157](#)

[ORS 343.164](#)
[OAR 581-015-2000](#)

[OAR 581-015-2095](#)
[OAR 581-015-2105 - 2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).

Lane Education Service District

Code:
Adopted:

IGBAH-AR

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the ESD responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the ESD designates a team to determine whether an initial evaluation will be conducted.
 - (1) The ESD team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The ESD documents team members' input, including parents, whether the ESD convenes a meeting.
 - c. If a meeting is held, the ESD invites parents to participate.
 - d. If the ESD agency refuses an evaluation requested by the parent, the ESD provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The ESD acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The ESD conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The ESD and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the ESD is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the ESD agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The ESD conducts re-evaluations:
 - (1) When the educational or related service needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the ESD agree that a re-evaluation is unnecessary.
 - b. The ESD does not conduct re-evaluation more than once a year, unless the parent and the ESD agree otherwise.

5. Evaluation Planning

- P**
- a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child including:
- (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
- (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs or continues to need early intervention/early childhood special education services (EI/ECSE) or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

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- a. The ESD assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
- (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
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- d. The ESD ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
- (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and
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- (5) Are administered in accordance with any instructions provided by the producer of the assessments.

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- e. The ESD selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
 - f. The ESD uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
 - g. The ESD does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the ESD provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the ESD does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the ESD coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the ESD designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the ESD eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each ESD team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:

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- (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the ESD evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

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Lane Education Service District

Code:
Adopted:

IGBAI

Special Education - Private Schools

(Required if the ESD has Early Intervention or other classes)

Individuals with Disabilities Education Act (IDEA) requires special education services for two different groups of private school students: those referred or placed by the district or component district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the ESD to implement differentiated procedures and services for these groups.

The ESD shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district or component district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the ESD and has all of the rights of a student with a disability who is served by the ESD.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the ESD is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the ESD's boundaries will be included in the ESD's special education private school student count and the private school students for whom the ESD may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2265](#)

[OAR 581-015-2270](#)

[OAR 581-015-2280](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

[OAR 581-015-2460](#)

[OAR 581-015-2470](#)

[OAR 581-015-2480](#)

[OAR 581-015-2515](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380-300.382 (2006).

Lane Education Service District

Code:
Adopted:

IGBAI-AR

Special Education - Private Schools

(Required if the ESD has Early Intervention or other classes)

Approved Private Schools

1. Obligations of the district:

- a. The ESD ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
- b. If the ESD refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the ESD ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education (ODE) to provide such education in conformance with an individualized education program (IEP), and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
- c. Before placing a student with a disability in an approved private school or preschool, the ESD ensures that the program has current Oregon Department of Education approval to provide special education and related services.
- d. The ESD or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/individualized family service plan (IFSP) development and placement when determining whether to place the child in an approved private preschool or school for special education services.
- e. For each student age three through 21, the ESD's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the ESD ensures that school-age students are district residents or preschool-age children are eligible to receive EI/ECSE or special education services.
 - (2) The ESD initiates and conducts an individualized education program team meeting that includes a representative of the approved private school or preschool. If a representative of the approved private school or preschool, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the ESD and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the ESD initially places a student in an approved private school or preschool, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the ESD or public agency, unless the ESD or public agency requests by written agreement that the approved private school or preschool initiate and conduct meetings to review and revise the IEP or IFSP.
 - (4) The ESD may, by written agreement, request that the approved private school or preschool initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the ESD remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and
 - (b) Ensures the participation of parents and the ESD or public agency representative.

P

- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the ESD or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The ESD or public agency terminates the placement of students in a private school or preschool if ODE suspends, revokes or refuses to renew the approval of a private school or preschool.

R

- (a) The ESD ensures that every student with a disability who is placed in or referred to a private school, preschool or facility by the district as a means of providing special education and related services;
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
- (b) The ESD ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP/IFSP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
- (c) The ESD initiates and conducts an IEP/IFSP meeting at which an IEP/IFSP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school or preschool.

2. Out-of-State Placements for Special Education

- a. The ESD ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The ESD maintains documentation of such approval and makes it available to ODE upon request.
- c. The ESD makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the ESD has:
 - (1) Developed an individualized education program;
 - (2) The placement team has determined that no appropriate in-state placement options are available.

D

Lane Education Service District

Code: IGBAJ
Adopted: 10/26/93
Revised/Readopted: 6/26/01; 2/25/14; 12/06/17;
2/05/19
Orig. Code(s): IGBAJ

Special Education - Free Appropriate Public Education (FAPE)

(Required only if ESD is contractor for ODE direct service programs)

1. The ESD admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they are advancing from grade to grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The ESD determines residency in accordance with Oregon law.
3. The ESD takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the component district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The ESD may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the ESD from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)

[OAR 581-015-2020](#)
[OAR 581-015-2035](#)
[OAR 581-015-2040 - 2065](#)
[OAR 581-015-2050](#)

[OAR 581-015-2530](#)
[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, 300.300 (2017).

Lane Education Service District

Code: IGBAJ-AR
Adopted: 9/24/12
Revised/Readopted: 6/26/01; 8/27/02; 7/24/12;
9/24/12: 1/08/19
Orig. Code(s): IGBAJ-AR

Special Education - Free Appropriate Public Education (FAPE)

1. FAPE and Age Ranges

The ESD provides special education and related services to all resident school-age students with disabilities, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The ESD will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The ESD provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The ESD provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the ESD, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the ESD and assistance in making outside employment available.
- c. The ESD ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school diploma is no longer entitled to FAPE.
- b. The component district provides prior written notice a reasonable time before a student with a disability graduates with a regular high school diploma.
- c. The ESD is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
- d. Graduation with an alternative document:
 - (1) The component district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.

- e. The ESD may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.

4. Incarcerated Youth

- a. The ESD has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the ESD's service area.
- b. The ESD provides FAPE for students with disabilities ages 18 through 21 incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
- c. The ESD's provisions of FAPE do not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The ESD makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the ESD ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The ESD makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The ESD provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.

- c. If specially designed physical education is included in the child's IEP, the ESD must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the ESD must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The ESD serves children with disabilities attending public charter schools sponsored by the component district in the same manner and in accordance with applicable laws and rules governing the ESD's provision of services to children with disabilities in its other schools.
- b. The component district convenes an IEP meeting as soon as possible following notification by the public charter school that a student with a disability has enrolled.
- c. The ESD provides supplementary and related services onsite at a component district public charter school to the same extent to which the ESD has a policy or practice of providing such services on the site to its other public schools.
- d. The ESD ensures that resident children attending public charter schools not sponsored by the district are provided special education and related services in accordance with Oregon Revised Statute (ORS) 338.165.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of-district public charter school does not require an interdistrict transfer agreement.

8. Recovery of Funds for Misclassified Students

The ESD ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

- a. Meet eligibility requirements under Oregon Administrative Rule (OAR) 581-015-2130 to - 2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a FAPE;
- d. Are enrolled in the component district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

An ESD may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA and permitted under the benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a child with disabilities under IDEA, an ESD:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. May not use the child's benefits under a public insurance program if that use would:
 - (1) Decrease available lifetime coverage or any other insurance benefit;

- (2) Result in the paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
- (3) Increase premiums or lead to the discontinuation of insurance; or
- (4) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**

Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the ESD must provide prior written notification to the student's parents and must obtain written consent that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;
- e. Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related service), but may pay the cost that the parent otherwise would be required to pay; and
- f. Acknowledges the district may not use the student's benefits under a public insurance program if that use would:
 - (1) Decrease available lifetime coverage of any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. The ESDs must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. The ESDs must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

Lane Education Service District

Code: IGBAK
Adopted: 10/26/93
Readopted: 6/26/01; 6/24/08; 12/06/17
Orig. Code(s): IGBAK

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the ESD's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement, the ESD does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the ESD implements policies, procedures and programs for special education, consistent with state and federal requirements;
 - b. Performance of students with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of ESD programs for special education, including the timeliness and accuracy of required data submissions;
 - d. ESD achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, ESD information about:
 - (1) Identifying the excess costs of educating students with disabilities;
 - (2) Maintaining the financial support for programs and services for students with disabilities (Maintenance of Effort (MOE)); and
 - (3) Describing available schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or the Every Student Succeeds Act (ESSA);
 - (4) Documenting the annual ESD application for IDEA funds; and
 - (5) Reporting of official audits, complaints and due process hearings.
 - f. ESD dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.212 (2017).
Every Student Succeeds Act, 20 U.S.C. § 6314 (2012).

Lane Education Service District

Code: IGBHD
Adopted: 6/26/01
Revised/Readopted: 12/05/23
Orig. Code(s): IGBHD

Program Exemptions**

The ESD may excuse students from a state-required program or learning activity for reasons of religion, disability¹ or for other reasons deemed appropriate by the ESD. Requests for excusal or accommodation must be in writing and must include the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt. Requests may be filed by the student's parent or guardian, or by a student who is 18 years of age or older or who is an emancipated minor. Requests must be submitted to the teacher and program supervisor.

The ESD will determine if credit will be granted for any alternative activity.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[OAR 581-021-0009](#)
[OAR 581-022-2050](#)

[OAR 581-022-2110](#)
[OAR 581-022-2505](#)

¹ If the ESD receives a request for a disability accommodation, the ESD should consider its obligations under the Individuals with Disabilities in Education Act and Section 504 of the Rehabilitation Act.

Lane Education Service District

Code: IGBI
Adopted: 6/26/01
Revised/Readopted: 12/06/17; 12/07/21
Orig. Code(s): IGBI

Bilingual Education**

Students whose primary language is other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction and other educational activities.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

Legal Reference(s):

[ORS 336.079](#)

[OAR 581-021-0046](#)

[OAR 581-022-2310](#)

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

Every Student Succeeds Act, 20 U.S.C. §§ 6801-7014 (2018).

Lane Education Service District

Code: IGDF
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IGDF

Student Fund-Raising Activities

All fund raising must be approved by the superintendent and supervised by the appropriate staff member.

Activities that include fund raising for charitable or other causes not relating to school activities, must obtain prior approval from ~~the principal,~~ ~~and~~ ~~the superintendent.~~

~~A student or staff member may not solicit funds in the name of a school operated by the ESD or in the name of the ESD through the use of internet-based or crowd-funding types of fund raising, without the approval of the principal, and superintendent.~~

Fund-raising projects involving the sale of products must also be approved by the activity sponsor and by the ~~appropriate administrator~~ ~~program supervisor~~ before the activity is initiated. Solicitation of funds is expressly prohibited without the superintendent's consent.

If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or nonschool-related events for which parents and other adults are a significant part of the audience.

END OF POLICY

Legal Reference(s):

[ORS 336.423](#)
[ORS 339.880](#)

[OAR 137-025](#)-0020 to -0530
[OAR 581-022](#)-2260(2)

[OAR 581-024](#)-0240

Federal Smart Snacks in School Rules 7 C.F.R. Part 210.11 (2017).

Lane Education Service District

Code: IGDF-AR
Adopted: 12/08/93
Readopted: 6/26/01
Orig. Code(s): IGDF-AR

Student Fund-Raising Activity Request

Please fill out all sections and return to the appropriate administrator [program supervisor] or designee 30 days prior to initiating the fund-raising activity.

Date: _____

Name of individual, group or activity making this fund-raising activity request: _____

Reason for the fund raiser (please be specific): _____

Description of fund raiser¹ (i.e., what is the product, when will it be sold, where will it be sold, who will it be sold to, etc.): _____

Start and end dates for the fund raiser: _____

Anticipated revenue: _____

If this is a joint fund raiser, write down the name(s) of the partner(s): _____

Signature of Individual _____ Signature - Representative of Organization _____

☐ Approved – Date: _____
☐ Not Approved – Date: _____

Reason for Denial: _____

Signature of Principal or Designee _____ Date _____

Signature of [Superintendent] _____ Date _____

¹ If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or non-school-related events for which parents and other adults are a significant part of the audience. (ORS 336.423)

Lane Education Service District
Fund-Raising Activity Verification Form

Date: _____

From _____ **To** _____

To Whom ~~it~~ May Concern:

Lane ESD does hereby authorize:

(name of individual receiving authorization)

to sell _____
(name of product/item for sale)

for the purpose of raising funds for:

(funds to be used for)

from (dates) _____ to _____.

(Signature of Person Authorizing Sales)

(Date)

(Signature of Fund-Raiser Coordinator)

(Date)

Any questions regarding this fund-raising activity should be directed to the person authorizing sales.

Lane Education Service District

Code: IIA
Adopted:

Instructional Materials (Version 2)

The Board recognizes the responsibility of the ESD to provide high quality materials for ESD-operated classrooms located in component school districts[and in school[s] operated by the ESD]. The Board believes proper care and judgment should be exercised in selecting such materials. [The process to select materials will reflect respect for all people, regardless of race, color, creed, national origin, age, sex, sexual orientation, gender identity, or disability.]

The ESD will provide and maintain instructional and resource materials which may contribute to the instructional programs of the ESD and its component school districts; are appropriate to the learning levels of users; are relevant to the diverse problems, aspirations, attitudes and ideas of the contemporary world; provide stimulus to creative thinking; and are of acceptable technical quality.

The ESD will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

The superintendent shall develop administrative regulations to assure that materials selected for and maintained by the ESD meet these criteria.

The superintendent shall develop administrative regulations to assure that requests for reconsideration of instructional materials selected by the ESD are handled in the best interests of the students, teachers and community members of the district. Such regulations shall contain provisions for handling concerns about materials used in ESD classrooms operated in component school districts.

A material involved with a reconsideration will remain available throughout the reconsideration process. Materials will not be removed for discriminatory reasons.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)
[ORS 336.035](#)
[ORS 336.082](#)
[ORS 336.840](#)
[ORS 337.120](#)
[ORS 337.141](#)
[ORS 337.150](#)

[ORS 337.260](#)
[ORS 337.511](#)
[ORS 339.155](#)
[ORS 659.850](#)

[OAR 581-011-0050 - 0117](#)
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-022-2310](#)
[OAR 581-022-2340](#)
[OAR 581-022-2350](#)
[OAR 581-022-2355](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

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

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

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Lane Education Service District

Code: IIA-AR(1)
Adopted: 9/01/94
Revised/Readopted: 6/26/01
Orig. Code(s): IIA-AR

Instructional Materials ~~Selection~~

Board policy stipulates that Lane ESD shall maintain collections of instructional ~~media~~ materials for use in the instructional programs of the ESD and its component districts.

To ensure that materials acquired for the collections are oriented to the needs of the various curricula and diverse classroom practices, it shall be the policy of the ESD to seek the cooperation and involvement of its own teachers ~~and~~, the teachers and administrators from ~~the~~ component districts[, parents and community members] in the evaluation and selection of materials for the collections.

Teachers and administrators from the appropriate service area have the responsibility of choosing materials to be used in ESD classrooms and programs.

Component ~~school~~ district teachers and administrators determine which of the available ESD materials are to be used in their respective schools. It is not the responsibility of the ESD to judge the suitability of choices made by the ~~local~~ component districts.

In establishing and maintaining instructional materials, ~~a broadly varied collection~~ the ESD recognizes that not all materials will be appropriate for all programs and communities and that complaints about materials may be expressed from time to time.

Any ~~complaints~~ challenges from patrons regarding the ~~suitability~~ appropriateness of instructional materials shall be referred to:

1. The appropriate ~~[appropriate administrator]~~ [division director] if the complaint involves the use of materials in an ESD classroom or program. In this instance the procedure for reconsideration of instructional materials used in an ESD classroom or program will be followed;
2. The superintendent of the component district in which the patron resides if the complaint involves the use of ESD materials in a component district classroom or program. In this instance, the established policy of the ~~local~~ school district will be followed in processing the complaint. The component school district may decide to discontinue the use of certain ESD materials in its schools. Such a decision shall not prejudice the right of the ESD to use its own discretion in continuing to provide that material to other school districts.

A material involved with a reconsideration will remain available throughout the reconsideration process. Materials will not be removed for discriminatory reasons.

Procedure for reconsideration of instructional materials used in an ESD classroom or program:

1. The classroom teacher or supervisor who receives a request for reconsideration of an instructional material will attempt to resolve the concern with the complainant;
2. All requests for reconsideration, whether or not resolved at ~~Step One~~ step one, will be reported to the appropriate ~~[appropriate administrator]~~ [director];
3. Requests for reconsideration not resolved at ~~Step One~~ step one will be processed by the appropriate [administrator] [director];

4. The person requesting reconsideration shall be supplied with a standard printed form which must be completed before consideration can be given;
5. The ESD superintendent [and Board chair] shall arrange for a review committee of [seven, persons] consisting of one component district administrator, one classroom teacher, an appropriate ESD specialist, an ESD Board member and three community members ~~citizens~~ of the district]. The committee will proceed as follows:
 - a. The committee will meet, review the issues and expressions of those concerned and return a written report of its findings to the ESD superintendent within four weeks;
 - b. The chair of the committee will be appointed by the committee;
 - c. One representative from the ESD staff and the person requesting reconsideration may personally appear before the committee to provide information;
 - d. Staffing for the work of the committee shall be provided by the appropriate director. ~~The chair of the committee will be appointed by the superintendent;~~
 - e. The committee may recommend that the challenged material be:
 - (1) Retained without restriction;
 - (2) Not retained;
 - (3) Retained with restriction.

Meetings of reconsideration committees may be subject to Public Meetings Law. Records regarding reconsideration procedures are subject to Public Records Law.

6. The committee will report its findings to the superintendent who will place the report on the agenda of the next regularly scheduled meeting of the ESD Board;
7. The Board will make the final decision, binding upon all parties, which will be reported to the ESD staff members involved and to the person ~~citizen~~ registering the concern.

**CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS
FOR USE IN ESD CLASSROOMS**

Title _____

Type of material _____ Publisher or Producer _____

Request initiated by _____ Telephone _____ Address _____

Citizen represents: Self _____ Name of organization: _____

ESD classroom in which item was used or planned to be used: _____

1. _____ To what in the material do you object? (Please be specific: cite pages, filmstrip frames, video sequence, etc.) _____

2. _____ What do you believe is the theme or purpose of this material? _____

3. _____ What do you feel might be the result of a student exposed to this material in a learning situation? _____

4. _____ For what age groups would you recommend this material? _____

5. _____ Is there anything good about this material? If yes, please describe. _____

6. _____ Did you examine all of the audiovisual material (or read the entire book)? _____

If not, what sections? _____

7. _____ Are you aware of the judgment of this material by literary critics or educational reviewers? _____

8. _____ What would you like the agency to do about this material? _____

- _____ Do not assign it for student use in my student's classroom
- _____ Withdraw it from all ESD students
- _____ Send it back to the appropriate service area for reevaluation

9. _____ In place of this audiovisual material (or book) please recommend other material which you consider to be of superior quality which deals with the same topic. _____

Please indicate where the material you recommend can be obtained. _____

_____ Date _____ Signature of Citizen

Please return completed form to appropriate Director, Lane Education Service district

Lane Education Service District

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

Request for Reconsideration of Instructional Materials Form

(Submit to [Program Administrator])

Please complete this form in its entirety for consideration. This document will become a public record and is subject to public records requests.

People who wish to file a request for reconsideration of instructional materials must follow the informal process for concerns related to those materials prior to filing this request for reconsideration.

Request initiated by: _____ Phone _____

Address _____ City _____ Zip _____

Email: _____

Book or other material:

Title: _____ Author _____

Publisher: _____ Publication Date: _____

Type of material: ☐ Article ☐ Audio recording ☐ Book ☐ Textbook ☐ Video ☐ Website

☐ Other: _____

Producer/Source (if known): _____

Please respond to the following questions.

1. Did you discuss your concerns with the teacher or other involved staff? ☐ Yes ☐ No

If no, you must first discuss your concerns with the teacher or other involved staff before filing a request for reconsideration.

If yes, on what date? _____

Please provide a summary of the conversation: _____

What is the name of the staff member(s)? _____

2. Did you review the entire material? ☐ Yes ☐ No

If not, what sections did you review? _____

3. How was the material acquired by the student (i.e., required reading, free choice selection, etc.)?

-
-
4. To what in the material do you object and why? (Please be specific and cite pages, frames, etc.)
-
-
-

5. What material do you recommend in its place which would provide information on the subject?
-
-
-

6. What action are you requesting the reconsideration committee consider? _____
-

7. Do you wish to provide oral or written testimony to the reconsideration committee?
☐ Yes, oral testimony ☐ Yes, written testimony ☐ No

If yes, please call the [program administrator's] office at [_____].

Signature

Date

Received by [program administrator]: _____

Date

References:

Lane Education Service District

Code: IIABB
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IIABB

Use of Feature Films[,] [or] /Videos[or Other Media]**

The Board recognizes the showing of commercially produced and rated feature films and videos may have a legitimate purpose in the ~~an~~ ESD's educational program. ~~Since~~ ~~However, since~~ the content of these feature films or videos customarily is designed for general audience viewing, the Board feels certain precautions should be taken to ensure the showing of a particular films or videos ~~film~~ is consistent with the instructional programs of ~~educational values espoused by~~ the district.

Only films rated G, PG or PG-13 or those from the ESD media library may be shown as part of the ESD program. The Board directs the superintendent to develop administrative rules to accomplish this objective, including the provision that parents or guardians have ~~a parent has~~ the opportunity to preview films or videos ~~a film~~ when practicably possible and that parents or guardians ~~a parent~~ must give prior consent before their ~~his/her~~ student may view a film rated PG or PG-13.

[Any media materials that are not rated are subject to the approval of the [administrator] prior to viewing.]

All copyright laws regulating the use of such materials ~~s~~ will be strictly followed.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)

Lane Education Service District

Code: IIABB-AR
Adopted: 9/01/94
Readopted: 6/26/01
Revised/Reviewed:
Orig. Code(s): IIABB-AR

Use of Feature Films[,] [or] /Videos[or Other Media] ~~in the School**~~

Prior to showing a feature films and videos [or other non-rated media] ~~film/video~~ in a school, the ~~Lane ESD classroom which in the professional judgment of the~~ instructor must seek the written ~~contains potentially controversial, objectionable and/or sensitive subject matter,~~ approval of the program supervisor ~~must be obtained~~. At least [five] days prior to the showing, the instructor shall submit ~~provide~~ to the program supervisor the following information on the particular films[,] [or] videos[or other media]: ~~film:~~

1. Title and brief description;
2. Purpose for the showing;
3. Match with course objectives;
4. Proposed date of showing;
5. When and how parents or guardians will be notified, or, if necessary, grant consent;
6. Audience rating when available.

The showing of all feature films[,] [or] /videos with a G rating requires only prior notice to parents or guardians ~~parent notification~~ from the instructor, who will summarize in writing the information in the above points 1., 2., 4. and 6.

Additionally, ~~for~~ feature films or /videos with a PG or PG-13 rating, [or other non-rated media,] will require ~~requiring~~ program supervisor approval, ~~prior parental~~ and consent from parents or guardians ~~must be obtained~~ before ~~a~~ the student views the film[,] [or] video[or other non-rated media].

Instructors are required to preview all films[,] [or] /videos[or other non-rated media] before showing to students.

Parents or guardians may have the opportunity to preview films[,] [or] videos[or other non-rated media] when practicably possible and that parents or guardians must give prior consent before their student views a film rated PG or PG-13, or other non-rated media. Edited or non-rated films or videos will be shown at the discretion of the administrator.

~~A parent may have the opportunity to preview a film/video when practicably possible.~~

~~The instructor shall follow all copyright laws regulating the use of films and videos~~

The notification to parents or guardians for the showing of [G] movies at the secondary level will be at the discretion of the administrator.

Lane Education Service District

Code: IIAD
Adopted: 12/07/93
Readopted: 6/26/01
Orig. Code(s): IIAD

Special Interest Materials

In general, supplementary printed materials from ~~nonschool~~ non-ESD sources (including print materials and special aids such as slides, pictures, charts and exhibits) may be used, displayed or distributed for instructional purposes in Lane ESD classrooms at the teacher's discretion.

Teachers shall use only ~~those supplementary~~ materials that are timely, of obvious educational quality, and that supplement and enrich ~~district~~ ESD instructional materials for definite school courses. ~~Supplementary materials may bear the name of the commercial business firm that provided the aid.~~

Materials from non-ESD sources should not be displayed or distributed in ESD classrooms or on ESD grounds without approval of the [program supervisor] ~~[superintendent or designee]~~. Students may not be used as agents for distributing non-ESD-related materials to the homes without the superintendent's approval.

Educational films and all video rentals secured from or through commercial sources will be approved by the program supervisor prior to their use in Lane ESD classrooms, in accordance with ~~ESD~~ Board policy IIABB - Use of Feature Films[,] [or] Videos[or Other Media]**. Teachers may use special aids such as models, films, slides, pictures, charts and exhibits for educational purposes with the express approval of the [program supervisor] [superintendent or designee] even though these materials may bear the name of a commercial business firm that provided the aid.

~~Supplementary materials from nonschool sources that, in the professional judgment of the instructor, may contain potentially controversial, objectionable and/or sensitive subject matter must be approved in advance by the program supervisor.~~

Copyright laws will be strictly followed.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 339.880](#)

Copyrights, 17 U.S.C. §§ 101-1332 (2012); 19 C.F.R. Part 133 (2017).

Lane Education Service District

Code: IIBGA
Adopted: 10/24/06
Readopted: 2/24/15
Orig. Code(s): IIBGA

Electronic Communications System

~~The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.~~

The ESD's electronic communications system will be used to provide statewide, national and global communications opportunities for staff and students and for the advancement and promotion of teaching and learning.

The superintendent will establish administrative regulations for the use of the ESD's electronic communication system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact~~interacting~~ with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using e-~~electronic~~-mail, [social media,]chat rooms and other forms of direct electronic communication~~communications~~;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors; and
8. Installing measures designed to restrict minors' access to materials harmful to minors.

~~[1] The superintendent will establish administrative regulations for use of the ESD's system by staff using their own personal electronic devices to download and store ESD proprietary information including personally recognizable information about the ESD students or staff. Administrative R~~ Regulations shall insure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).]

Administrative ~~The administrative~~ regulations will be consistent with ~~sound~~ guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission, ~~copyright law~~, and will include a complaint procedure for reporting violations.

~~The superintendent will also establish administrative regulations for use of the ESD's electronic communications system to comply with copyright law.~~

Failure to abide by ESD policy and administrative regulations governing use of the ESD's ~~electronic communications~~ system may result in the suspension and/or revocation of system access. Additionally, student violations ~~may will~~ result in discipline up to and including expulsion. Staff violations ~~may will also~~ result in discipline up to and including dismissal. Violations of law ~~may will~~ be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

[ORS 167.060 - 167.100](#)
[ORS Chapter 192](#)
[ORS 260.432](#)
[ORS 334.125\(7\)](#)

[ORS 339.250](#)
[ORS 339.270](#)
[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C. §§ 254(h) and (l) (2018); 47 C.F.R. § 54.520 (2019).

Copyrights, 17, U.S.C. §§ 101-1332 (2018); 19 C.F.R. Part 133 (2020).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8107 (2018); 34 C.F.R. Part 84, Subpart F (2020).

Controlled Substances Act, 21 U.S.C. § 812, Schedules I through V (2018); 21 C.F.R. §§ 1308.11-1308.15 (2020).

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

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018); 34 C.F.R. Part 99 (2020).

Every Student Succeeds Act, 20 U.S.C. § 7131 (2018).

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

¹ {If the ESD allows staff to download and store ESD proprietary information, including personally recognizable information about ESD students or staff, OSBA recommends including this content and an indicated related item in the model administrative regulation. See #3 on page 2 of model sample administrative regulation IIBGA-AR.}

Lane Education Service District

Code: ~~HC~~/IICA
Adopted: 10/26/93
Revised/Readopted: 6/26/01
Orig. Code(s): IIC/IICA

Off-Campus Student Activities/Field Trips**

Effective educational instruction frequently includes some use of the environment surrounding the school and its community as an integral part of the total program. The basic goal of any trip outside the classroom is to provide students ~~each student~~ the opportunity to have a firsthand experience and to make ~~their~~ ~~his/her~~ own observations.

In planning and authorizing such trips, primary consideration will be given to educational values derived, the safety and welfare of students involved, community standards of conduct and behavior on the part of all participants, the selection of appropriate adult supervision, either from within the ESD ~~school~~ staff or from the ESD's parent, guardian and community volunteer pool. Any such trip should supplement in-class study.

The following student activities must be approved by the ~~[superintendent or designee]~~ ~~[program supervisor]:~~

1. Field trips;
2. An activity that will result in students ~~the student~~ using different transportation to or from ~~the~~ school than ~~they~~ ~~he/she~~ normally uses;
3. A special assignment/project that requires students ~~the student~~ to leave the ESD ~~school~~ campus.

A release/consent form must be completed and signed by the parent ~~or guardian~~ and on file before a student is allowed to engage in the activity.

~~[As students move to middle and high school programs, there is a heavy emphasis on community-related instruction and therefore a considerable amount of time will be spent in community training. The Student Special Assignment Release form must be completed.]~~

The ~~[administration]~~ ~~[superintendent or designee]~~ will develop guidelines to ensure both students and adult supervisors are acquainted with the standards for conduct while on an ESD-approved off-campus activity/field trip. ~~outside of the classroom.~~ Such guidelines will reinforce ESD ~~district~~ policy in areas such as prohibiting use of alcohol, ~~and~~ tobacco products, inhalant delivery systems and unlawful drug use and procedures ~~use, procedure~~ to be used in cases of illness or accident, and methods for communicating with administrators ~~and /parents~~ ~~or guardians~~ in discipline and emergency situations.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)

[ORS 336.014](#)

[ORS 339.155](#)

[ORS 339.240](#) to -339.250

Lane Education Service District

Code: ~~HC~~/IICA-AR
Adopted: 12/08/93
Revised/Readopted: 6/26/01
Orig. Code(s): IIC/IICA-AR

Off-Campus Student Activity/Field Trip Notification Approval Form

Teacher's Name _____ Date _____

Date of Requested Field Trip/Workshop _____ Class Size _____

Destination _____

Rationale: _____

Objectives: _____

Travel arrangements: _____

Supervisory ratio (who): _____

Expenses: _____

Please attach any appropriate information and submit to the appropriate [director].

Field Trip Release/Consent

Date _____

I/We give permission for _____ to participate in a field trip
(student's name)

to _____ on _____,
(place and location) (date)

from _____ o'clock to _____ o'clock.

I/We understand that transportation will be provided by: _____

and that supervision will be provided by: _____

Parent/Guardian will be responsible for providing the following materials/supplies:

_____	_____
_____	_____
_____	_____

Parent/Guardian Signature

Date

Lane Education Service District

Code: IICB
Adopted: 6/26/01
Orig. Code(s): IICB

Community Resource Persons

A ~~One~~ goal for ~~of~~ education is to prepare students to participate constructively in a democratic, pluralistic society, a society in which many differing opinions are held and differing causes are espoused. It is important that students develop an understanding of divergent ideas. It is also important that they develop judgment, a capacity to discern the difference between fact and opinion and to weigh arguments, slogans and appeals. Books, films and other media are valuable for giving students exposure to many differing ideas, but for effective learning it is also useful to invite appropriate persons not on the district educational staff to speak to or to meet with groups of students as part of the educational process.

No overall standard can be established which will automatically exclude, as a resource, the person whose views or manner of presenting them may obstruct the educational process or endanger the health and safety of students or staff. The Board establishes the following guidelines, however, in an effort to uphold students' freedom to learn while also recognizing obligations which the exercise of freedom entails:

1. The teacher, ~~/~~sponsor and administrator are expected to exercise judgment and to investigate fully those proposed resource persons about whom questions may arise;
2. ~~The teacher and sponsor~~ **Teachers/Sponsors** should encourage the use of resource persons representing various approaches or points of view on a given topic to afford students a more comprehensive understanding of it;
3. An appropriate record will be made of each resource person used and of that person's presentation;
4. The ideas presented and the resource person invited to present them will have a demonstrable relation to the curricular or cocurricular activity in which the participating students are involved;
5. The teacher or sponsor responsible for inviting the resource person, or any member of the administration, has the right and duty to interrupt or suspend any proceedings if the conduct of the resource person is judged to be in poor taste or endangering the health and safety of students and staff.

Prior to the activity, the speaker shall be informed of, and shall agree to abide by, the following regulations:

1. Profanity, vulgarity and lewd comments are prohibited;
- ~~2. — Smoking is not permitted while speaking to or consulting with students;~~
- ~~3.2. — [The use of tobacco products or inhalant delivery systems is not permitted in the presence of students or in district facilities at any time] [The use of tobacco products or inhalant delivery systems is prohibited on district property];~~
- ~~4.3. — Sexist, racial remarks or derogation of any group or individual is prohibited;~~

~~5.4.~~—The teacher, activity sponsor or member of the administration responsible for inviting the speaker has the right and obligation to interrupt or suspend the presentation if the conduct or content being presented by the speaker is judged to be in poor taste, endangers the health and safety of the students~~/~~ or staff, or is otherwise in violation of this or any other ESD policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Lane Education Service District

Code: IICC
Adopted: 10/26/93
Revised/Readopted: 6/26/01; 2/05/19; 12/03/19
Orig. Code(s): IICC

Volunteers

Community patrons who voluntarily contribute their time and talents to the improvement and enrichment of ESD programs and services are valuable assets. The Board encourages constructive participation of groups and individuals to perform appropriate tasks outside regular hours under the direction and supervision of district personnel.

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent or designee. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the safety, welfare and educational growth of students.

An in-state criminal records check shall be conducted on volunteers allowed to have direct, unsupervised contact with students. ~~[A fingerprint-based criminal records check shall be conducted on volunteers that are allowed to have direct, unsupervised contact with students and that are placed into volunteer positions identified by the ESD to require a state and national criminal records check based on fingerprints. ((See Board policy GCDA/GDDA—Criminal Records Checks and Fingerprinting))]~~ A criminal records check will not be required for persons authorized by the ESD for volunteer service that likely will not have direct, unsupervised contact with students.

A volunteer who knowingly makes a false statement, as determined by the ESD, on an ESD volunteer application form will be denied the ability to volunteer in the ESD.

END OF POLICY

Legal Reference(s):

[ORS 326.607](#)

[ORS 334.125\(7\)](#)

[OAR 581-021-0510 – 021-0512](#)

Lane Education Service District

Code: IK
Adopted: 10/22/13
Readopted: 9/23/14; 2/07/23
Orig. Code(s): IK

Academic Achievement**

The Board feels it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The ESD shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who fail to meet or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students will be informed at least annually, of their student's progress toward achieving the academic content standards, including but not limited to:
 - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
 - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
 - c. Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the ESD;
 - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the ESD or the individual and time periods for the waiver; and
 - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude or behavior. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade. Behavior performance shall be reported separately;
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;
5. When no grades are given but the student is evaluated in terms of progress, the school staff will show whether the student is achieving course requirements at the student's current grade level;

6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 329.485](#)

[OAR 581-021-0022](#)

[OAR 581-022-2260](#)

[OAR 581-022-2270](#)

Lane Education Service District

Code: IKJ
Adopted:

Artificial Intelligence

{The purpose of this policy is to facilitate actions regarding artificial intelligence. Many OSBA members have developed statements, policies, or positions, or have responsible use agreement language that includes related content; this policy is not intended to replace that language.}

The Board believes that artificial intelligence (including generative artificial intelligence) is a useful tool. The Board also recognizes that generative artificial intelligence involves risk, including input and output bias, inaccuracies, and hallucinations. As such, it is critical that staff and student use is conducted responsibly.

Independent Student Use

Specific rules for the independent use of generative artificial intelligence for assigned student work may be developed by the teacher and communicated to students. Teachers should consider the following in establishing these rules:

1. Accessibility of programs and technology for all students outside of school;¹
2. Student awareness of bias and inaccuracies and student ability to responsibly address those concerns; and
3. The teacher's ability to detect usage accurately and consistently.

Failure to follow these rules may result in incomplete credit or disciplinary action.

Student Use as Part of Class

Teachers may use generative artificial intelligence as part of instruction to further course objectives. Only applications approved by the ESD's [IT Department] will be allowed to be used as part of the class. All Terms of Use will be followed, along with any additional rules as established by the [IT Department] or the teacher. Students are not allowed to share logins or passwords.

[Prior to allowing students to use generative artificial intelligence as part of a class the teacher will provide notice to parents with an explanation of its use.] [The ESD will provide notice to parents regarding student use of generative artificial intelligence as part of classes.]

Staff Use

ESD staff are authorized to use generative artificial intelligence to perform various work functions. Staff are responsible for ensuring their use complies with all laws, including, but not limited to copyright and privacy laws.

¹ For example, do all students have access to computers and internet away from school; does the age of the students affect their ability to access generative artificial intelligence?

Staff Professional Development

The ESD will seek out professional development opportunities for staff to learn how to use generative artificial intelligence for various work functions.

FERPA and Confidentiality

All laws regarding student records, confidentiality, privacy, and student internet use will be followed at all times. ESD employees are prohibited from sharing personally identifiable information (PII)² with any generative artificial intelligence application.

Violations

Students and staff in violation of policy or related rules may be subject to discipline and may be referred to law enforcement.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

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

Children's Internet Protection Act (CIPA), 47 U.S.C. §§ 254(h) and (l); 47 C.F.R. § 54.520.

Children's Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501–6505

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

Protection of Pupil Rights, 20 U.S.C. § 1232h.

² See Board policy JOB – Personally Identifiable Information for additional information.

Lane Education Service District

Code: INB
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): INB

Studying Controversial Issues

The Board supports the inclusion of controversial issues as part of students' education. The presentation and discussion of controversial issues will be informative. The development of the ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled and weighed and to see relationships before drawing inferences or conclusions are among the most valuable outcomes of a free educational system.

Teachers will present all sides of controversial issues and will guard against giving personal opinions until ~~assure that~~ students have an opportunity to:

1. Find, collect and assemble factual material on the subject;
2. Interpret the data without prejudice;
3. Reconsider assumptions and claims and to reach their own conclusions.

The teacher shall avoid indoctrination in his/her own personal viewpoint and shall not attempt to control or limit the judgment of students. The selection of materials, guest speakers and classroom activities in general shall be done with studied impartiality for the purpose of fairly presenting all sides of an issue.

Before launching a class in the study of an obviously controversial topic, a teacher will discuss with the ~~[program supervisor]~~ [administrator]:

1. Its appropriateness to the course;
2. Its appropriateness for the students' maturity level;
3. The approach to instruction;
4. The instructional materials to be used.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#) [ORS 336.067](#)

U.S. CONST. amend. I.
OR. CONST., art. I.

Lane Education Service District

Code: INB-AR
Adopted: 12/08/93
Readopted: 6/26/01
Revised/Reviewed:
Orig. Code(s): INB-AR

Studying Controversial Issues

(Still used? Any changes to make?)

In determining whether to present a controversial issue in class, teachers will consider these questions:

1. Is the topic significant or related to a persistent problem so that the information acquired will be of continuing usefulness?
2. Is the topic within the emotional, intellectual and social capacities of students?
3. Is it a topic that the teacher can handle from both a personal and academic point of view?
4. Is the topic of importance and interest to the students?
5. Are adequate and appropriate materials and/or personnel available to present opposing sides of the issues?
6. Will this issue clash with community customs and attitudes? If so, can the issue be studied and discussed reasonably?
7. Is there adequate time to develop the topic effectively?
8. What are the existing Board policies concerning this issue?

Requirements

1. Topics will be discussed only if they are within published and approved scope and sequence and course outlines.
2. Books, films or materials required to pass courses and for which alternative assignments will not be provided must receive prior approval of the program supervisor or designee.
3. If potentially objectionable concepts or language are present in materials, alternative selections must be made available to students who object or whose parents object to the content.
4. Parents will be informed in advance regarding controversial issues discussed in courses either through course outlines or by special issues, and will be afforded the opportunity to withhold the student without penalty.
5. Reasonable requests from parents to view materials will be honored.

Appropriate Practices

1. When facts are presented by teacher or students, sources should be cited.
2. One person should not be permitted to dominate the discussion.
3. Opinions will be distinguished from facts.
4. Freedom of expression will be permitted.
5. A thorough, objective introduction will be provided.
6. Teachers will withhold personal opinion except under unusual circumstances and will not attempt to convince students that a single view is correct.
7. No general class agreement needs to come from class discussion of the issue.

Lane Education Service District

Code: IA
Adopted:

Instructional Goals-Proposed Delete

(Optional. Most is from ORS 329.025.)

In establishing an effective educational program as part of the students' total education, the ESD recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community [through such means as 21st Century Schools Councils, local school committees and advisory committees].

The ESD is committed to a continual process of collaborative decision making and goal setting that supports the following characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, sexual orientation, gender, capability or geographic location;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Supports the physical and cognitive growth and development of students;
5. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
6. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
7. Provides for rigorous academic content standards and instruction in mathematics, science, language arts, history, geography, economics, civics, physical education, health, the arts and world languages;
8. Provides students with an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
9. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
10. Provides students with the knowledge and skills that lead to an active, healthy lifestyle;
11. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
12. Provides opportunities for students to learn through a variety of teaching strategies;
13. Emphasizes involvement of parents and community in the total education of students;

14. Transports students safely to and from school;
15. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each ESD;
16. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
17. Provides for a safe, educational environment;
18. Provides increased learning time;
19. Provides each student an education experience that supports students' academic growth beyond proficiency in academic content standards and encourages their attainment of challenging and aspirational individual goals[.][;] [and]
20. [Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.]

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.125](#)

[ORS 336.067](#)
[OAR 581-022-2030](#)

[OAR 581-022-2315](#)

House Bill 2056 (2021).

Lane Education Service District

Code: IF-AR
Adopted: 4/13/95
Revised/Readopted: 6/26/01
Orig. Code(s): IF-AR

Credit-Related Course Offerings

(Still needed as an AR? This usually does not rise to the level of an AR. Is it already in the curriculum outline? If keeping as an AR, any changes to make?)

Some in-service opportunities available through Lane ESD are conducted over a period of days or weeks and require such extensive teacher time and study that the in-service activity could be considered to qualify for college or university credit.

Any course offered through the ESD which carries such credit shall meet the following criteria:

1. Approval to offer a course for credit will be granted by the appropriate director, contingent upon agreement by the college/university. Responsibility for negotiating with the college for the credit will reside with the director or an ESD employee designated by the director;
2. A completed Request for College Credit will be submitted to the appropriate division director;
3. The form will supply information relative to credit hours, course description, course objectives, evaluations, etc.;
4. Course credit will be granted through an accredited college or university. Class hours per credit will be based upon the course requirement standards of the accrediting institution;
5. Participants will bear all credit-related costs involved in the program other than use of ESD facilities and the time of ESD employees serving in their ESD assignment.

Request for College Credit

Course Title:

Instructor of Record:

Number of Credits:

Location:

Dates:

Times:

(For workshops with several sessions, list specific dates and times.)

Course Description:

(Include also course syllabus)

Pre-requisite:

Course Goals/Performance Objectives:

At the completion of the course, participants will be able to: (list)

Course Requirements:

(Based upon standards of accrediting institution.)

Number of hours in class:

Required reading (indicate before, during or after course dates):

Approximate number of hours of reading:

Written assignment(s) (indicate during or after course dates):

Approximate number of hours to complete: _____

Text: _____

Project: _____

Approximate number of hours to complete: _____

Other:

Grade Option: P/NP ☐ Graded ☐ Optional (either) ☐

Student Evaluation:

Describe how grade will be determined. Indicate weight of each component of grade.

Course Evaluation:

Describe how course will be evaluated.

Lane Education Service District

Code: IFA-AR
Adopted: 8/17/94
Readopted: 6/26/01
Orig. Code(s): IFA-AR

Research Guidelines

(Still use this procedure? Is this AR the best place? Any change in practice to make?)

To assist in keeping research focused on the needs of Lane ESD, the superintendent will appoint a Research Review Committee. The purpose of the Research Review Committee is to advise the superintendent regarding proposals to do research in the district and to monitor approved research projects.

The Research Review Committee will review each research proposal. The following criteria shall be used in considering each proposal:

1. The privacy and dignity of all individuals (i.e., students, parents, teachers, administrators) must be assured in the study;
2. The study must comply with federal and state law and ESD policy and administrative rules;
3. The study must not be detrimental, either physically or psychologically, to any of the participants;
4. The study must contain full disclosure of the treatment to which the participants will be subjected;
5. The study must be designed so as to pose a question and to present a tenable solution;
6. The study is in an area of inquiry in which the resulting information is relevant to ESD programs;
7. The proposal must meet generally accepted criteria for quality research within the field of inquiry;
8. The proposal must adequately protect the rights of individuals who may be involved in the research.

Consent of students' parents shall be obtained for any testing beyond that which is normally required for all similar students in the district.

Student records and data reported in any study shall be handled in such a way that the information shall not be personally identifiable.

All instructional materials to be used in connection with a study - including teacher manuals, films, tapes and other supplementary items - shall be made available to and by the ESD for inspection by the parents of students engaged in the study.

Participation of ESD staff and students in any non-ESD originated study shall be voluntary. In studies initiated by the ~~district~~ ESD, full staff participation may be necessary and cooperation of all ESD personnel may be required.

In order to facilitate review of the proposal by all members of the committee, one complete, formal copy of the proposal, as well as five summaries (as outlined in items 1.-11. below) should be submitted. The committee will establish a regular time to meet once each month for the purpose of reviewing new

proposals and for receiving a status report on projects in progress. The committee will make a determination at each meeting on the status of each approved project. The status designation will be: (1) continuing; (2) completed; (3) recommendation for termination.

All initial proposals must be processed by the Research Review Committee before any action is taken. After the committee has reviewed the study, its recommendation will be forwarded to the superintendent. The superintendent will notify the person who has submitted the proposal in writing whether or not approval has been granted to conduct the study. Once this written approval is given, the researcher may conduct the research, filing a monthly status report with the Research Review Committee.

Individuals interested in doing research through Lane ESD are to observe the following format in submitting their proposal:

1. Name, address, telephone number and affiliation of person submitting the proposal;
2. Title of proposed research;
3. Statement of purpose (the questions proposed to be answered by the study);
4. Design and implementation:
 - a. Statement of problem;
 - b. Experimental hypotheses to be tested;
 - c. Dependent variables;
 - d. Independent variables;
 - e. How the variables are to be measured;
 - f. Design;
 - g. Experimental procedure:
 - (1) Apparatus to be used;
 - (2) Steps necessary to complete the study (State in clear sequence);
 - (3) Process for gathering and analyzing results.
 - h. Other related research in this field.
5. If any nonstandard instrument is to be used, a sample must accompany the request. If instrument is standardized, supporting documentation must be provided;
6. If direct involvement of students will be required, restrictions or qualifications relative to type of students must be noted. The proposal must also describe how the project will comply with district policy on protection of human subjects;
7. If direct involvement of staff of Lane ESD is required, specific staff members must be identified, as well as the amount of time each is to be involved, extent of involvement and any other information helpful to understanding the approach and how the project will comply with district policy on protection of human subjects;
8. A statement detailing how the results of the study could be valuable to Lane ESD;
9. If ESD funds are to be used, the amount and the period of time during which they will be spent must be specified;

10. If ESD facility space is to be used, the amount, location and duration of use must be specified;
11. All proposals must follow the style of the American Psychological Association (APA) as ~~presented~~ published in the *Publication Manual of the ~~APA~~American Psychological Association, 2nd Edition, 1974* as of the date of the proposal, or other style manual appropriate to the content area.

No names of individuals or schools will be permitted to be published in studies approved by the ~~district~~ ESD unless permission is granted in writing by the individual or school district. It is also understood that the [director] of any project that is approved will, upon termination of the project, send a final copy of the completed research project, including a summary report of no more than three pages, to the chairperson of the Research Review Committee for submission to the members of the committee.

Following a determination by the Research Review Committee, all proposals must also be approved by the ESD superintendent and any participating district(s).

Additional information may be obtained by contacting the Chairperson, Lane ESD Research Review Committee:

Send research requests to:

Chair, Research Review Committee
Lane Education Service District
1200 Highway 99 North
P.O. Box 2680
Eugene, OR 97402
Telephone: (503) 461-8200

BACKGROUND INFORMATION, RESEARCH REVIEW COMMITTEE

Sections Taken From: Department of Health and Human Services, Part 46 - Protection of Human Subjects

§46.111 Criteria for ~~Research Review Committee (RRC)~~ Institutional Review Board (IRB) approval of research.

- (A) In order to approve research covered by this policy the ~~RRC~~ IRB shall determine that all of the following requirements are satisfied:
- (1) Risks to subjects are minimized: (a) by using procedures which are consistent with sound research design and ~~which~~ that do not unnecessarily expose subjects to risk, and (b) whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.
 - (2) Risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of the knowledge that may reasonably be expected to result. In evaluating risks and benefits, the IRB should consider only those risks and benefits that may result from the research (as distinguished from risks and benefits of therapies subjects would receive even if not participating in the research). The IRB should not consider possible long-range effects of applying knowledge gained in the research (e.g., the possible effects of the research on public policy) as among those research risks that fall within the purview of its responsibility.
 - (3) Selection of subjects is equitable. In making this assessment the ~~RRC~~ IRB should take into account the purposes of the research and the setting in which the research will be conducted. The IRB ~~and~~ should be particularly cognizant of the special problems of research ~~involving that involves a category of subjects who are vulnerable populations, such as children, mentally disabled persons~~ to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons.
 - (4) Informed consent will be sought from each prospective subject or the subject's legally authorized representative, in accordance with, and to the extent required by, § 46.116.
 - (5) Informed consent will be appropriately documented or appropriately waived in accordance with § 46.117.
 - (6) When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects.
 - (7) When appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data. ~~When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as children, mentally disabled persons, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these subjects.~~ The Secretary of HHS will, after consultation with the Office of Management and Budget's privacy office and other Federal departments and agencies that have adopted this policy, issue guidance to assist IRBs in assessing what provisions are adequate to protect the privacy of subjects and to maintain the confidentiality of data.

(8) For purposes of conducting the limited IRB review required by § 46.104(d)(7)), the IRB need not make the determinations at paragraphs (a)(1) through (7) of this section, and shall make the following determinations:

(i) Broad consent for storage, maintenance, and secondary research use of identifiable private information or identifiable biospecimens is obtained in accordance with the requirements of § 46.116(a)(1)-(4), (a)(6), and (d);

(ii) Broad consent is appropriately documented or waiver of documentation is appropriate, in accordance with § 46.117; and

(iii) If there is a change made for research purposes in the way the identifiable private information or identifiable biospecimens are stored or maintained, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

(b) When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these subjects.

§46.116. General requirements for informed consent.

~~No investigator may involve a human being as a subject in research covered by this policy unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the subject or the representative shall be in language understandable to the subject or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution or its agents from liability for negligence.~~ Requirements for informed consent is outlined in Title 45 CFR Part 46, § 46.116.

§ 46.117 Documentation of informed consent.

~~(A) Informed consent shall be documented by the use of a written consent form approved by the RRC and signed by the subject or the subject's legally authorized representative. A copy shall be given to the person signing the form.~~ Documentation requirements for informed consent is outlined in Title 45 CFR Part 46, § 46.117

§46.408 Requirements for permission by parents or guardians and for assent by children

Definitions:

~~(1) Children are persons who have not attained the legal age for consent to treatments or procedures involved in the research.~~

~~(2) — Assent means a child's affirmative agreement to participate in research. Mere failure to object should not, absent affirmative agreement, be construed as assent.~~

~~(3) — Permission means the agreement of parent(s) or guardian to the participation of their child or ward in research.~~

~~(4) — Parent means a child's biological or adoptive parent.~~

~~(5) — Guardian means an individual who is authorized to consent on behalf of a child to general medical care.~~

(A) In addition to the determinations required under other applicable sections of this subpart, ~~the RRC~~IRB shall determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the ~~RRC~~IRB the children are capable of providing assent. In determining whether children are capable of assenting, the ~~RRC~~IRB shall take into account the ages, maturity, and psychological state of the children involved. ~~This judgment may be made for all children to be involved in research under a particular protocol, or for each child, as the RRC deems appropriate. If the RRC determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted, the assent of the children is not a necessary condition for proceeding with the research.~~ This judgment may be made for all children to be involved in research under a particular protocol, or for each child, as the IRB deems appropriate. If the IRB determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted or that the intervention or procedure involved in the research holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the research, the assent of the children is not a necessary condition for proceeding with the research. Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under circumstances in which consent may be waived in accord with § 46.116 of the pre-2018 Requirements or of the 2018 Requirements, as applicable.

(B) ~~The RRC shall determine that adequate provisions are made for soliciting the permission of each child's parents or guardian. Where parental permission is to be obtained, both parents must give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child.~~ In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine, in accordance with and to the extent that consent is required by § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, that adequate provisions are made for soliciting the permission of each child's parents or guardian. Where parental permission is to be obtained, the IRB may find that the permission of one parent is sufficient for research to be conducted under § 46.404 or § 46.405. Where research is covered by §§ 46.406 and 46.407 and permission is to be obtained from parents, both parents must give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child.

(C) In addition to the provisions for waiver contained in § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, if the IRB determines that a research protocol is designed for conditions or for a subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects (for example, neglected or abused children), it may waive the

consent requirements in § 46.116 of the pre-2018 Requirements or 2018 Requirements, as applicable, and paragraph (b) of this section, provided an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted, and provided further that the waiver is not inconsistent with Federal, State, or local law. The choice of an appropriate mechanism would depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the research subjects, and their age, maturity, status, and condition.

- | (C) Permission by parents or guardians shall be documented in accordance with ~~procedures established by the RRC~~ and to the extent required by § 46.117 of the pre-2018 requirements or the 2018 requirements, as applicable.
- | (D) When the ~~RRC~~IRB determines that assent is required, it shall also determine whether and how assent must be documented.

Lane Education Service District

Code: IGAEA
Adopted: 10/24/00
Revised/Readopted: 6/26/01
Orig. Code(s): IGAEA

HIV, AIDS and HBV Health Education

(See policy IGAI)

The Board wants the schools to play an important role in reducing the fears about HIV/AIDS/HBV¹ and in reducing the risk behaviors that lead to infection by educating students with current, factual information about the disease, i.e., how it attacks the body's system and how it is (and is not) transmitted. AIDS is a deadly disease; there is no known cure. The Board believes the best course of action is to attempt to contain or to reduce the spread of the disease by creating an informed public; one that is aware of the physiological and psychological aspects of the disease.

A curriculum shall be developed cooperatively by parents, teachers, administration, local health department staff and others. The curriculum shall present current, accurate information to help students learn infection control for preventing the spread of the HIV/AIDS/HBV-causing virus and to assist them in making decisions about protecting their health and the health of others. The curriculum shall stress the value of abstinence.

The Board-adopted curriculum will be reviewed and updated biennially.

The age-appropriate curriculum shall be taught annually in grades K-12.

The district will designate a staff person to facilitate communications between the Oregon Health Division and Oregon Department of Education and teaching staff regarding this program.

The district shall develop procedures for parent notification, exemption and alternative credit.

Parents of minor students shall be notified in advance that the materials regarding HIV/AIDS/HBV will be taught. Any parent may request his/her student be excused from the class under the provisions set forth in Oregon Revised Statutes and Oregon Administrative Rules.

Lane ESD staff working in component school districts, their students and parents shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 336.035 \(2\)](#)
[ORS 336.455 - 336.475](#)
[OAR 581-022-0705](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

DELETED

Lane Education Service District

Code: IGAEB
Adopted: 10/26/93
Revised/Readopted: 6/26/01
Orig. Code(s): IGAEB

Drug and Alcohol Prevention, Health Education

(See policy IGAI)

The district will not tolerate the possession, selling, use or influence of alcohol, tobacco and illegal or harmful drugs (illicit drugs, nontherapeutic use of prescribed drugs, misuse of solvents and other dangerous substances) by students in the schools, on district grounds or during district-sponsored activities.

Given the extensive use and the formal and informal promotion of alcohol, tobacco and drug use in our society, the district has an obligation to provide drug education that emphasizes prevention, to describe intervention and referral procedures, and to outline consequences.

Lane ESD encourages student activities that promote an alcohol, tobacco and drug-free environment.

Drug Prevention Program

The district will implement a developmentally-appropriate alcohol-, tobacco- and drug-prevention curriculum (in cooperation with component school districts). Instruction will be integrated in course offerings as appropriate and will be consistent with the Common Curriculum Goals.

The district is committed to an aggressive intervention and referral program to eliminate alcohol, tobacco, and illegal and harmful drug use.

The program shall include training for staff and a compilation of information on ESD, component school district and community resources and procedures including emergency medical care for responding to substance-related incidents.

Parents, students and staff shall annually receive handbooks which include information and detailed procedures regarding the district's intervention/referral program.

Each year students and parents shall receive a student/parent handbook explaining student conduct expectations and possible disciplinary actions. Students violating the code of conduct prohibiting possession, use, and/or selling alcohol and illegal and harmful drugs may be required to obtain a drug and alcohol assessment.

When a student appears to have broken the law relating to the possession, selling or use of alcohol, tobacco and illegal or harmful drugs, proper authorities will be called to take appropriate action.

Lane ESD staff working in component school districts, their students and parents shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 163.575](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS Chapter 475](#)
[ORS 809.260](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-022-0413](#)
[OAR 581-022-1210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F..
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2001).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Lane Education Service District

Code: IGBAK-AR
Adopted: 10/12/94
Revised/Readopted: 6/26/01
Orig. Code(s): IGBAK-AR

Special Education - Public Availability of State Application

1. The district shall provide opportunities for the public to review and comment on any special education program application, evaluation, periodic program plan, reports and all other documents related to the ESD's eligibility under IDEA. Public input shall be reported at a regularly scheduled Board meeting.
2. The district shall provide notice that such items will be on the agenda prior to the Board meeting.
3. The district may provide the public the opportunity to review and comment on any special education program application, evaluation, periodic program plan and report at local special education advisory council meetings or special meetings set up specifically to discuss one of these documents.

Lane Education Service District

Code: IIA
Adopted: 10/26/93
Readopted: 6/26/01; 9/23/14
Orig. Code(s): IIA

Instructional Resources/Instructional Materials (Version 1)

The Board is responsible for the selection of instructional materials. The Board delegates to ESD professional personnel the authority for the selection of instructional materials in accordance with the policy below.

Selection Objectives

When reviewing and selecting instructional materials, the objectives will be:

1. To select materials that will provide improvements in content, organization and teaching methods;
2. To ensure accurate and up-to-date content that includes new concepts, insights and facts;
3. To provide for sequential growth from level to level;
4. To provide a fair representation of the many religious, ethnic and cultural groups and their contributions to our American heritage;
5. To provide recognition of minority groups and women by placing them frequently in positions of leadership and example. There will be no discrimination or bias or prejudice toward sex, race, religion, national origin, marital status, disability or age.

The ESD will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

Materials will be selected by the appropriate professional personnel in consultation with the administration. The input of staff will be encouraged. Final decisions on purchase will rest with the superintendent or designee, subject to official adoption by the Board in the case of basic instructional materials.

Selection Criteria

All materials selected will be consistent with the following principles:

1. Materials that enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served;
2. Materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;

3. A background of information which will enable students to make intelligent judgments in their daily lives;
4. Materials on opposing sides of controversial issues, so that young citizens may develop, under guidance, the practice of analytical reading and thinking;
5. Materials representative of the many religious, ethnic and cultural groups, showing their contributions to our heritage.

The above principles will serve as a guide in the selection of all instructional and media materials.

Any resident or employee may challenge the appropriateness of the ESD's instructional materials. The ESD will provide a procedure to process such challenges.

END OF POLICY

Lane Education Service District

Code: IKAB
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IKAB

Student Progress Reports to Parents**

(See policy IK)

The Board believes that the cooperation of school and home is an ingredient vital to the growth and education of the whole student. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include: written student progress reports; parent/guardian conferences with teachers and continuous placement evaluations; and shall require all appropriate staff members to comply with such a system as part of their teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 339.260](#)

[OAR 581-022-1670](#)

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Lane Education Service District

Code: IM
Adopted: 10/26/93
Readopted: 6/26/01
Orig. Code(s): IM

Evaluation of Instructional Programs

(Moved to policy IF)

The purposes of evaluation of instruction will be to:

1. Determine Lane ESD and component districts' educational needs and provide information for planning;
2. Indicate instructional strengths and weaknesses;
3. Check on the suitability of programs within the community;
4. Show the relationship between achievement and the system's stated goals;
5. Provide data for public information.

The Board will rely on the professional staff to provide continuous evaluation of the educational program and instructional processes. The Board may participate with the professional staff in such evaluation. It may also arrange for evaluations to be conducted by outside agencies.

Appropriate research studies will be periodically reviewed to determine recent trends and developments in evaluation techniques.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.155](#)

[OAR 581-022-0606](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)

[OAR 581-022-1210](#)
[OAR 581-022-1340](#)

Lane Education Service District

Code: _____ IMAA
Adopted: _____ 3/28/95
Readopted: _____ 6/26/01
Orig. Code(s): _____ IMAA

Resolution Services

(Can this be added to policy DDA? Or does DDA cover what it needs to, and this policy is not needed?)

~~The Board shall provide resolution services to component school districts.~~

~~Resolution services for facilities and programs may include, but not be limited to, central purchasing, special teachers and special programs and any other relevant service to all component school districts.~~

~~Resolution services shall be agreed upon on or before March 1 by resolution of at least two-thirds of the eligible component school boards which have a majority of the county's students.~~

~~END OF POLICY~~

Legal Reference(s):

[ORS 334.005](#) (4)

[ORS 334.175](#)

[OAR 581-024-0285](#)

Lane Education Service District

Code: JAA
Adopted: 12/15/09
Orig. Code(s): JAA

Student Policy Objectives– **Proposed delete**

(OSBA samples no longer include this policy. Want to keep? Did the ESD keep proposed policy IA? IA is based in 329.025.)

Through its student policies, the Board seeks to advance goals which:

1. Enhance equal educational opportunities for all students;
2. Promote regular attendance;
3. Ensure instruction in the constitutional rights and responsibilities of all students as citizens in a democracy;
4. Develop, in students, a sense of personal responsibility for their actions;
5. Assure student safety, health and welfare;
6. Deal justly and constructively with all students in matters of discipline;
7. Help all students feel they are valued as individual persons in the school environment.;
8. Support students' academic growth beyond proficiency in academic content standards;
9. Encourage the attainment of individual goals by all students;
10. Support the physical and cognitive growth and development of students; and
11. Utilize valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

END OF POLICY

Legal Reference(s):

[ORS 329.015](#)
[ORS 329.025](#)
[ORS 329.035](#)

[ORS 334.125\(7\)](#)
[OAR 581-024-0225](#)

HB 2362 (2009)
HB 2693 (2009)

Lane Education Service District

Code: JB
Adopted: 10/24/00
Revised/Readopted: 7/10/01, 2/22/05, 1/22/08
Orig. Code(s): JB

Equal Educational Opportunity

Every student of the ~~by Lane~~ ESD will be given equal educational opportunities regardless of age, ~~an individual's race, color, religion,~~ sex, sexual orientation, gender identity, race¹, religion, color, national origin, disability, parental status, familial status, marital status, linguistic background, culture, socioeconomic status, capability or geographic location ~~age, including discrimination on such basis of any other persons with whom the individual associates.~~

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any program or service conducted by the ESD or denied access to facilities in the ESD. ~~Further, no student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or service conducted by the ESD. The ESD will treat its students without discrimination on the basis of sex as this pertains to course offerings, employment assistance and such other activities as may be provided by the ESD for component school district students.~~

~~[A student or parent may also access and use the ESD's general complaint procedure through Board policy KL - Public Complaints.]~~

All reports, complaints or information will be investigated.

~~[The ESD will communicate the availability of policy and available complaint procedures to students and their parents through available ESD communication systems[,] [and] [handbooks] [and will be published to the ESD website and made available at the ESD office during regular business hours].]~~

A student of the ESD may not be subjected to retaliation by the ESD for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

~~Section 504 and the ADA prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. The ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.~~

~~The superintendent will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number will be provided to all students and employees.~~

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

~~The Board will adopt and the district will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX.~~

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051](#)
[ORS 329.025](#)
[ORS 334.125](#)
[ORS 336.086](#)
[ORS 659.850](#)

[ORS 659.852](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.103 - 659A.145](#)
[ORS 659A.400](#)
[ORS 659A.403](#)

[ORS 659A.406](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2310](#)
[OAR 839-003-0000](#)

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

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).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).

Lane Education Service District

Code: JBA/GBN
Adopted: 3/26/96
Revised/Readopted: 7/10/01; 9/25/01; 9/23/14;
2/05/19; 8/04/20; 6/07/22;
9/09/25
Orig. Code(s): JBA/GBN

Sexual Harassment

The 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 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* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-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.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ 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.

¹ "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.

3. Assault when sexual contact occurs without ~~the student's, staff member's or third party's~~ consent².
~~because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.~~

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, 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)

Molly Gillett, executive director special education at 541-461-8200 or mgillett@lesd.k12.or.us

Morgan Christensen, human resources executive director at 541-461-8231 or mchristensen@lesd.k12.or.us

These individual(s) are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. The human resources director is also designated as the Title IX Coordinator. See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to 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, compliance

² "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.

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.

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

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for 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 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 person³ 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 include⁴:

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 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.

⁴ Remember confidentiality laws when providing any information.

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.
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 activity⁵;
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. An 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-complaint~~ procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) - Title IX Sexual Harassment ~~Grievance-complaint~~ Procedures.

⁵ "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))

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.

The human resources director is designated as the Title IX Coordinator and can be contacted at 541-461-8264. 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.

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.⁶ The ESD shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ 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.⁹

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.¹⁰ 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.

⁶ (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.

⁷ (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. 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))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ 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))

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);
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 Secretary¹¹, or both.

No Retaliation

Neither the ESD or any person may retaliate¹² 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 person upon request.

END OF POLICY

¹¹ Of the United States Department of Education

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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 (2020).

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

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

Cross Reference(s):

GBN/JBA - Sexual Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff

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

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence - Student

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

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

Corrected 10/23/25

Lane Education Service District

Code: JBA/GBN-AR(1)
Adopted: 7/10/01
Revised/Readopted: 1/08/19; 8/04/20; 1/10/23
Revised/Reviewed: 9/09/25
Orig. Code(s): JBA/GBN-AR(1)

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
Molly Gillett, executive director special education		at 541-461-8200 or	mgillett@lesd.k12.or.us
Morgan Christensen, human resources executive director		at 541-461-8231 or	mchristensen@lesd.k12.or.us

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

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

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

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

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10-working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if the

Sexual Harassment Complaint Procedure – JBA/GBN-AR(1)

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

If the Board chooses not to hear the complaint, the superintendent's decision in Step 2 is final.

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

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

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

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

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

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

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

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



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

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____



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EQUITY

COMMITMENT

LEADERSHIP

COLLABORATION

INTEGRITY

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

Lane Education Service District

Code: JBA/GBN-AR(2)
Adopted: 8/04/20
Orig. Code(s): JBA/GBN-AR(2)

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

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

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

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

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESD’s educational environment, or deter sexual harassment.⁴ 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.

Formal Complaint Procedures

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

1. Notice of the ESD’s ~~complaint grievance~~ process, including any informal resolution process.

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

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

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

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

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

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

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

Investigation

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

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the ESD and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have other present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

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

⁷ The ESD cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the ESD obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

the advisor of their choice.⁸ The ESD may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the ESD must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report; Check with OSBA regarding whether this is a FN.
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the ESD has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

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

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

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

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to: translators, services for students with disabilities and parents of minor students.

⁹ This includes the evidence upon which the ESD does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The ESD must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

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

Determination of Responsibility

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

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

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

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

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

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

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

Remedies

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

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming

Dismissal of a Formal Complaint

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the ESD's education program or activity¹⁴; or
3. Did not occur against a person in the United States.

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

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

¹² ESDs should review any other disciplinary procedures and requirements prior to imposing any discipline, and should consult legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁴ Includes locations, events, or circumstances over which the ESD exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

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

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

Consolidation of Complaints

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

Informal Resolution

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

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

Appeals

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

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

When an appeal is filed, the ESD must:

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

Timelines

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

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

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in 34 CFR 106.45(a)(10).¹⁶

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the ESD's

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁶ This includes creating a record for each investigation. This record must include:

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

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

education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

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

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

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

Lane Education Service District

Code: JBB
Adopted:

Educational Equity – HOLD*to review with whole Board in work session

(This is an optional policy for ESDs that operate a program or school.)

The ESD is committed to the success of every student. For that success to occur, the ESD is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. “Achieving educational equity” means students’ identities will not predict or predetermine their success.

Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

Educational equity promotes the real possibility of equality of educational results for each student and between diverse groups of students. Equity strategies are intentional, systemic and focused on the core of the teaching and learning process.

To achieve educational equity the ESD will commit to:

1. Systematically using ESD-wide and individual school level data, disaggregated by [race/ethnicity, national origin, language, special education, sex, non-binary, socioeconomic status and mobility¹] to inform ESD decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation, gender identity, and national origin in discipline, special education and in various advanced learning.
4. Graduating all students ready to succeed in a diverse local, national and global community.

In order to achieve educational equity for each and every student:

1. The ESD shall provide every student with equitable access to high quality curriculum, support, facilities and other educational resources, even when this means differentiating resource allocation.
2. The ESD shall review existing policies, programs, professional development and procedures for the promotion of educational equity, and all applicable new policies, programs and procedures will be developed [using an educational equity analysis tool] [with educational equity as a priority].
3. The ESD shall actively work toward a balanced teacher and administrator workforce to reflect the diversity of the student body. The ESD seeks to recruit, employ, support and retain a workforce that

¹ These are data categories that the Oregon Department of Education collects. ESDs may choose to add to this list from data the ESD collects.

includes racial, gender and linguistic diversity, as well as culturally and linguistically responsive administrative, instructional and support personnel.

4. The ESD shall provide professional development to strengthen employees' knowledge and skills for eliminating opportunity gaps and other disparities in achievement.
5. The ESD shall create [schools] [programs] with a welcoming, inclusive culture and environment that reflects and supports diversity of the student population, their families and their community.
6. The ESD shall include partners who have demonstrated culturally specific expertise, including but not limited to, families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, local businesses and the community in general, in meeting our high goals for educational outcomes. The ESD shall seek to involve students, staff, families and community members that reflect ESD demographics to inform decisions regarding the narrowing of the achievement and other opportunity gaps.
7. The ESD shall provide multiple pathways to success in order to meet the needs of the diverse student population and shall actively encourage, support and expect high academic achievement for each student.
8. The ESD shall provide materials and assessments that reflect the diversity of students and staff and are geared toward the understanding and appreciation of [culture, class, language, ethnicity, poverty, ability and other differences that contribute to]the uniqueness of each student and staff member.

The superintendent shall [develop procedures] [develop an action plan] [include equity practices in the ESD's strategic plan strategies] to implement this policy. The superintendent will [annually] report to the Board the progress of the [implementation of this policy] [action plan] [strategic plan].

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 332.075](#)

[ORS 334.125](#)
[ORS 342.437 - 342.449](#)

Lane Education Service District

Code: JE
Adopted: 9/07/93
Readopted: 7/10/01; 11/15/11
Orig. Code(s): JE

Attendance**

Attendance requirements for students in Lane ESD programs shall:

1. Contribute to the academic success of students;
2. Provide for timely information to parents, guardians or persons in a parental relationship about their students' class attendance or nonattendance;
3. Place the responsibility for attendance in the hands of students and their parents, guardians or persons in a parental relationship;
4. Aid students in making decisions and accepting the responsibilities and consequences resulting from those decisions;
5. Stress that punctual and regular attendance is a learned function necessary in coping with life;
6. Stress that attendance may impact grades and credit;
7. Meet Oregon graduation requirements.

Each school shall notify parents~~/~~ or guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent~~/~~ or guardian. If the parent~~/~~ or guardian cannot be notified by the above methods, a message shall be left, if possible.

The Board directs the superintendent to develop rules and procedures which meet these objectives and to publish those rules and procedures annually for students and their parents, guardians or persons in a parental relationship.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)
[ORS 336.010](#)
[ORS 339.020](#)

[ORS 339.030](#)
[ORS 339.055](#)
[ORS 339.065](#)

[ORS 339.071](#)
[OAR 581-021-0050](#)
[OAR 581-022-2000](#)

Lane Education Service District

Code: JEA
Adopted: 1/24/95
Readopted: 7/10/01
Orig. Code(s): JEA

Compulsory Attendance**~~DRAFT FORM~~ *need input staff and other ESDs

Except when exempt by Oregon law, all children between ~~minors~~ ages 6 and 7-18 who have not completed the 12th grade are required to regularly attend a public, ~~school~~ full-time school during the entire school term. ~~on a regular basis at the designated school within the attendance area.~~

Persons having ~~legal~~ control of a child between the ~~minor~~ ages 6 and 7-18, who has not completed the 12th grade, are required to ~~send~~ ~~have~~ the child to ~~minor attend~~ school, and maintain the child in regular. ~~The superintendent will appoint an individual to serve as attendance officer for component school term districts.~~

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school. Persons having control of a child who is five years of age and who have enrolled the child in a public school, are required to send the child to school, and maintain the child in regular attendance during the school term.

A parent who is not supervising their child by requiring school attendance may be in violation of Oregon Revised Statute (ORS) 163.577(1)(c); failing to supervise a child is a Class A violation.

Exemptions from Compulsory School Attendance

In the following cases, children shall not be required to attend public, full-time schools:

1. Children being educated in the home by a parent, legal guardian or private teacher[:][.]

~~a. — [When a student is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, the parent, legal guardian or private teacher must notify the ESD in writing within 10 days of such occurrence. In addition, when such a student moves to a new ESD, the parent, guardian or private teacher shall notify the new ESD in writing within 10 days of the intent to continue home schooling. The ESD shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, the school districts of students who are registered with the ESD and reside in their district;~~

~~b. — Each child being taught as described above shall be examined no later than August 15, following grades 3, 5, 8 and 10;~~

~~(1) — If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew from public school;~~

~~(2) — If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3.~~

~~c. — Procedures for homeschooling students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;~~

- ~~d. Examinations shall be from the list of approved examinations from the State Board of Education;~~
- ~~e. The examination must be administered by a neutral, individual qualified to administer tests on the approved list provided by the Oregon Department of Education;~~
- ~~f. The person administering the examination shall score the examination and report the results to the parent or guardian. Upon request of the ESD superintendent, the parent or guardian shall submit the results of the examination to the ESD;~~
- ~~g. All costs for the test instrument, administration and scoring are the responsibility of the parent or guardian;~~
- ~~h.a. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules. This is a proposed deletion pending input from staff and other ESDs~~

2. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
3. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
4. Children who have received a high school diploma or a modified diploma.
5. Children being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Children excluded from attendance as provided by law.
9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.
10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.

¹ "Military child" means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 - 419B.558.

The attendance supervisor, as directed by the superintendent or designee, shall monitor and report any violation of the compulsory attendance law to the superintendent or designee.

The superintendent or designee will develop administrative ~~rules~~ regulations as necessary to assist component school districts in the enforcement of the compulsory attendance law as may be requested.

END OF POLICY

Legal Reference(s):

[ORS 163.577](#)

[ORS 339.010 - 339.095](#)

[ORS 339.139](#)

[ORS 339.990](#)

[OAR 581-021-0026](#)

[OAR 581-021-0029](#)

[OAR 581-021-0076](#)

[OAR 581-024-0257](#)

Lane Education Service District

Code: JEA-AR
Adopted: 1/25/95
Revised/Readopted: 7/10/01
Revised/Reviewed:
Orig. Code(s): JEA-AR

Lane ESD Attendance/Truancy Program

Procedures for Documenting and Referring a Student for
Truancy, Nonattendance, Irregular Attendance and Unexcused Absences

(Still operating the same way?)

1. Person responsible for student attendance should be familiar with the Oregon Revised Statutes (ORS) regarding unexcused absences: 339.005, 339.010, 339.020, 339.030, 339.035, 339.040, 339.055, 339.065, 339.080, ~~and~~ 339.090 and ORS 339.095.
2. If a component district student has unexcused absences, a file should be started by the student's resident school in which the following should be placed:
 - a. Copies of all letters to parents;
 - b. All documentation including anecdotal records, regarding home visits, conferences and phone calls;
 - c. Printout of all absences - with unexcused absences noted. (Include a key for absences.)
3. When a component district student is determined to be truant, a certified letter or letters should be sent to the parent by the student's resident school explaining the ~~son's/daughter's~~ child's attendance records. (Number of days in session, number of days absent; ~~-excused~~ and number of days absent; ~~-unexcused~~, in the last 20 days.)

The letter should also inform parents of the action the resident school will take if the student's attendance does not improve, i.e., referral to the Lane Education Service District attendance investigator and ultimately, if necessary, ~~to the court~~.

4. If all the student's resident school's available internal and external resources have been exhausted and the problem continues, please refer the student to the attendance/truancy secretary at Lane Education Service District.

To refer to Lane ESD, please submit the following:

- a. Fully completed nonattendance referral form. Include all unexcused/excused absences indicated on an attendance printout;
- b. Documentation and a description of the student's resident school's and/or attendance department's attempts to work with the student and family. This should include, but not be limited to, conferences with the principal, vice principal, school counselor, school attendance person, social worker, community agent and teachers;
- c. Report covering attempts the resident school has made to either modify the student's program or seek alternative educational programs;
- d. Any description available as to the parent's involvement, attitudes, strengths and weaknesses;
- e. Any description or statements of the student's which may show attitude and problems which contribute to the truancy problem.

5. The following is support that the schools can expect from the Lane ESD attendance officer:
 - a. A letter explaining the attendance/truancy law (ORS 339.080) will be given to the parent/ or guardian during a home visit. If the parent/ or guardian is not locatable, the letter is sent via registered/certified mail;
 - b. Upon completion of the home visit, the attendance officer will make a report. It will include a synopsis of the conversation with the parent/ or guardian and a recommendation for further action if the problem should continue;
 - c. If the student does not return to the resident school the day following the Lane ESD attendance officer's visit to the parent, the school may refer the student to the Lane ESD again. Truancy action on second referrals will follow the recommendations of the attendance officer's previous report;
 - d. Subsequent to steps a. through c., Lane ESD will communicate with the resident school;
 - e. Lane ESD attendance officer will work closely with resident school personnel in the data collection process;
 - f. Lane ESD should be informed immediately by resident school personnel if the student returns to school at any time during the investigative period.
6. The person who referred the student and the resident school district superintendent will receive a copy of the following documents: the letter to the parent/ or guardian explaining the attendance/truancy law and the attendance officer's report. If resident school personnel determine that information contained in the report is incorrect, contact the Lane ESD attendance/truancy office.
7. If the attendance officer's recommendation from the initial investigation is that "the case be prepared for citation if the problem continues," a nonattendance referral form will be completed by the resident school district and sent to the Lane ESD Attendance/Truancy Office. A conference officer will arrange for a conference with school personnel, the parent or guardian and the student. ~~A citation will be issued if the parent or guardian fails to attend the conference, or if the conference officer determines that the evidence presented supports the issuance of a citation.~~
8. Lane ESD will provide the services of a conference officer. Lane ESD will bill the referring district for all conference officer time, mileage and other related expenses.
- ~~9. Upon the issuance of a citation, a court date will be set at which the defendant (parent or guardian) must appear to plead his/her case. If the defendant pleads "not guilty," a trial date will be set. If the defendant pleads "guilty," bail will be set by the presiding judge.~~
- ~~10.9.~~ While waiting for a conference ~~and/or court appearance~~, the resident district should document all correspondence and contact with the student/parent. This includes continued monitoring of unexcused absences.
- ~~11.10.~~ Resident district communicates all changes in status to the attendance/truancy secretary, i.e., student moving, another parent taking custody, student being removed from home, student transferring to another school.

**Lane Education Service District
Nonattendance Referral**

Instruction to school: Please direct this referral to Lane Education Service District Supervisor as provided in ORS 339.080. The information on this form will be used by Lane ESD to conduct an interview with the parent or legal guardian of the ~~truant~~ student who is truant.

Date: _____

Name of the student: _____

Full address: _____

Date of birth: _____

Name of parent/guardian: _____

Number of years student has been in the school district: _____

Parent's/Guardian's native language if other than English: _____

To your knowledge, does parent/guardian speak and read English? _____

Best time to contact parent/guardian (Please include pertinent information such as work hours, etc.):

Summary of student's attendance (Please include an attendance record. Note which absences are excused/unexcused and additional background information such as chronology of home contacts, copies of letters to parents, etc.) _____

Name of requestor: _____

Title/Position: _____

School: _____ ~~Telep~~Phone No.: _____

For Office Use Only

Date received _____ File No. _____ District _____

Lane Education Service District

Code: JEC
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JEC

~~School~~ Admissions

Admissions to programs offered by Lane ESD shall be through the component school district's admission policy and in accordance with the program requirements of Lane Education Service District.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 334.125](#)
[ORS 336.092](#)
[ORS 339.010](#)

[ORS 339.115](#)
[ORS 339.125](#)
[ORS 339.133](#)
[ORS 339.134](#)

[ORS 339.139](#)
[ORS 433.267](#)
[OAR 581-022-2220](#)

Illegal Immigration and Immigrant Responsibility Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1324, 1363, 1367 (2018).
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act (ESSA), 42 U.S.C. §§ 11431, 11434a (2012).

Lane Education Service District

Code: JECAC/GBH
Adopted: 5/19/09
Readopted: 12/06/17
Orig. Code(s): JECAC/GBH

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

~~Noncustodial parents will not be granted visitation or telephone access to the student during the school day. The student will not be released to the noncustodial parent unless allowed by court order.~~

In the case of joint custody, the ESD district will adhere to all conditions specified and ordered by the court. ~~The ESD may request in writing any special requests or clarifications in areas concerning the student and the ESD's relationship and responsibilities.~~

The ESD will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)
[ORS 107.102](#)

[ORS 107.106](#)
[ORS 107.154](#)

[ORS 109.056](#)
[ORS 163.245 - 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Lane Education Service District

Code: JED
Adopted: 7/10/01; 8/23/11
Orig. Code(s): JED

Student Absences and Excuses**

The Board considers regular school attendance essential for educational success. Students in Lane ESD programs are expected to attend school as required by law and by Board policy.

Lane ESD program administrators will be responsible for assessing and acting upon parental, guardian or persons in a parental relationship requests for students to be excused from Lane ESD classrooms.

The ESD program administrator has the authority to excuse students for reasons permitted by law including absences due to illness (including mental and behavioral health of the student), educational/occupational interviews, ~~quarantine~~, bereavement or serious illness in the family, inclement weather, religious instruction, student is a dependent of a member of the U.S. Armed Forces¹ who is on active duty or who is called to active duty (the student may be excused for up to seven days during the school year), field trips and district-approved activities, or other emergencies. The ESD will give proper regard to health providers, psychiatrists, psychologists, dentists and similar professionals' requests for students' excused absences.

Students may be excused on a limited basis as permitted by law from a particular preplanned classroom activity or from selected portions of the established curriculum ~~on the basis of personal, religious or ethnic considerations~~ in accordance with Board policy IGBHD – Program Exemptions.

A student who is excused must still fulfill the school's other requirements, including alternative learning assignments as may be assigned.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

Each school shall notify a parent or guardian ~~parents/guardians~~ by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or /guardian. If the parent or /guardian cannot be notified by the above methods, a message shall be left, if possible.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)

[ORS 334.125\(7\)](#)

[ORS 339.030](#)

[ORS 339.055](#)

[ORS 339.065](#)

[ORS 339.071](#)

¹ U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

[ORS 339.250](#)
[ORS 339.420](#)

[OAR 581-021-0046](#)
[OAR 581-021-0050](#)

[OAR 581-023-0006\(11\)](#)

Lane Education Service District

Code: JEDA
Adopted: 9/07/93
Revised/Readopted: 7/10/01
Orig. Code(s): JEDA

Truancy

“Truancy” is defined as absence from school without permission.

Lane ESD believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

The ESD will develop procedures that foster a partnership with component school districts, parents, guardians or persons in a parental relationship in the early detection of truancy. The ESD will cooperate with component districts regarding related counseling and appropriate consequences in accordance with the student’s individualized education program (IEP).

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 334.125 \(7\)](#)
[ORS 339.040 - 339.090](#)

[ORS 339.240 - 339.250](#)

[OAR 581-021-0050](#) ~~to~~ 0075

Lane Education Service District

Code: JEDB
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JEDB

Student Dismissal Precautions**

No staff member may permit any individual student to leave Lane ESD classrooms prior to the regular hour of dismissal except by permission of the superintendent or designee.

A student will not be released to any person without the approval of the student's ~~his/her~~ parent, legal guardian or person in a parental relationship as provided for in Board policy.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 163.245 to -163.257](#)

[ORS 334.125\(7\)](#)

Lane Education Service District

Code: JEE
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JEE

Student Attendance Accounting - **KEEP**

Keep?

The superintendent and administrative staff will develop procedures for assuring that accurate student attendance records will be maintained in Lane ESD programs, submitting necessary reports, and reporting attendance to parents, guardians or persons in a parental relationship in a timely manner.

The superintendent will designate an attendance officer for the ESD.

Lane ESD staff working in component school districts shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 326](#).310
[ORS 327](#).133
[ORS 339](#).065

[OAR 581-021](#)-0046 (5)
[OAR 581-021](#)-0050
[OAR 581-022](#)-~~1130~~2000

[OAR 581-022](#)-~~1660~~2260
[OAR 581-023](#)-0006

Lane Education Service District

Code: JEFA
Adopted: 9/07/93
Revised/Readopted: 7/10/01
Orig. Code(s): JEFA

Closed Campus

Student programs operated on Lane ESD-controlled property are closed campus. No student is to leave at any time, for any reason, with the following exceptions:

1. ~~a~~A specific need verified by parents, guardians or persons in a parental relationship and approved by the administrator;
2. ~~s~~Students who have parents, guardians or persons in a parental relationship and school-approved work-release privilege;
3. ~~a~~As otherwise approved by the program administrator.

Students who leave school grounds without authorized permission are considered truant.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

~~ORS 332.107~~ ORS 334.125

Lane Education Service District

Code: JF/JFA
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JF/JFA

Student Rights and Responsibilities**

The Board has the responsibility to afford students in Lane ESD programs the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with these rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

1. Civil rights — including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others;
2. The right to attend public schools; the responsibility to attend school regularly to learn and to observe school rules essential for permitting others to learn ~~at school~~;
3. The right to due process of law with respect to suspension, expulsion and decisions which the student believes injure ~~their~~ ~~his/her~~ rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy ~~with~~ ~~in~~ respect to the student's ~~education~~ ~~school~~ records, as provided by law.

Students have the right to know the behavior standards expected of them as well as to know the consequences of misbehavior.

Students' rights and responsibilities, including standards of conduct, will be made available to students and their parents, guardians or persons in a parental relationship ~~and staff~~ through information distributed at least annually.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(1\)\(2\)\(7\)](#)
[ORS 337.150](#)
[ORS 339.155](#)
[ORS 339.240](#)

[ORS 659.850](#)
[ORS 659.865](#)
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-022-2310](#)

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Lane Education Service District

Code: JFC
Adopted: 9/07/93
Revised/Readopted: 7/10/01; 8/27/02
Orig. Code(s): JFC

Student Conduct

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the ESD's code of conduct, pursue the prescribed course of study, submit to the lawful authority of ESD staff and conduct themselves in an orderly manner at school during the school day or during ESD-sponsored programs and activities.

Students in Lane ESD programs are subject to the code of conduct approved by the Lane ESD superintendent.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of ~~for~~ one's actions and maintain a productive learning ~~elimate~~ environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

Students shall be ~~liable~~ subject to discipline, suspension, expulsion and/or referral to local law enforcement officials or other agencies as appropriate for misconduct, including, but not limited to:

1. Assault;
2. ~~Violation of s~~ Sexual harassment ~~{as prohibited by Board policy JBA/GBN – Sexual Harassment and accompanying administrative regulation}~~ or ~~violation of~~ other nondiscrimination policies;
3. Hazing, harassment, intimidation, bullying, menacing, cyberbullying or teen dating violence [as prohibited by Board policy JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence – Student and accompanying administrative regulation];
4. Coercion;
5. Disorderly conduct;
6. Bringing, possessing, concealing or using a weapon ~~to or on ESD property or at an activity under the jurisdiction of the ESD or at an interscholastic activity administered by a voluntary organization approved by the State Board of Education under ORS 339.430~~ [as prohibited by Board policy JFCJ – Weapons in the Schools];
7. Possession, distribution or use of tobacco products, inhalant delivery systems, alcohol, ~~or~~ unlawful drugs or other controlled substances, including drug paraphernalia ~~{as prohibited by Board policy JFCG/JFCH/JFCI – Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems}~~;

- ~~8.—Assault or menacing of an ESD employee or another student. Menacing means by word or conduct the student intentionally attempts to place an ESD employee or another student in fear of imminent serious physical injury;~~
- ~~9.8.—Use of threats of violence, hazing, harassment, intimidation, bullying, or menacing against any fellow student or ESD employee~~ Threats of violence or harm [as prohibited by Board policy JFCM – Threats of Violence];
- ~~10.9.—Vandalism, malicious mischief or theft [as prohibited by Board policies ECAB - Vandalism, Malicious Mischief or Theft and JFCB - Care of District Property by Students,] or willful damage or destruction of private property on ESD premises or at ESD-sponsored activities;~~
- ~~11.10.—Willful damage or destruction of ESD property;~~
- ~~12.11.—Willful damage or destruction of private property on ESD premises or during ESD activities;~~
- ~~13.12.—Open defiance of authority of ESD staff, including persistent failure to comply with the lawful directions of teachers or school officials;~~
- ~~14.13.—Disruption of the school environment;~~
- ~~15.—Theft;~~
- ~~16.14.—Use or display of profane or obscene language;~~
- ~~17.15.—Violation of law, Board policy, administrative regulation, school or classroom rules;~~
- ~~18.16.—Violations of ESD or component district transportation rules;~~
- ~~19.—Persistent failure to comply with rules under the lawful directions of staff or ESD officials.~~

This code shall adhere as closely as possible to Oregon Revised Statutes related to student conduct and discipline taking into consideration the special needs of the students involved.

Lane ESD shall publish and distribute to students and parents rules outlining student conduct expectations and possible disciplinary actions. In addition, Lane ESD programs may publish a student/parent handbook detailing additional rules and regulations specific to that school program. All rules applying to student conduct shall be posted in a prominent place in each school building and ESD programs that directly serve students.

[Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events and at other schools operated by the ESD, and while off campus whenever such conduct causes substantial and material disruption of the educational environment or the invasion of the rights of others.] Additionally, students may be denied participation in ESD-sponsored extracurricular programs and activities. Titles and/or privileges granted to students may also be denied or revoked. A referral to law enforcement may also be made.

Students are prohibited from making knowingly false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct.¹

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with all component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 659.850](#)

[OAR 581-021-0050 - 0075](#)
[OAR 581-024-0240](#)

Nondiscrimination on the Bases of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).

C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

¹ The ESD is prohibited from retaliating against any student “for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.” ORS 659.852.

Lane Education Service District

Code: JFCA
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JFCA

Student Dress and Grooming

Students in Lane ESD programs are expected to meet dress and grooming standards which neither disrupt or interfere with the classroom learning environment nor present a threat to the health and/or safety of the student concerned or of others.

Students shall wear appropriate school clothing. Items not allowed include clothing with explicit sexual, tobacco or similar products, drug, obscene or vulgar references.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581](#)-021-0026(10)
[OAR 581](#)-021-0050 - 0075

Lane Education Service District

Code: JFCB
Adopted: 9/07/93
Readopted: 7/10/01; 6/15/04
Orig. Code(s): JFCB

Care of Property by Students

It is each student's responsibility to show respect for all Lane ESD property. Any student who willfully ~~intentionally~~ or recklessly damages or defaces ESD property will be disciplined and charged restitution for actual damages related to ~~his/her~~ their acts.

The Board declares its intent to hold students and their parents, guardians or persons in a parental relationship responsible for ~~loss or damage~~, and the full costs of restitution including prosecution to the full extent of the law if such costs are not paid. Notice of the ESD's intent will be provided annually ~~in the student/parent handbook~~, as required by law.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)
[ORS 339.250](#)

[ORS 339.270](#)

[OAR 581-021-0050 to -0075](#)

Lane Education Service District

Code: JFCC
Adopted: 9/07/93
Readopted: 7/10/01
Orig. Code(s): JFCC

Student Conduct on School Vehicles

Students who ride transportation provided by component districts to and from Lane ESD classrooms and ESD-sponsored activities will be notified of the rules and regulations governing their conduct on school vehicles as well as the consequences for violation of those rules by the student's resident school district.

Students are subject to the transportation rules and regulations of their resident school district.

END OF POLICY

Legal Reference(s):

[ORS 332.405](#)

[OAR 581-021-0050](#) ~~to~~ [0075](#)
[OAR 581-053-0010](#)

Lane Education Service District

Code: JFCE/JFCEA
Adopted: 7/10/01
Orig. Code(s): JFCE/JFCEA

Secret Societies/Gang Activity – Draft with questions to OSBA (can the title be changed?)

~~It is the policy of Lane ESD that membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations, is prohibited.~~

No secret society of any kind, including a fraternity or sorority, will be permitted in any public school in the district. The ESD may order the suspension or expulsion¹ of any student who belongs to a secret society.

Can the 1st paragraph be removed?

Gangs which initiate, advocate or promote activities ~~which~~ that threaten the safety or well-being of persons or property on ESD grounds or which disrupt the school or ESD program environment are harmful to the educational process. The use of hand signals, graffiti or the presence of any apparel, jewelry, accessory or manner of grooming which, by virtue of its color, arrangement, trademark, symbol or any other attribute which indicates or implies membership or affiliation with such a group, presents a clear and present danger to the ESD environment and educational objectives of the ESD and are ~~forbidden~~ prohibited. Any student wearing, carrying or displaying gang paraphernalia or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student will be subject to disciplinary action including suspension and expulsion.

Incidents involving initiations, hazing, harassment, menacing, intimidation and/or related activities of such group affiliations which are likely to cause bodily danger, physical harm or personal degradation or disgrace resulting in physical or mental harm to students are prohibited.

~~Any student wearing, carrying or displaying gang paraphernalia or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student will be subject to disciplinary action including suspension and expulsion.~~

The superintendent may provide in-service training in gang behavior and characteristics to facilitate staff identification of students at-risk and promote membership in authorized ~~district~~ activities as an alternative.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 334.125 \(7\)](#)
[ORS 336.109](#)

[ORS 339.240 - 339.280](#)
[ORS 339.885](#)

[ORS 659.850-0050](#) ~~to~~ 0075

Olesen v. Board of Education of School District No. 228, 676 F. Supp. 820 (N.D. Ill. 1987).

¹ See Oregon Revised Statute (ORS) 339.250(2)(d),(e)

Neuhaus v. Federico, 12 Or. App. 314, 319, 505 P.2d 939 (1973).
Burkitt, et al v. School District No. 1, 195 Or. 471, 246 P.2d 566 (1952).
Tinker v. Des Moines Community School District, 393 U.S. 503 (1969).

Lane Education Service District

Code: JFCEB
Adopted: 9/23/14
Orig. Code(s): JFCEB

Personal Electronic Devices and Social Media**

~~(Student may possess a personal electronic device)~~

Students may be allowed to use and possess personal electronic devices on ESD property and at ESD-sponsored activities provided such devices are not used in any manner that may disrupt the learning environment or ESD-sponsored activities, or violate Board policies, administrative regulations, school or classroom rules, state and federal law.¹

As used in this policy, a “personal electronic device (PED)” is a device that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

If the ESD implements a curriculum that uses technology, students may be allowed to use their own personal electronic devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices, for curriculum.

Students may not use ESD equipment to access social media websites ~~using ESD equipment~~, while on ESD property or at ESD-sponsored activities, unless the access is approved by a ESD representative.

The ESD will not be liable for personal electronic devices brought to ESD property and ESD-sponsored activities. The ESD will not be liable for information or comments posted by students on social media websites when the student is not engaged in ESD activities and not using ESD equipment.

The superintendent is directed to develop administrative regulations and/or approve school rules as necessary to ensure that student use of such devices is consistent with this policy. Administrative regulations may include grade- or age-level possession and/or use restrictions by students on ESD property and at ESD-sponsored activities; consequences for violations; a process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied; and such other provisions as the superintendent may deem necessary.

The superintendent is responsible for ensuring that pertinent provisions of Board policies, administrative regulations and school rules governing personal electronic devices are included in staff handbooks and student/parent handbooks, reviewed annually and updated as necessary.

END OF POLICY

¹ The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.

Legal Reference(s):

[ORS 334.125](#)

[ORS 336.840](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2017).

Lane Education Service District

Code: JFCEB-AR
Revised/Reviewed: 9/23/14
Orig. Code(s): JFCEB-AR

Personal Electronic Devices and Social Media

Students may use and possess personal electronic devices on ESD grounds subject to the following:

1. Personal electronic devices shall not be used in a manner that disrupts the educational process, school programs or activities, or in a manner that violates law, Board policy, administrative regulation or school rules¹;
2. [Unless as authorized in advance by the [principal **program administrator**] or designee for health or safety reasons, or in the event of an emergency situation that involves imminent physical danger, devices shall be turned on and operated only before and after the regular school day. Personal electronic devices may be used during the student's lunch break. They may not be used at any time in the proximity of any class, school activity or event that may be in session or in progress during those times;]
3. Personal electronic devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on ESD property or at ESD-sponsored events unless as expressly authorized in advance by the principal or designee;
4. The ESD shall not be responsible for loss, theft or damage to personal electronic devices brought to ESD property or ESD-sponsored events;
5. Personal electronic devices may be used as electronic study aids during the school day if provided as a part of a student's individualized education **program** ~~plan~~ (IEP) or if permission is received from the student's teacher;
6. The use of personal electronic devices in any way to send or receive messages, data or information that would pose a threat to academic integrity, contribute to or constitute academic dishonesty is strictly prohibited;
7. The use of personal electronic devices in any manner that would violate the confidentiality or privacy rights of another individual is strictly prohibited;
8. Students shall comply with any additional school rules as established by the principal and classroom rules as approved by the principal concerning the appropriate use of personal electronic devices;
9. Personal electronic devices used in violation of law, Board policy, administrative regulation or approved school rules will be confiscated, turned in to the school office and returned to the student

¹ The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.

or parent following parent notification, conference, detention, suspension, expulsion and/or referral to law enforcement officials as appropriate;

- | 10. Students may not use ESD equipment to access social media websites ~~using ESD equipment~~, while on ESD property or at ESD-sponsored activities unless the access is approved by an ESD representative.

Lane Education Service District

Code: JFCF
Adopted: 7/10/01
Revised/Readopted: 8/27/02; 1/22/08; 12/15/09;
2/23/10; 8/28/12; 3/29/16
Orig. Code(s): JFCF

Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence - Student**

(The AR includes 'hazing' and 'menacing'; adding here to align.)

The Board in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy compliance with applicable Oregon ~~Revised Statutes~~ law.

Hazing, ~~H~~harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, or ~~and~~ third parties toward students is strictly prohibited in the ESD. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of hazing, harassment, intimidation or bullying, menacing, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is prohibited. A person who engages in retaliation behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and ~~disciplinary action or other~~ appropriate remedial actions ~~sanctions~~.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

~~The ESD may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to ESD property or for the use of threats, intimidation, harassment or coercion. Students may also be referred to law enforcement officials~~

The ~~assistant superintendent~~ ~~and the superintendent~~ ~~are~~ ~~is~~ responsible for ensuring this policy is implemented.

Definitions

“ESD” includes ESD facilities, ESD premises, and non-ESD property if the student is at any ESD-sponsored, ESD-approved, or ESD-related activity or function, such as field trips or athletic events where students are under the jurisdiction~~control~~ of the ESD.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in ESD business, such as employees of businesses or organizations participating in cooperative work programs with the ESD and others not directly subject to ESD control at other ESD-sponsored programs and activities.

[“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student/ for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any ESD-sponsored/activity or grade level attainment[.] [(i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student);] [requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; or assignment of pranks to be performed or other such activities intended to degrade or humiliate.] It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the behavior.]

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to ESD grounds, at any ESD-sponsored activity, on ESD-provided transportation, or at any official ESD bus stop, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student ~~including but not limited to the protected class of the person.~~

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity⁺, national origin, marital status, familial status source of income, or disability.

“Teen dating violence” means:

⁺ ~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.~~

1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse ~~by one or more of the following acts~~ between family and/or household members, as those terms are described in ORS 107.705.²:

- ~~1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;~~
- ~~2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;~~
- ~~3. Causing another to engage in involuntary sexual relations by force or threat of force.~~

“Cyberbullying” means the use of any electronic communication device to harass, intimidate, or bully.

“Retaliation” means any acts of, including but not limited to, hazing, harassment, intimidation or bullying, menacing, or ~~teen dating violence and~~ acts of cyberbullying toward the victim, a person in response to an actual or apparent ~~a student for actually or apparently~~ reporting of, or participation ~~participating~~ in the investigation of, hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying, teen dating violence, or retaliation.

“Menacing” includes any act intended to place an ESD employee, student, or third party in fear of imminent serious physical injury.

Reporting

The ~~assistant superintendent~~ will take reports and conduct a prompt investigation of any reported acts ~~report~~ of ~~an act of~~ hazing, harassment, intimidation or bullying, menacing, ~~and acts of~~ cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report ~~his/her~~ concerns to the ~~assistant superintendent~~ who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on ESD property, at an ESD-sponsored activity, or in ~~an ESD vehicle~~ ~~or vehicle~~ used for ESD-provided transportation ~~transporting students to an ESD activity~~ shall immediately report the incident to the ~~assistant superintendent~~. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing, ~~or an act of~~ cyberbullying, or teen dating violence to the ~~assistant superintendent~~ may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have ~~he/she has~~ been subjected to an act of hazing, harassment, intimidation ~~harassed, intimidated~~ or bullying, or menacing, or cyberbullying or feels they have been ~~bullied~~, a victim of teen dating violence ~~and acts of being~~ ~~cyberbullied~~ in violation of this policy, is encouraged to immediately report ~~his/her~~ concerns to the ~~assistant superintendent~~ who have overall responsibility for all investigations. Any volunteer who has

² ~~“Family or household members” as defined in ORS 107.705 OR means any of the following:~~

knowledge of conduct in violation of this policy is encouraged to immediately report ~~his/her~~ concerns to the ~~[assistant superintendent]~~ ~~who has overall responsibility for all investigations.~~

~~This~~ A report from a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate ESD official.

Reports ~~Complaints~~ against the ESD administrator/principal shall be filed with the superintendent. Reports ~~Complaints~~ against the superintendent shall be filed with the Board chair.

The person who makes the report ~~complainant~~ shall be notified when the investigation has been completed and, as appropriate, the ~~of the~~ findings of the investigation and any ~~, as appropriate, that~~ remedial action that has been taken. The person who made the report ~~complainant~~ may request that the [superintendent] review the actions taken in the initial investigation, in accordance with ~~[administrative regulations]~~ ~~the ESD complaint procedure]~~ ~~Board chair.~~

Notification to Parents or Guardians

The [employee position title] shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the [employee position title] reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bully, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The [employee position title] determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The [employee position title] informs the student that federal law may require the student's parents and guardians to have access to the student's education record.

If the [employee position title] determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

Training and Education

The ESD shall incorporate into existing training programs for students, ~~and staff~~ information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or, bullying, and acts of cyberbullying and this policy.

The ESD shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in ~~grades~~ ~~grade~~ 7 through 12.

The ESD shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or ~~staff~~ ~~employee~~ handbook, ESD's website and ESD office and the development of administrative regulations, including reporting and investigative procedures. Complaint procedures, as established by the ESD, shall be followed.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ~~the~~ ODE.

Lane ESD staff working in component school districts, their students, parents, guardians or persons in a parental relationship shall comply with all component district policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 166.065](#)
[ORS 166.155](#) - 166.165
[ORS 107.705](#)
[ORS 174.100](#)
[ORS 334.125](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351](#) - 339.368
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)

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

School Improvement Team | Board Report | 12-02-25

Curriculum Leaders November Meeting

The topic for the November 4 Curriculum Leaders meeting was **Universal Design for Learning**. This meeting was designed and co-facilitated between School Improvement (Cassadie Mitchell) and Special Education (Brittany Spencer). Elizabeth Jankowski from the Oregon Department of Education gave a brief overview of UDL and best practices related to inclusion. Next, 4 district representatives presented their own problems of practice related to special education services:

- Specifically Designed Instruction
- Safety Concerns
- Teacher Support for Instructional Design
- IEP Implementation: Training & Accountability

Audience members chose the topic most relevant to their own work and engaged in a modified consultancy protocol discussion which generated rich, collaborative thinking in each of the groups.

Link to full [agenda](#).

Teacher Development Group: Mid for the Mids Phase 1

Lane ESD math specialist, Krista Hocker, has launched a year-long collaboration between Teacher Development Group and 4 mid-sized districts in Lane County to improve math instructional practices at the middle school level. Teacher/administrator teams from Fern Ridge, Junction City, Pleasant Hill, and South Lane school districts are meeting throughout the year to engage in professional development about mathematical habits of mind and instructional practices. Teachers have the opportunity to observe their peers during two studio days and to receive individual coaching at their school sites from the TDG trainer. Administrators are also being supported by Cassadie Mitchell in developing look fors, conducting observations, and providing feedback to teachers.

Special Education Department Board Report | December 2025

Staffing Updates

A long-term substitute has been placed in our ATA Intensive Services Program following the recent resignation of the classroom teacher. Recruitment efforts for a permanent replacement are underway, and we are working to ensure a smooth transition for students and staff during this period.

Our classified staffing remains steady with minimal turnover across our programs. We continue to be grateful for the consistency and dedication our classified team brings to student support and daily operations.

Professional Learning

Planning is in progress for our department-wide Professional Learning Day on **January 5th**, which will take place in person at **LESD**. This training will bring together all Special Education staff to engage in aligned, high-quality learning experiences designed to strengthen instructional practices and student outcomes.

Program & Service Review

The department is currently reviewing nursing supports across our life skills classrooms. In collaboration with our consortium district partners, we are evaluating current service models and identifying opportunities for adjustment to better meet student medical and instructional needs.

Department & Administrative Focus

Our administrative team continues its year-long focus on providing high-quality, meaningful teacher feedback as part of the evaluation process, with an emphasis on student learning. Recently, the admin team completed a series of classroom walkthroughs with our RBT coach. These collaborative visits support our ongoing efforts to calibrate feedback across evaluators and ensure consistency, clarity, and alignment in our expectations and support for staff.



December 2025 Board Report

Staffing

- Desktop Technician- Morgan Klinger will start with us on December 8th!
- -1 Systems Engineer- These duties are currently covered by the CIO and Network Engineer.

Classrooms

- Single Sign On for students- We will start phase one of this project in January. During the discovery phase of this project we will look at a couple of options to simplify our students' day. One of those considerations is an application called Clever and this application is free to education.

System Upgrades and Improvements

- Phone System replacement- We are well underway with the phone system upgrade and we expect to have the systems implemented by the beginning of January. Our current expectations are to have the implementation complete and training started by mid January.
- Ninja One- A regular schedule has been created and adhered to for the last two months. Our increased efforts to ensure that devices are up to date has improved the use of applications and classroom tools while increasing our overall security posture
- Securly- We have called in additional support to get over our final hurdle and we are currently scheduled to have this wrapped up before the first of the year. .
- Acceptable Use Process and Cybersecurity Handbook- This has been reviewed and approved by cabinet. We presented the documents to Input and will email out to all staff before winter break.

Regional Initiatives and Support

- **EDUROAM**- Link Oregon is sponsoring our Network Engineer, Russell Rubrecht, to attend and represent the region at the annual conference [The Quilt](#).

At the OSBA Conference I attended the general meeting for the Rural School Caucus. Siuslaw School Board Directors Miltenburger, Postgate and Pollut also attended. Tom Postgate was elected as a large member of that Board.

On November 12th I participated in the Mapleton School's Ruby Bridges Walk to School Day. This year it was mainly elementary school kiddos, led by Coach Vanessa Clemons. We had fair weather and the students enjoyed the trucks honking as we walked along the highway.

Vanessa kindly shared material with me to pass on to the Siuslaw Elementary School. I collaborated with Amy Flora, the Principal. I shared the Ruby Bridges pledge that she sent on to the classroom teachers. I printed a large poster sized version of the pledge for Amy to read aloud and have kids respond to at the Walk. My favorite is the last line in the pledge "by participating in this walk today I too am an activist like Ruby"

The Siuslaw Walk was on November 14. I printed signs for some of the students to carry. I also invited the press, so there was a story in the Siuslaw News.