



**MISSION: EMPOWERING EVERY STUDENT, ENRICHING EVERY MIND, TRANSFORMING EVERY FUTURE**

**VISION: TO BE A WORLD-CLASS EDUCATIONAL COMMUNITY WHERE ALL STUDENTS ARE PREPARED FOR FUTURE SUCCESS IN COLLEGE, CAREER, AND LIFE**

## **DOCKET OF BUSINESS**

**May 18, 2026**

**Klamath Falls City Schools Lucile O'Neill Education Center Boardroom**

**1336 Avalon Street**

**Klamath Falls, Oregon 97603**

**REGULAR MONTHLY MEETING OF THE KFCS BOARD OF EDUCATION**

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*The board welcomes you to its monthly meeting. Public input is welcome and encouraged during the Public Comment segment of this meeting. All those wishing to address the board have previously submitted their comments which have been added into the official record.*

1. **PRELIMINARY BUSINESS**

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Public Welcome & Public Comment
4. Superintendent's Comments
5. Gifts to the District

2. **CONSENT AGENDA**

1. Approval of Previous Month's Meeting Minutes (4/20/26)

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# Minutes of Regular Board Meeting Klamath Falls City Schools Board of Education

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A Regular Board Meeting of the Board of Education of the Klamath Falls City Schools was held Monday, April 20, 2026, at 6:00 PM in the LOEC Boardroom and via a public digital Zoom meeting.

## **1. PRELIMINARY BUSINESS**

### **1.1. Call to Order and Pledge of Allegiance – 6:00 PM Presenter: Andrew Biggs, Board Chair**

### **1.2. Roll Call Presenter: Andrew Biggs, Board Chair**

Board Members Present: Andrew Biggs, Nicole Trejo, Trina Perez, Kathy Hewitt (via Zoom) and Vanessa Bennett

Absent: Kelsey Bitzer and Andrea Jensen

Cabinet Members Present: Dr. Keith Brown, Dena Haudenschild, Daymond Monteith, Renee Clark and Fred Bartels

Others: Rod Heyen, Maureen Lundy, Brett Lemieux, Lisa Danskin, Mindi Waggoner, Toby Flackus, James Gray, Jessie McClung, Jeffery Reynolds, Ray Lang, Katey Limb, Jared Thompson, and Kara Ranger

Zoom: Kathy Hewitt, Gretchen Knutson, Jane Cole, Robin Sundseth, Jared McCleve, Jeff Haudenschild, Kyle Baird, BrandiJo Anderson, Sara Monteith, and Erin Poncia

### **1.3. Welcome & Public Comment Presenter: Andrew Biggs, Board Chair**

*The board welcomes you to its monthly meeting. Public input is welcome and encouraged during the Public Comment segment of this meeting. All those wishing to address the board have previously submitted their comments electronically or submitted their requests to speak prior to the start of this meeting which will be read into the official record.*

No public comment

### **1.4. Superintendent's Comments Presenter: Dr. Keith Brown, Superintendent**

- KFCS is being recognized for its implementation of the Capturing Kids' Hearts (CKH) framework.
- Klamath Learning Center (KLC) – Climate Learning Center has been named a National Showcase School, the first such school in Oregon.

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- Recognition is for multi-year excellence in relationship-building and school culture.
- Nationally, three schools in the district were named Rising Star teams for first-year implementation:
  - Conger Elementary
  - Mills Elementary
  - Pelican Elementary
- **Attendance improvements:**
  - Regular attendance districtwide increased from 29% to nearly 42% this year.
  - At elementary schools (Pelican, Conger, Mills), regular attendance increased from 58% to 70%.
- **Behavior and climate:**
  - Significant decrease in behavior incidents.
  - Daily CKH practices, such as “Good Things,” in which students share positive news before instruction, are being used.
- Goal: KFCS will continue to build relationships and school culture toward becoming a National Showcase District next year.

Board members expressed appreciation and noted that having a National Showcase School is a “big deal” for the district.

## 1.5. Recognition of Gifts to the District Presenter: Andrew Biggs, Board Chair

The district received donations from the Assistance League for the McKinney-Vento program:

- Nine shopping bags of assorted clothing items (coats, pants, shirts, etc.) for free distribution to homeless students.

The Board expressed appreciation to the Assistance League.

## 2. CONSENT AGENDA Presenter: Andrew Biggs, Board Chair

- 2.1. Approval of Previous Months Regular Board Meeting Minutes (3-9-26)
- 2.2. Approval of Executive Session Meeting Minutes (3-9-26)
- 2.3. Approval of Current Agenda
- 2.4. Approval of Personnel Agenda

**MOTION:** Vanessa Bennett made a motion to approve the consent agenda as presented; Trina Perez seconded the motion.

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**DISCUSSION:** Andrew Biggs recognizing the motion and second called for discussion, seeing none, he called for the vote.

**VOTE:** Andrew Biggs, Vanessa Bennett, Nicole Trejo, Trina Perez, and Kathy Hewitt voted in the affirmative. **The motion carried.**

## **3. REPORTS**

**Presenter: Andrew Biggs, Board Chair**

### **3.1. Klamath Union High School Student Report**

**Presenter: Olivia Cruz, KUHS junior student**

Key points:

- KU is working with community partners on a grant for the Student Health Center.
- Honda provided a \$100,000 grant for next year's engineering program.
- Planning and readiness efforts are underway in case further funding becomes available.
- State testing begins April 20.
- AP testing:
  - Last year KU students completed 15 AP tests.
  - This year, KU students are projected to complete 86 AP tests (significant increase).
- **Music programs:**
  - Band, orchestra, and choir all qualified for state competition this spring.

**Board Q&A:**

- Question about why AP tests increased from 15 to 86.
  - Olivia noted KU added specific AP classes, which drove the increase.

### **3.2. Eagle Ridge New Tech High School Student Report**

**Presenter: Noah Clayton, ERNTHS sophomore student**

Key data and highlights:

**Attendance (March Year-over-Year):**

- March 2025 overall attendance: 82.36%
- March 2026 overall attendance: 83.13%
- 21% of students achieved *perfect attendance* in March.

**Agricultural Mechanics & FFA:**

- District Agricultural Mechanics teams advanced to third in district:
  - Team members mentioned: Ela King, Noah Peoples, Grace Sarabia, Jace Peterson.
- Beginning team also placed third in district.
- FFA State Convention in Redmond:

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- 21 students attended.
- Participated in:
  - Leadership workshops
  - College and career fair
  - State award selection committees
  - Farm business management and FFA informational quiz
  - Courtesy corps work at state Career Development Events
- Highlight: Co-Presidents Ela King and Aden Jimenez accepted the charter for the Eagle Ridge FFA chapter on stage before 3,000 attendees.

## **Math Competition:**

- Five Eagle Ridge geometry students participated in an OIT regional math competition on April 14 for the first time.
- Students reported looking forward to competing again next year.
- Math teacher Ms. Whitlock was recognized as the key staff member who pushed students to participate.

## **FBLA (Future Business Leaders of America):**

- 10 Eagle Ridge students competed at State FBLA, including:
  - Seniors: Silas Perez, Kayleeann McCool
  - Sophomores: Noah Clayton, Marcus Estep, William Taylor, Teresita Wright-Jackson, Shiyrin Kudabaeva (from Uzbekistan)
  - Freshman: Gabriel Webb
  - Exchange students: Nafissa Zaki (Morocco), Shiyrin Kudabaeva
- State placements:
  - Gabriel Webb – 8th in Business Concepts
  - Marcus Estep – 10th in Business Plan
  - Noah Clayton – 7th in Job Interview; 8th in Customer Service
  - Nafissa Zaki – 6th in Career Portfolio
- Noah Clayton was selected for a \$1,000 scholarship to attend a Georgetown business camp in Washington, D.C.

Board members praised both the academic and extracurricular involvement and noted the strong presentation and professionalism of the student speakers.

### **3.3. Klamath Promise Presentation**

**Presenter: Jessie McClung, Program Manager for Klamath Promise, SOESD**

#### **Scope & Mission:**

- Klamath Promise is a long-standing community and schools partnership aimed at increasing student success across a P-20 continuum (early learning through post-high school transitions).
- Primary metrics: Graduation and attendance.
- Klamath Promise is described as a community infrastructure, not just a program:
  - Operates in one of the highest-poverty regions in Oregon.

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- Over 90 community partners across:
  - K–12 and higher education
  - Government
  - Non-profit and community-based organizations
  - Business
  - Health and mental/behavioral health
- Geographic footprint includes Klamath County (primary), parts of Lake County, and some cross-border collaborations (e.g., Butte Valley, Tulelake) – over 30,000 square miles.

#### **Governance:**

- Executive leadership team includes:
  - Vanessa Bennett (Board member, though not yet fully onboarded into the executive team at time of meeting)
  - Dr. Brown (superintendent) – described as a cornerstone leader
  - Dena Haudenschild – Early Learning representative
  - Additional leaders from schools, mental/behavioral health, courts, higher education, business, and CBOs.

#### **Dual-faceted Approach:**

1. **Creating a community norm of student success (public-facing work)**
  - “Perfect Attendance Student of the Week” features in the local newspaper.
  - Annual Graduation Parade, billboards, and business engagement.
  - Graduation Motivation events in the fall.
  - Early years work increased graduation rates by over 6 percentage points within first few years.
  - Post-2019 strategy: go “deeper” into systems-level work; COVID required re-investment in attendance-norming.
2. **System alignment for student success (internal infrastructure)**
  - Focus on aligning policies and practices across sectors (not just “coordinating”).
  - Aim: remove “potholes” between systems so students don’t fall through gaps.

#### **Key Infrastructure Concepts:**

- **Shared understanding:**
  - Importance of the “other 16 hours” of a student’s day beyond school.
  - Uses Attendance Works chronic absenteeism frameworks.
  - Many barriers (housing, transportation, system involvement, built environment) lie outside school control but strongly affect attendance.
  - Schools control about 8 hours/day, ~14–15% of the year; community must address the rest.
- **Resource-first approach (Maslow operationalized):**
  - Flowchart (developed with Damon, Fred, and now used/valued by Jeff Haudenschild) guides attendance problem-solving across sectors.
  - Red items: legally or statutorily required actions.

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- Green items: community required resources and supports.
- **Focus on what can be done; no “nothing we can do” mindset:**
  - Strong language rejecting the idea that “nothing can be done”; systems must take responsibility.
  - Emphasis on moving the “bell curve” of low performers upward, even if not every student can be reached immediately.
- **Relationships and trust (“everything moves at the speed of trust”):**
  - Multiple regular cross-sector meetings facilitated by Klamath Promise:
    - At least 5 regular meetings facilitated or hosted (student success, attendance, early learning, etc.).
    - Representation of schools in many other community meetings (courts, health, etc.).
  - Community time contributed, estimated at \$45,000 of FTE per quarter in meeting participation alone (not including internal changes).
- **Elevating student/family and front-line voices:**
  - Intentionally avoid re-traumatizing families by forcing repeated storytelling.
  - Work through trusted community partners to surface needs and patterns.
  - Aim to bridge the gap between system-level leaders and direct service providers.

## Systemic Challenges Identified:

- **Attendance laws & reporting:**
  - Disconnect between attendance data used for state school funding vs. statutory definitions.
  - Difficulties comparing and understanding attendance data across systems.
- **Parent/guardian control of education:**
  - Opt-outs (curriculum, testing) and mental health days affect attendance tracking.
- **Funding structure:**
  - Many relevant funds are held centrally or by distant grantees (e.g. Portland) and may lack local knowledge or rural equity lens.
- **Information sharing:**
  - Lack of standardized processes and considerable confusion/miscommunication between systems.

## Current & Future Work Needs from KFCS:

- Continued partnership and prioritization of student success to maximize community investment.
- Continued active involvement from:
  - Dr. Brown
  - McKinney-Vento staff
  - Attendance leadership (e.g., Jeff Haudenschild)
- Rewriting the 2014 Declaration of Cooperation:
  - Original signed June 2014; new version in progress.
  - Planned Declaration of Cooperation signing in June, to coincide with a legislative tour.

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- Working with Rep. Emily McIntire and the executive team to bring legislators to the region.
- Planned bus tour from Chiloquin High School through Sprague River and back to highlight rural conditions.

#### **Graduation Parade & Scholarships:**

- Kindergarten–to–Senior Graduation Parade:
  - This year scheduled for Wednesday, May 27.
  - All kindergarteners parade in front of their high school class and mascots.
- **Scholarship/Award Funding:**
  - Over \$60,000 already committed this year for:
    - Gift cards (workforce, military, undecided)
    - Scholarships via the Sky Lakes Foundation
  - Engagement and dollars given have more than doubled in the past few years.
  - Application deadline: May 15.
  - Klamath Union currently has 41 applicants, with more expected before closing.

Board members expressed strong appreciation, noting:

- The scale and uniqueness of the community infrastructure.
- The long-term growth of Klamath Promise from its early days.
- The importance of telling this story at the state level to garner credit and support.

#### **3.4. Auditor’s Annual Report** **Presenter: Ray Lang, CPA**

##### **Scope:**

- Audit of FY 2024–25 financial statements for KFCS.

##### **Key Graphs & Trends:**

###### **1. General Fund Revenue:**

- Revenue has consistently increased over time, largely due to:
  - Inflation
  - Increases in state funding levels
- Note: District may not “feel” richer; funds do not go as far due to inflation.

###### **2. General Fund Cash & Investments:**

- Higher cash/investment levels two years prior, now lower.
- Explained primarily by:
  - Past ESSER (COVID relief) funds held in cash.
  - HVAC capital projects (now completed) that moved funds from cash to capital assets.

###### **3. General Fund Ending Fund Balance:**

- Mirrors the cash/investments trend.
- Lower current ending fund balance due to:
  - Use of prior cash reserves for HVAC improvements across multiple schools.

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- Current fund balance is still healthy but reduced from pandemic peaks.

## Government-Wide Statement of Net Position (Page 6):

- **Current & Other Assets:**
  - Decreased from ~\$19M to \$11.5M.
  - Largely due to reclassification from cash (current) to capital assets (long-term) as HVAC projects were completed.
- **Capital Assets:**
  - Increased by about \$8M, reflecting HVAC work and purchase of several new buses as part of a rolling replacement strategy.
- **Deferred Outflows of Resources:**
  - Increased by about \$4M.
  - Largely driven by combining Eagle Ridge Charter School (formerly a component unit) into the district's financial statements.
  - Associated with PERS (Public Employees Retirement System) actuarial changes.
- **Total Liabilities:**
  - Increased by approximately \$1.5M.
  - Mainly due to updated PERS liabilities (based on actuarial evaluations as staff age, retire, and markets fluctuate).
- **Net Position:**
  - Net investment in capital assets increased by nearly \$11M, reflecting major capital investments (HVAC, buses).

## Statement of Activities (Page 7):

- **Revenues:**
  - Relatively similar year-over-year.
- **Expenses:**
  - Increased significantly, primarily:
    - Effects of PERS actuarial adjustments (changes in estimated retirement obligations).
    - Depreciation and expenses associated with capital assets.

## Restatement / Prior Period Adjustment:

- New GASB accounting requirement to recognize compensated absences (earned paid time off) as a liability:
  - Includes vacation, sick leave, and any accumulated leave earned by staff (e.g., teachers accruing monthly PTO).
  - This caused a one-time restatement, not due to any local error, but to conform with new standards.

## Audit Opinion & Letters:

- **Opinion: Unmodified (clean) opinion:**
  - Financial statements are fairly presented in all material respects.
  - No need to modify the auditor's opinion.

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- **Internal Control Letter:**
  - Contains recommendations for business office processes and controls:
    - Some items are longstanding due to district size constraints.
    - Procurement-related recommendation is expected to drop off next year, as HVAC projects that triggered the issue are now complete and procurement practices have been addressed.
- **Governance Letter:**
  - Summarizes the audit process and timing.

## **Timing & Eagle Ridge Merger:**

- Merger with Eagle Ridge Charter complicated comparability with prior year (apples-to-oranges).
- Audit and financial statements were issued later than normal due to:
  - Complexity of the Eagle Ridge integration.
  - Personal leave of the lead auditor (birth of a child).
- Auditor expects to return to normal timelines:
  - Submission by December to the Secretary of State and Oregon Department of Education.
  - Presentation to the Board at the January meeting.

## **Board Discussion:**

- Clarification that compensated absences cover any earned time off (vacation, sick, FMLA if accrued).
- Board thanked the auditor for clear explanations and acknowledged the complexity of integrating Eagle Ridge.

## **3.5. School Improvement Report**

**Presenters: Fred Bartels, Executive Director of School Improvement; Toby Flackus and James Gray, ERNTHS and KLC; Brett Lemieux and Katey Limb; Ponderosa, and Rod Heyen, KU**

The Board received detailed presentations on the system of interventions at the secondary level.

### **Ponderosa Middle School – Intervention Systems Update**

Ponderosa Middle School presented a comprehensive, three-pronged approach to student support, focusing on:

- Academic interventions
- Behavioral interventions supporting academic outcomes
- Social-emotional learning (SEL) supports

### **Academic Supports**

- Strengthened Tier 1 instruction through explicit teaching strategies for all students.
- Added Tier 3 intervention support with a certified teacher for both ELA and Math.

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- Brought in an elementary reading specialist (Alyssa Cruz) to address gaps in reading instruction.
- Implemented 8th grade credit recovery, allowing students to participate in promotion ceremonies upon earning six credits.
- Continued CLCC after-school tutoring (Tuesdays and Thursdays).

## **Behavioral Supports – In-School Suspension (ISS)**

- Redesigned ISS program based on *The Art of In-School Suspension*.
- Focus on keeping students in school rather than out-of-school suspension.
- Program includes:
  - Structured academic support throughout the day
  - Restorative practices in partnership with Citizens for Safe Schools
  - Reflection activities (verbal and written)
- Students must complete requirements successfully; otherwise, additional ISS days are assigned.
- Data indicates approximately a 50% reduction in referrals since implementation (noting some enrollment changes).

## **Social-Emotional Learning (SEL)**

- Implementation of the Capturing Kids’ Hearts (CKH) framework:
  - Daily meet-and-greet
  - Relationship-building activities
  - Structured lesson delivery and student engagement
  - Positive “launch” at end of class/day
- Continued focus on strengthening implementation schoolwide.

## **Additional Supports**

- Instructional coach supports Tier 1 instruction and evidence-based practices.
- Emphasis on non-evaluative coaching to build teacher trust and growth.

## **Board Discussion Highlights**

- Positive feedback from a board member/parent regarding ISS effectiveness and reflection process.
- Questions addressed:
  - ISS supervision (managed by a paraeducator with administrative oversight)
  - Student compliance (most complete within 1–2 days)
  - Tutoring participation (effective but underutilized)

## **Eagle Ridge / New Tech Campus – System of Supports**

Overview of a flexible, relationship-centered support system across:

- Eagle Ridge High School
- Klamath Learning Center
- Klamath Home Learning Academy

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#### **Tier 1 Supports**

- Daily 15-minute tutorial period (1 hour 15 minutes weekly)
- Multiple study hall opportunities, including after school
- Implementation of Exact Path (online diagnostic and intervention tool)
  - Provides targeted instruction based on student skill level
  - Planned use: 10 minutes, 4 days per week in core classes
- Focus on student self-advocacy and real-world skills

#### **Tier 2 Supports**

- Early identification using:
  - Attendance
  - Behavior
  - Grades
- Interventions include:
  - Parent communication
  - Small group instruction (e.g., Algebra support lab)
  - After-school tutoring with both a teacher and an OIT tutor
- Participation may be voluntary or required depending on student need.

#### **Tier 3 Supports**

- Individualized support through:
  - Student Success Coordinator
  - Counselor check-ins
  - Staff-wide involvement (including non-instructional staff)
- Emphasis on:
  - Goal setting (daily and incremental goals)
  - Relationship-building as a foundation for success
  - Addressing barriers both in and outside school

#### **Board Discussion Highlights**

- Clarification that Exact Path is an online program (not confirmed as AI-based).
- Discussion on:
  - Mandatory vs. voluntary interventions
  - Practical goal-setting strategies for students
- Positive feedback on inclusive support system and staff-wide involvement.

#### **Klamath Union High School (KU) – Intervention Systems**

##### **Core Philosophy**

- Hire high-quality staff as the foundation for success.
- Emphasis on:
  - Strong instruction
  - Relationship-building through CKH framework

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- Supporting non-traditionally trained teachers via instructional coaching (e.g., Kern Ryan)

#### Key Systems and Supports

- **9th Grade On-Track Program**
  - Early identification and intervention for freshmen
  - Includes both academic monitoring and positive parent communication
- **Weekly Grade Checks**
  - Focus on 10th–12th grade students
  - Allows timely intervention and student conferencing
- **After-School Tutoring**
  - Offered 4 days per week (English, Math, Science)
  - Strong participation, especially among freshmen
- **Targeted Tutoring**
  - Small group ( $\leq 4$  students) intensive support during school day
- **SIT (Student Intervention Team) Process**
  - Rapid-response intervention system
  - Includes teacher input, student meetings, and follow-up within six weeks

#### Transition Supports

- Collaboration with middle school for:
  - Student data sharing (academic, behavioral, SEL)
  - Identification of students needing additional support
- Planned summer transition program for incoming 9th graders focused on engagement and skill-building.

#### Additional Initiatives

- Exploration of a school-based health center:
  - Aimed at improving student access to healthcare
  - Potential partnerships with Sky Lakes, OHSU, and community providers
  - Supported by a potential \$5 million grant opportunity

#### Board Discussion Highlights

- Strong support for:
  - Positive parent communication practices
  - Freshman transition efforts
  - Health center initiative
- Discussion topics included:
  - Support for non-traditional teachers
  - Academic support for student-athletes
  - Cross-level communication between middle and high school

#### General Board Feedback

- Board members expressed appreciation for:
  - Strong focus on relationships across all schools

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- Data-driven and proactive intervention systems
- Inclusion of behavioral and SEL supports alongside academics
- Positive recognition of:
  - In-school suspension model
  - Tiered intervention consistency across schools
  - Staff collaboration and innovation

Recess Adjournment (Break) at 7:41 p.m.

The Board took a brief recess following the presentations and returned to the regular meeting at 7:48 p.m.

### 3.6. Monthly Financial Report

**Presenter: Daymond Monteith, Executive Director of Operations**

Mr. Monteith introduced the monthly financial report, noting that while financial discussions may be less engaging than student-focused topics, they are essential to supporting all district programs and initiatives.

#### **Financial Overview**

- Financial reports included in the board packet reflect activity through March 30, 2026.
- Overall, the district's budget is performing well.
- Revenue is currently on track and slightly above projections.
- The district has two remaining State School Fund payments scheduled for:
  - April
  - May
- No State School Fund payment is received in June; however, two payments are received in July.

#### **Expenditures**

- Expenses are currently over budget, primarily due to:
  - Increased salaries and benefits
  - Higher-than-anticipated costs from recently settled labor contracts
- While expenditures exceed the original budget in these areas, this was expected and planned for, and all but one contract has been settled.

#### **Fund Balance**

- The district anticipates ending the fiscal year with a lower fund balance than in previous years.
- This reflects a deliberate effort to utilize available funds to support district operations and initiatives.
- The financial position remains stable and healthy.

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#### Board Discussion

- Board members expressed appreciation for the positive financial outlook.
- No significant concerns or additional questions were raised.

#### 3.7. Maintenance and Ground Keeping Report

**Presenter: Jared Thompson, Maintenance Supervisor**

The Board received a follow-up report regarding concerns previously raised about the condition and maintenance of district grounds and facilities.

#### Overview of Operations

- The Facilities and Custodial teams are currently managing 300+ work orders across the district.
- Priority is given to critical operational and safety needs, including:
  - Plumbing, heating, and electrical issues
  - Building access (doors/windows)
  - General building functionality and cleanliness
- The district maintains multiple facilities over 100 years old, which require increased attention and frequent repairs.

#### Grounds Maintenance

- Grounds work is primarily handled by custodial staff, with support from maintenance when available.
- There is no dedicated district-wide groundskeeper position; responsibilities are shared across staff.
- Grounds maintenance is impacted by:
  - State regulations on herbicide and fertilizer application
  - Weather conditions, limiting maintenance windows
- Staff work to balance indoor responsibilities with outdoor upkeep.

#### Prioritization

- The department emphasized that student and staff safety and building functionality are the top priorities.
- Grounds aesthetics, while important, are addressed as time, staffing, and conditions allow.
- Leadership expressed confidence in current prioritization decisions and accepted responsibility for those decisions.

#### Board Discussion

- Board members expressed appreciation for staff effort and acknowledged the high workload and limited resources.
- Discussion focused on:
  - The importance of facility appearance as a reflection of district pride and community perception

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- The concept that well-maintained environments promote respect and care for school property
- Members suggested:
  - Evaluating resource allocation and strategic priorities related to grounds maintenance
  - Addressing “low-hanging fruit” (e.g., visible clutter, minor exterior cleanup)
  - Considering dedicated time or staffing for grounds upkeep
- Concerns were noted regarding first impressions for families, visitors, and prospective staff.

## **Future Considerations**

- Administration is exploring potential adjustments, including:
  - Possible dedicated groundskeeping support
  - Additional strategies to improve exterior maintenance while maintaining operational priorities

## **Additional Comments**

- Administration highlighted significant improvements in the maintenance department over recent years, including:
  - Increased organization
  - Improved staff morale
  - Strong leadership and responsiveness
- Recognition was given to the Facilities Supervisor for dedication, leadership, and hands-on support across the district.

## **4. NEW BUSINESS/ACTION ITEMS**

**Presenter: Andrew Biggs, Board Chair**

### **4.1. Approval of the KFACE contract 2025-2028**

**Presenter: Renee Clark, Executive Director of Human Resources**

The Board was presented with the proposed KFACE (classified staff) collective bargaining agreement, which has been under negotiation for approximately one year.

#### **Contract Overview**

- Term: Three-year agreement
- **Year 1:**
  - \$3.00/hour wage increase for staff
  - Increase to be paid retroactively:
    - Half distributed immediately
    - Half distributed in December
- **Year 2:**
  - 3% Cost of Living Adjustment (COLA)
- **Year 3:**

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- 3% Cost of Living Adjustment (COLA)

**MOTION:** Nicole Trejo made a motion to approve the KFACE contract as presented; Vanessa Bennett seconded the motion.

## **Board Discussion:**

- Board members acknowledged the significant time and effort invested by both staff and negotiating teams throughout the process.
- It was noted that:
  - Compensation decisions are complex due to limited district resources.
  - The district must balance employee compensation with overall financial sustainability and student needs.
  - Every financial decision carries an opportunity cost, requiring careful consideration.
- Board members expressed appreciation for reaching a collaborative agreement after extended negotiations.

**DISCUSSION:** Andrew Biggs recognizing the motion and second called for discussion, seeing none, he called for the vote.

**VOTE:** Andrew Biggs, Nicole Trejo, Trina Perez, and Vanessa Bennett, and Kathy Hewitt voted in the affirmative. **The motion carried.**

## **4.2. First Reading of OSBA policy update Section G**

**Presenter: Daymond Monteith, Executive Director of Operations**

The Board was presented with the first reading of Policy Section G, which addresses personnel and operational policies.

### **Overview**

- Policy Section G was presented in two subsections (A and B) due to its length and complexity.
- The section includes a wide range of personnel-related policies and operational guidelines.

**MOTION:** Nicole Trejo made a motion to table the reading until the May board meeting; therefore, moving it to a second reading; Trina Perez seconded the motion.

### **Board Discussion**

- Board members noted the extensive nature of the document and the need for additional time to review thoroughly.
- Initial review did not raise immediate concerns; however, members acknowledged the importance of careful consideration given the volume of content.

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- Administration recommended tabling the policy for a second reading in May prior to adoption.
- It was also noted that the document may be challenging to review due to tracked changes, and staff are available to assist with clarification.
- Board members were encouraged to submit questions to staff prior to the next reading for clarification.

**DISCUSSION:** Andrew Biggs recognizing the motion and second called for discussion, seeing none, he called for the vote.

**VOTE:** Andrew Biggs, Nicole Trejo, Trina Perez, and Vanessa Bennett, and Kathy Hewitt voted in the affirmative. **The motion carried.**

## **5. OLD BUSINESS/ACTION ITEMS**

**Presenter: Andrew Biggs, Board Chair**

There was no old business presented for discussion.

## **6. BOARD MEMBER COMMENTS**

**Presenters: 2025-2026 Board Members**

### **Summary of Board Member Kathy's Closing Comments:**

Kathy expressed appreciation to the auditor, Raymond, for clearly presenting the audit report. She also acknowledged and thanked Klamath Promise and staff for the school improvement presentations, noting her appreciation for the work highlighted during the meeting.

### **Summary of Board Member Trina's Closing Comments:**

Trina reflected positively on the evening's presentations, noting the discussions were meaningful, particularly around school improvement and community partnerships like Klamath Promise. She emphasized that impactful work takes time and expressed appreciation for the growth and continued efforts at both the school and community levels.

She also shared anticipation for upcoming discussions, including the Houston trip work session and the budget training, and thanked staff for organizing those opportunities. Trina concluded by expressing appreciation to presenters and staff, including facilities leadership, for their continued work and engagement.

### **Summary of Board Member Vanessa's Closing Comments:**

Vanessa shared appreciation for the many positive efforts happening across the district, highlighting student achievements and staff contributions. She praised the Mr. Pelican event and recognized the work of students and advisors, noting the growing quality of the program. She also expressed gratitude to the board and community for honoring Mr. Kauffman through the track naming, emphasizing the lasting impact educators have on students' lives.

# Minutes of Regular Board Meeting Klamath Falls City Schools Board of Education

Vanessa reflected on the impact of the Capturing Kids' Hearts initiative, sharing both a personal and classroom example of how it fosters positivity and connection. She emphasized the importance of small, meaningful actions—such as positive communication and recognition—stating that these efforts have a significant impact on students. She concluded by thanking staff across the district for their dedication and the positive difference they make.

## **7. CLOSING COMMENTS FROM THE CHAIR**

**Presenter: Andrew Biggs, Board Chair**

### **Summary of Board Chair Andrew's Closing Comments:**

Andrew highlighted the strong talent of district students, referencing recent performances and achievements as inspiring examples of student growth and expression. He expressed appreciation for the evening's presentations, noting the meeting was substantive, informative, and engaging.

He thanked staff and contributors for their ongoing work and dedication, emphasizing how impactful and inspiring it is to see the positive efforts across the district.

## **8. ADJOURNMENT**

**Presenter: Andrew Biggs, Board Chair**

Adjournment Time: 8:18 PM

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

2. Approval of Executive Session Minutes (4/20/26)
3. Approval of the NES Work Session Minutes (4/27/26)

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# Work Session Meeting Klamath Falls City Schools Board of Education

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A Work Session Meeting of the Board of Education of the Klamath Falls City Schools was held Monday, April 27, 2026, at 4:00 PM in-person and via Zoom.

## 1. **PRELIMINARY BUSINESS**

### 1.1. Call to order at 4:01 P.M.

Presenter: Andrew Biggs, Board Chair

Brief dinner break 4:01-4:07

### 1.2. Roll Call

Presenter: Andrew Biggs, Board Chair

In Attendance: Andrea Jensen, Andrew Biggs, Nicole Trejo, Kathy Hewitt, Kelsey Bitzer, Trina Perez, Andrew Biggs, Fred Bartels, Keith Brown, Scott Olsen, Rod Heyen, Brett Lemieux, Chelsea Woods, Liza Butler, Sara Johnson, Mindi Waggoneer, Terry Bennett, Shawna Behm, Jenice Pazuto, Lindsey James, Alissa Cruz, and Maureen Lundy

Via Zoom: Gretchen Knutson, Wendy Glidden, Dena Haudenschild, Chandler Pogue, Haley Butler, Sean Wilcox, and Renee Clark

## 2. **NES DEBRIEF**

Presenter: Fred Bartels, Executive Director of School Improvement

### **Presentation: Instructional Model Proposal (KFCS NES Model)**

District leadership presented a proposed system-wide instructional reform model inspired by the Houston ISD NES (New Education System) model, adapted for Klamath Falls City Schools.

### **Purpose of Presentation**

- Address stagnant or declining student achievement at Mills Elementary and Ponderosa Middle School over the past decade.
- Introduce a systemic, district-aligned instructional model focused on improving classroom instruction and student outcomes.

### **Data Review**

- Reading and math data over the past 10 years shows:
  - Achievement has remained flat or declined at Mills and Ponderosa.
- Administration emphasized:
  - This is not a reflection of teacher or administrator quality.
  - The issue lies in misaligned systems and inconsistent instructional practices.

# Work Session Meeting Klamath Falls City Schools Board of Education

## Identified Challenges

1. Inconsistent instruction across classrooms
2. Inequitable student experiences depending on teacher assignment
3. Limited impact of current initiatives (AVID, PLCs, etc.)
4. Misaligned district systems reducing focus on instruction

## Overview of Proposed Model

The KFCS-adapted model would:

- Align all systems toward supporting instruction
- Provide structured lesson plans
- Include daily checks for understanding
- Implement immediate reteaching for struggling students
- Require daily demonstrations of learning
- Increase principal presence in classrooms
- Ensure active student engagement every day

## Key Instructional Practices

- Clear daily learning objectives posted
- “I do, We do, You do” instructional framework
- All-student-response strategies (e.g., whiteboards, choral responses)
- Writing embedded in all lessons
- Immediate grading and feedback
- Differentiated enrichment and reteach periods

## Observed Outcomes from Houston ISD

- Significant increase in A/B-rated schools
- Decrease in D/F-rated schools
- Notable reduction in achievement gaps
- Improved student engagement and behavior

## Staff and Board Observations from Site Visits

### Instruction & Systems

- Consistent lesson structure across classrooms
- Centralized lesson planning and pacing
- Immediate reteaching through “team centers”
- Strong instructional coaching from administrators

### Student Engagement

- High engagement with minimal off-task behavior
- Frequent student participation
- Structured pacing reduced behavior issues

### Administrator Role

- Principals and assistant principals:

# Work Session Meeting Klamath Falls City Schools Board of Education

- Rarely in offices
- Frequently in classrooms providing real-time feedback
- Highly visible in hallways

## **Teacher Experience**

- Increased support through:
  - Pre-prepared lessons
  - Reduced behavior disruptions
  - Additional staffing support (teacher apprentices)
- Initial concerns:
  - Workload
  - Loss of autonomy
  - Misunderstandings about job security

## **Classroom Environment**

- Highly structured but still allowed teacher personality
- Clear routines and expectations
- Strong student focus and productivity

## **Proposed Changes for KFCS (2025–26)**

### **Instruction**

- Consistent instruction across classrooms
- Daily checks for understanding and reteach
- Focus initially on Math and Language Arts

### **Staffing**

- Addition of teacher apprentices
  - Provide coverage and continuity
  - Create a teacher pipeline

### **Scheduling**

- Increase student contact time by 30 minutes per day
- Convert conference days into instructional days with targeted conferences

### **Leadership Expectations**

- Principals required to be actively in classrooms
- Immediate feedback to teachers

### **Financial Considerations**

- Proposed incentives for staff:
  - 2% one-time increase for implementation participation (~\$200,000)
  - 2% ongoing increase for extended day (~\$200,000 annually)
- Total estimated cost: ~\$400,000 from general fund

# Work Session Meeting Klamath Falls City Schools Board of Education

- Most implementation costs covered through grants (SIA, Title, etc.)

## **Risks & Challenges**

- Staff and community resistance
- Implementation challenges and initial performance dip
- Need for strong, consistent messaging
- Significant system-wide change requiring sustained commitment

## **Board Discussion Highlights**

### **Support & Concerns**

- Strong interest in improving outcomes for high-need schools
- Concerns about:
  - Teacher workload and morale
  - Equity across other schools
  - Long-term sustainability of funding
  - Community perception and communication

### **Staffing & Culture**

- Importance of:
  - Supporting teachers through transition
  - Maintaining positive relationships
  - Clear communication to reduce fear

### **Community Engagement**

- Discussion of:
  - Hosting town halls vs. school tours (after implementation)
  - Need for transparent, unified messaging

### **Operational Considerations**

- Transportation impacts
- Contract adjustments (MOUs)
- Training needs for staff and administrators

## **Requests to the Board**

Administration requested:

1. Commitment to the model
2. Patience during implementation
3. Approval of funding adjustments
4. Unified, positive messaging to staff and community

## **Next Steps**

- Staff meetings at Mills and Ponderosa to provide information

**Work Session Meeting  
Klamath Falls City Schools  
Board of Education**

- Continued planning and communication efforts
- Requested board action at upcoming meeting to adopt the model
- Budget discussions regarding funding needs

**3. ADJOURNMENT**

Presenter: Andrew Biggs, Board Chair

Adjourned – 5:51 P.M.

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

DRAFT

4. Approval of the Proposed Budget Meeting Minutes (4/29/26)
5. Approval of Current Agenda
6. Approval of Personnel Agenda

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# Personnel

Month: 5/18/2026

Administration recommends approval of the following Certified hires for the 2025-2026 School Year

Name	School	FTE	Hire Date	Contract	Position
Chandler Pogue	Ponderosa	1	7/1/2026	1st year prob-Admin	Principal
					27

Administration recommends approval of the following resignations/retirement of Certified Staff for the 2025-2026 School Year

Name	School	FTE	Resignation Date	Position
Susan Green	Sped	1	6/30/2026	SLP
Joel McPherson	KUHS	1	6/30/2026	Teacher
Natalie Carpenter	Eagle Ridge	1	6/12/2026	Teacher
Britt Clark	Ponderosa	1	6/30/2026	Counselor
Dusti Krueger	Conger	1	6/12/2026	Teacher

3. **REPORTS**

1. Klamath Union High School Report

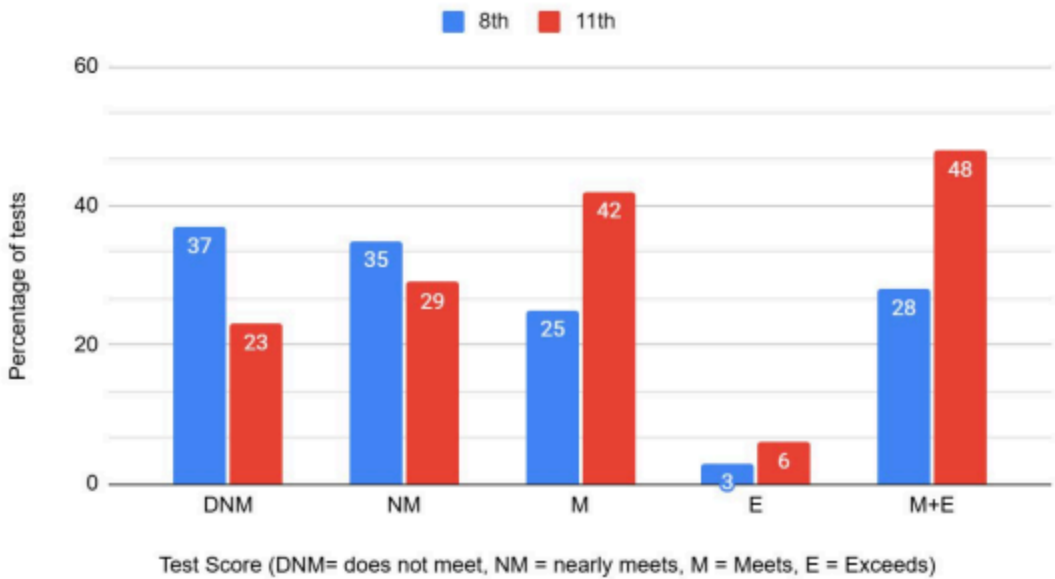
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## **KU Board Report March 18, 2026**

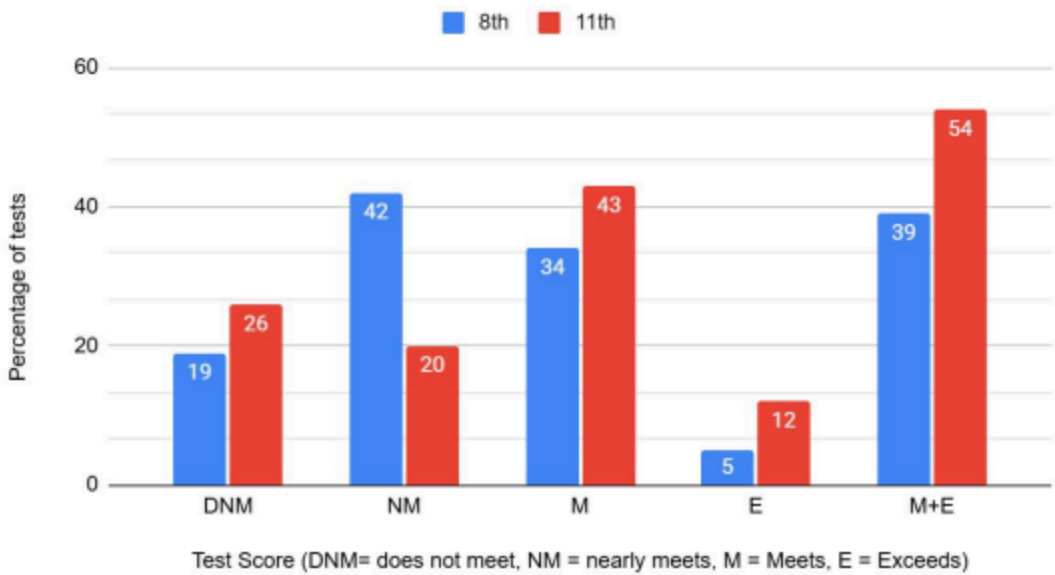
### **KU Highlights presented by Demi Guthrie.**

- Music Highlights
  - 3rd Place - State - Tommy Biggs
  - 4th Place - State - Seattle Trejo
  - Choir and Orchestra - State qualifier
  - Small vocal group - State qualifier
  - Daisy Kupitz - State qualifier
  - Jazz Band of America qualifier - Tommy Biggs
- State testing is winding down, please see the Science results graph in your packet.
- Forecasting has been completed.
- Cal Daniels was the league boys golf champion.
- AP Testing has completed.
  - Make up exams are May 21st.
- Graduation Sensation - May 27th
- Awards Night - June 2nd

### Class of 2026 State Science Test Results as 8th vs 11th Graders



### Class of 2025 State Science Test Results as 8th vs 11th Graders







Grant Item	ROI Grant	Notes	Economic Grant	OCF (Yes)	Lithia Motors	TOTALS	Items Ordered
Coordinator	\$0.00		\$8,000	\$1,000		<b>\$9,000.00</b>	1 Coordinator (Posted)
Sony A7r5 Cameras	\$13,200.00			\$4,517		<b>\$17,717.00</b>	3 Sony A7r5 Cameras (purchased)
Panasonic Video Cameras	\$10,000					<b>\$10,000</b>	2 Panasonic Video Cameras (purchased)
Student Interns	\$27,750					<b>\$27,750</b>	7 \$4,000 Internsn (Hired)
iPhone 17		Eliminate \$1,600				<b>\$0</b>	
Vinyl Rolls		Eliminate \$700				<b>\$0</b>	
Soundproofing		Eliminiate \$2,000				<b>\$0</b>	
Video Board		Total \$4,300	19,507	\$14,293	\$7,270	<b>41,070</b>	Video Board Purhcase and Installation \$41,070
Laptops				\$5,190		<b>5190</b>	Laptops (5) (purchased)
Photo Booth					\$7,999	<b>7999</b>	Photo Booth (\$7,999) (purchased)
Professional Advisor	\$4,300		\$2,493		\$3,207	<b>\$10,000</b>	Profession Advisor
DJI Pocket 4					\$1,524	<b>\$1,524</b>	Recognition Amazon (Purchased)
<b>TOTAL</b>	<b>\$55,250.00</b>		<b>\$30,000</b>	<b>\$25,000</b>	<b>\$20,000</b>	<b>\$130,250.00</b>	<b>Total</b>
Account Numbers	292-025		292-026	292-027	292-028		
Video Board	\$26,070						
Engineering	\$7,500						
Installation	\$7,500						
Permits							
<b>Total</b>	<b>\$41,070</b>						



# Eagle Ridge New Tech High School



## Board Student Report - May 18, 2026

### Academic Updates

#### Future Farmers of America (FFA):

**Floriculture:** Ela King, Noelle Perez, Sherry Schei, Jessica Schei, Emma Moore, Aysha Hernandez, Braydon Behurst, and Mosses Vermaas.

- 4th in district
- 13th at state

#### Meats:

A team: Aden Jimenez, Jessica Schei, Kaleb Huey, Monica Mendoza, and Aydin Biehn.

- 4th in District
- 12th in State

B Team: Noah Sundquist, Matthew Yocum, Syn Seabrooks, Brodie Williamson (all 8th graders)

- 2nd in District
- 3rd in State

#### Milk Quality and Processing:

A Team: Sherry Schei, Aden Jimenez, Ela King, Jessica Schei, and Brayson Behursts

- 7th in state

B Team: Noelle Perez, Aiyanna Peterson, and Jamison Arenson.

- 5th in state

**Environmental Science and Natural Resources:** Ela King, Aden Jimenez, Braydon Behurst, Sherry Schei, Noelle Perez, Aysha Hernandez, Jasper Bowman, Jessica Schei, and Jamison Aronsen.

#### Ag Mechanics:

A Team: Ela King, Braydon Behurst, Noah Peoples, Grace Sarabia, Noah Clayton

- 3rd in District
- 8th in State

#### Future Business Leaders of America (FBLA):

Our FBLA chapter has begun recruiting new members. A recruitment meeting was held, and we had many in attendance. In addition, our chapter will be holding elections for next year's officers. It looks like a very interesting group of students. This summer, the chapter will hold a leadership planning event that should involve a camping trip in which the students will plan, cook, and facilitate the event. Looking forward to a strong year for 26-27.

# Eagle Ridge New Tech High School



## Klamath Learning Center

- 794 Courses Completed YTD
- 84 Official GED Tests Taken YTD
- 87% passing rate YTD for Official Tests
- 271 GED Pretests/Practice Tests taken YTD
- 59 students involved in the GED program YTD
- 32 Graduates YTD (17 Diplomas, 15 GEDs) - Anticipated Total of 63 Grads

## Attendance Trends

- **Overall Monthly Comparison:** When comparing overall attendance to the same month last year, April 2025 showed an overall attendance rate of 83.23%, while April 2026 decreased to 80.27%.
- **Monthly Perfect Attendance %:** During the month of April, 18% of our students achieved perfect attendance.
- **Monthly Tardies %:** During the month of April, 32% of our students had zero tardies.

## If time permits:

### Career Technical Education (CTE)

**Agriculture Science:** Finishing up a dairy industry unit and starting on a welding unit.

**Landscaping:** Working on livening up the back parking lot landscaping.

**Forestry:** Working on the timber cruising unit

**Animal Science:** Finishing up feeds and nutrition unit and starting on full system dissections.

**Agriculture Mechanics / Welding:** Wrapping up sand blasting and painting hardware for Eagle Ridge pavilion. Starting on a major project for the district in the second week of May.

### Business:

Our business classes will finish the year with project presentations. The eighth grade Business/Marketing class will present their Recycle Projects to community representatives. They are working on their presentation skills in class.

Our Leadership class did an outstanding job planning and producing this year's prom, Casino Night. The students really stepped up and we had a great attendance.

### Theater

This semester the Advanced Theater class has been preparing for their spring production of Charley's Aunt. The cast is made up of students from Eagle Ridge New Tech and Klamath Union. They are doing a great job and the performances will be Saturday May 30, 2026 at 6:00 PM and Sunday May 31, 2026 at 2:00 PM. Both performances will be held in the James Ivory Arts Center on the Klamath Union Campus.

# Eagle Ridge New Tech High School



## **Counseling:**

Eagle Ridge currently has 9 students enrolled in 14 college classes through KCC, giving students valuable access to college credit and post-secondary opportunities while still in high school.

We are also continuing to implement Exact Path in our classes. Staff are learning how to use the program effectively to support student growth, provide targeted instruction, and strengthen academic support within the classroom.



# The Revised KFCS Elementary Report Card

Presentation to the KFCS Board of Directors  
05-12-2026

# Purpose for Report Card Revision:

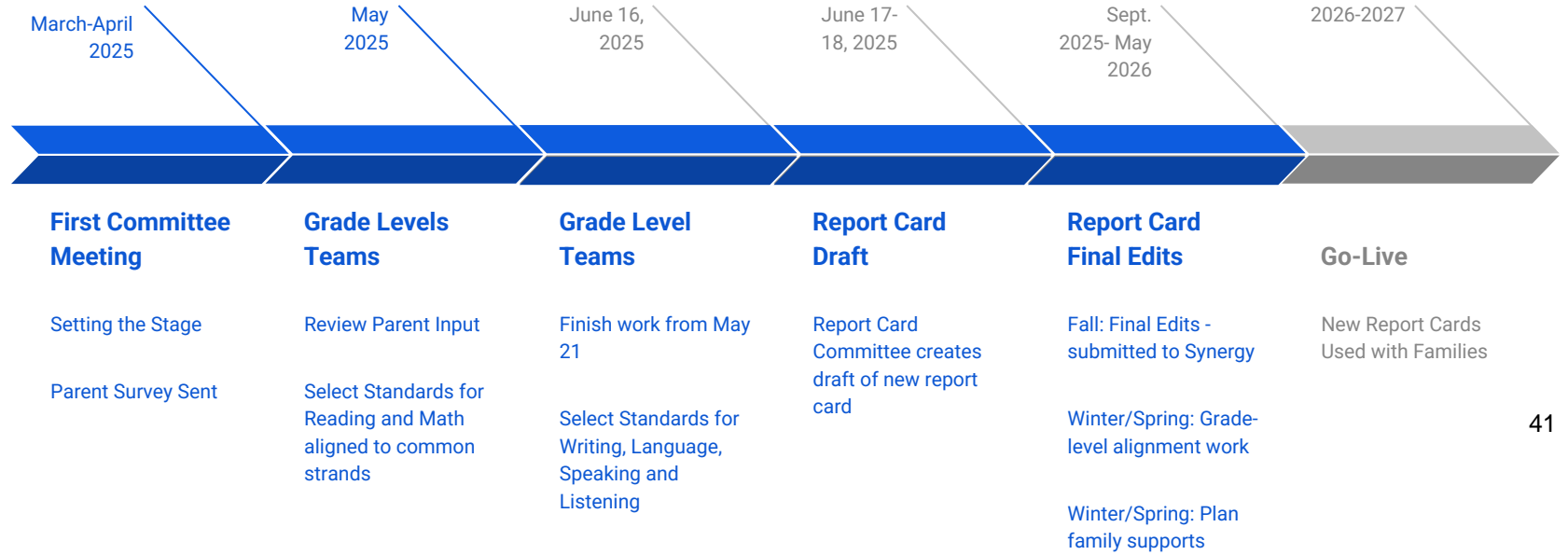
## Families:

- Easy to read
- Easy to understand
- Aligned from grade to grade
- Creates ways for families to support their child at home

## Teachers:

- Eliminate confusion
- Create clear alignment between what is taught and what is reported
- Ensure common understanding of proficiency categories (a Meets in one class is the same as a Meets in another class)

# A Year-Long Process



# Families were at the Center of the Discussion Throughout

- Parents on the Committee
- Families surveyed about the pros and cons of the current report card
- Families surveyed around how they want grades reported (progress towards an end-of-year standard vs. point-in-time progress)

Parent input was critical in the decisions the committee made.

# Our Current Elementary Report Card

Student:

E = Exceeds/Exemplary  
 M = Meets/Proficient  
 NM = Nearly Meets/Approaching Proficiency  
 DM = Doesn't Meet/Not Yet Proficient  
 CC = Covered Content Not Yet Assessed  
 -- = Not Applicable

<b>KFCS VISION GRADE 3</b>	T1
Demonstrates doing best work	
Demonstrates being best self	
<b>BRD HOMEROOM</b>	T1
<b>ATTENDANCE</b>	
Child attends 95% or more of school days year to date	
Child arrives on time each day for school.	
<b>SOCIAL DEVELOPMENT</b>	
Safe - Does not hurt self or others / exhibits self-control	
Respectful - Kind, polite, and cooperative	
Responsible - Accountable, resourceful, follows rules	
Participates in class	
Listens and follows directions	
Manages transitions successfully	
Work is orderly and neat (fine motor skills and penmanship)	
Completes classwork on time	
Finishes and returns homework on time	
<b>BRD READING</b>	T1
Reads orally with accuracy and appropriate rate	
Identifies main idea in a variety of texts	
Identifies character traits within text	
Understands vocabulary in context	
Locates information relevant to text	
Compares and contrasts elements of text	
Demonstrating Grade-Level Reading Proficiency	
<b>BRD WRITING</b>	T1
Organization and Purpose	
Evidence and Elaboration	
Conventions (Grammar, Capitalization, and Punctuation)	
Spells grade-appropriate words	
Demonstrating Grade-Level Writing Proficiency	
<b>BRD LANGUAGE</b>	T1

Grade: 03

<b>BRD LANGUAGE</b>	T1
Performance if receiving English Language Development Instruction	
<b>BRD SPEAKING</b>	T1
Presentation of knowledge and ideas	
<b>BRD MATH</b>	T1
<b>OPERATIONS AND ALGEBRAIC EQUATIONS</b>	
Understands and solves multiplication	
Understands and solves division	
Solves two step word problems	
<b>NUMBER AND OPERATIONS IN BASE TEN</b>	
Adds and subtracts within 1000	
<b>MEASUREMENT AND DATA</b>	
Solves problems involving time intervals, liquid volumes, and masses of objects.	
Understands and solves area problems (and the relationship to addition and multiplication)	
<b>NUMBERS AND OPERATIONS - FRACTIONS</b>	
Understands and represents fractions	
<b>PROFICIENCY</b>	
Demonstrating Grade-Level Math Proficiency	
<b>BRD SOCIAL SCIENCES</b>	T1
Understands/applies concepts	
<b>BRD SCIENCE</b>	T1
Understands/applies concepts	
<b>BRD HEALTH</b>	T1
Understands/applies concepts	
<b>BRD MUSIC</b>	T1
Understands/applies concepts	
<b>BRD ART</b>	T1
Participates/applies concepts	
<b>BRD PHYSICAL EDUCATION</b>	T1
Participates/displays sportsmanship	

# The New Elementary Report Card



## Elementary Quarterly Report on Student Progress

<School Year>  
<School Name> Elementary School  
Klamath Falls City Schools



To the family of <Student Name>: This report shows your child's progress and how their performance compares to where they are expected to be at this point in the year. For more detailed information, please contact your child's teacher.

Student Name: <Last, First Name>  
Permanent ID: <123456>  
Grade: Third Grade

<School Address>  
Principal: <Name> <email>  
Teacher: <Name> <email>

Learning Key	
4	Advanced
3	Proficient
2	Approaching Proficiency
1	Minimal Proficiency
0	Insufficient Evidence
NC	Content Not Covered

Daily Attendance					
Description	T1	T2	T3	T4	YTD
Student attendance percent					
Number of student tardies					
Student attends ≥ 95% school days					
Student has 3 or fewer tardies					

Your student receives Special Education services and has an IEP. This report card shows their progress toward grade-level standards. See the IEP progress report for their progress on individual goals.

Your student receives English Language Development support. This report card shows progress toward grade-level standards. See the bottom of this report for information about their English language skills.

SKILLS AND BEHAVIORS OF A LIFE-LONG LEARNER	T1	T2	T3	T4
<b>Classroom Skills:</b> I can follow rules, manage time and materials, finish work, and work through challenges.				
<b>Resourceful:</b> I can ask for help, stand up for myself and others, and use the right tools to solve problems and keep learning.				
<b>Community:</b> I am kind, work well with others, and help make our class a positive place.				
<b>Social Skills:</b> I can communicate with others, make safe choices, and build positive and healthy relationships.				
<b>Self-Reflection:</b> I can set goals, check my own progress, and reflect and learn from mistakes.				

ENGLISH LANGUAGE ARTS	T1	T2	T3	T4
<b>Foundational Skills</b>				
I can read smoothly and correctly so I understand what I read.				
<b>Reading Literature: Comprehending Fiction</b>				
I can ask and answer questions about a story and use the text to help explain my answers.				
<b>Reading Informational Text: Comprehending Non-Fiction</b>				
I can ask and answer questions about an informational text and use details from the text to explain my answers.				
<b>Writing</b>				
I can write an opinion and give reasons to support it.				
I can write often and for different purposes like telling a story, giving information, or sharing my opinion.				
<b>Speaking and Listening</b>				
I can listen, share, and talk with others to better understand a topic.				

<b>Operations and Algebraic Equations</b>				
I can show and solve multiplication and division problems using equal groups, arrays, and real-life situations.				
I can solve multiplication problems up to 100 and find the missing number in an equation, like $3 \times ? = 12$ .				
<b>Numbers and Operations</b>				
I can round numbers to the nearest 10 or 100.				
I can add and subtract 2-digit and 3-digit numbers.				
<b>Numbers and Operations - Fractions</b>				
I can show I understand unit fractions like $1/2$ , $1/3$ and $1/4$ .				
<b>Measurement and Geometry</b>				
I can name, build, and sort different kinds of four-sided shapes.				
I can divide shapes into equal parts and explain what fraction each part represents.				
I can solve problems about the area and perimeter of shapes.				
<b>Data Reasoning</b>				
I can create and use bar or picture graphs to collect and understand data.				
<b>SOCIAL SCIENCE</b>	T1	T2	T3	T4
I can understand and apply concepts.				
<b>SCIENCE</b>	T1	T2	T3	T4
I can understand and apply concepts.				
<b>INTEGRATED SUBJECTS</b>	T1	T2	T3	T4
<b>Art</b>				
I can understand and apply concepts.				
<b>Health</b>				
I can understand and apply concepts.				
<b>CLASSROOM TEACHER COMMENTS/SUGGESTIONS FOR ALL ABOVE CONTENT AREAS:</b>				
<b>PHYSICAL EDUCATION</b>	T1	T2	T3	T4
I can explain and show the skills and movements I need for 3rd grade.				
I can participate safely, respectfully, and responsibly.				
<b>P.E. Teacher Comments/Suggestions:</b>				
<b>MUSIC</b>	T1	T2	T3	T4
I can learn and show the skills I need for 3rd grade.				
I can participate safely, respectfully, and responsibly.				
<b>Music Teacher Comments/Suggestions:</b>				
<b>ENGLISH LANGUAGE PROFICIENCY</b>	T1	T2	T3	T4
I am making adequate progress towards English Language Proficiency.				
<b>ELD Teacher Comments/Suggestions:</b>				

The New Elementary Report Card: Ready to For Use in 2026-2027!

**Questions?**





2025-2026 Klamath Falls City Schools  
General Fund  
YTD Overview - Revenue April 2026

YTD Local Sources

103.33% of Budget

Prior Year YTD: 96.25% of Actuals

YTD State Sources

87.87% of Budget

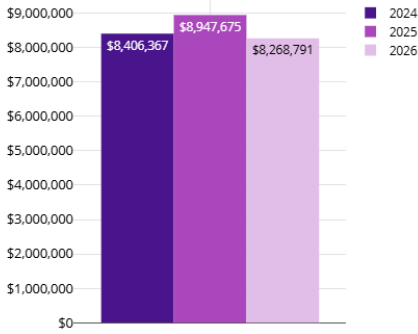
Prior Year YTD: 90.09% of Actuals

YTD All Sources (except 5400s)

93.22% of Budget

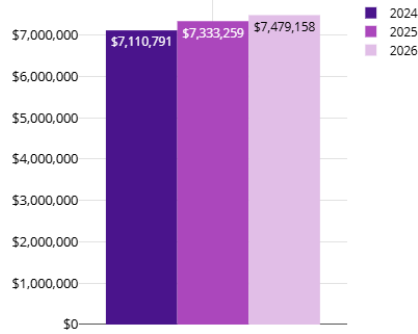
Prior Year YTD: 90.72% of Actuals

Local Sources (1000s)



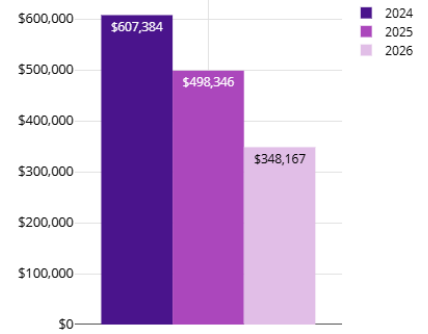
For the Period JUL - APR

Property Taxes (1100s)



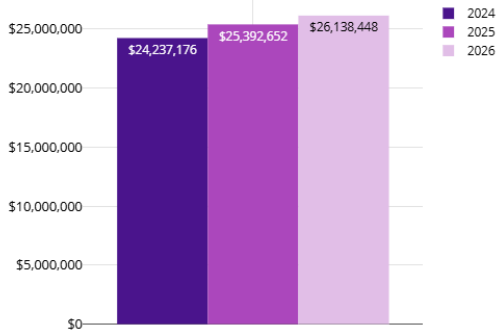
For the Period JUL - APR

Interest Earnings (1500s)



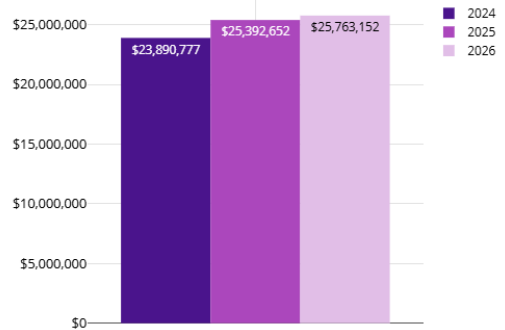
For the Period JUL - APR

State Sources (3000s)



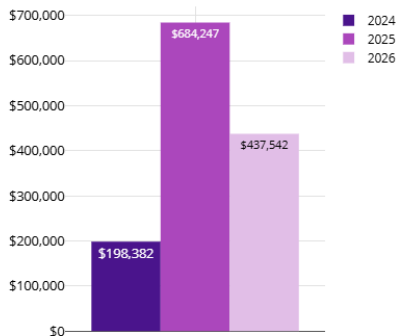
For the Period JUL - APR

State School Fund (3101)



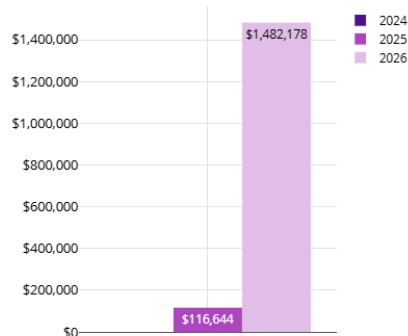
For the Period JUL - APR

Intermediate Sources (2000s)



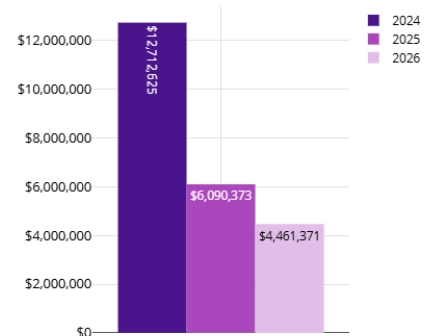
For the Period JUL - APR

Federal Sources (4000s)



For the Period JUL - APR

Other Sources (5000s)



For the Period JUL - APR



2025-2026 Klamath Falls City Schools  
General Fund  
YTD Overview - Expense April 2026

YTD Salary and Benefits

**77.41%** of Budget

Prior Year YTD: 73.34% of Actuals

YTD Purchased Services

**74.73%** of Budget

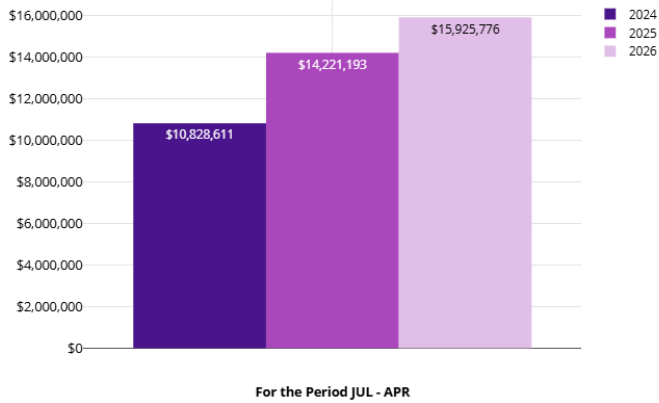
Prior Year YTD: 80.08% of Actuals

YTD Other Expenses

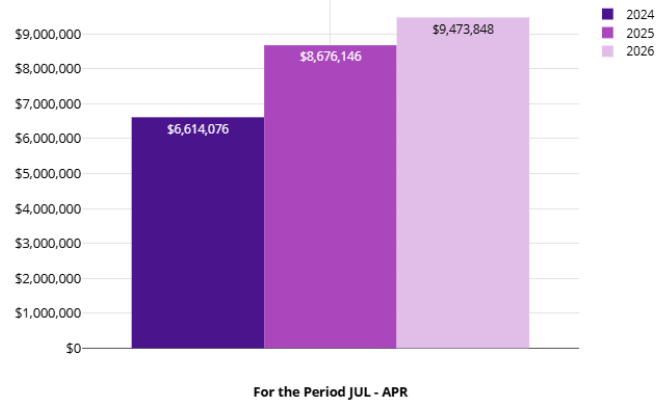
**57.91%** of Budget

Prior Year YTD: 80.59% of Actuals

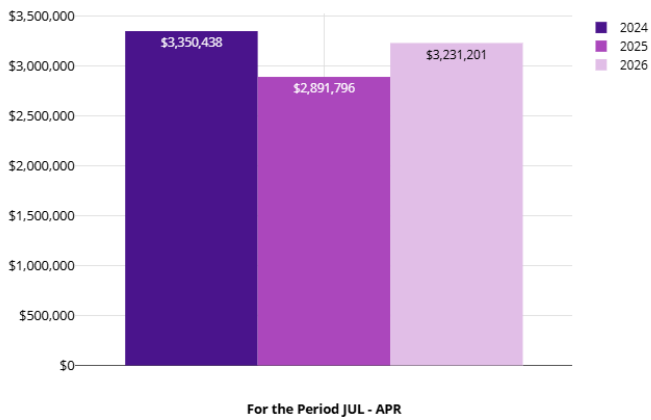
Salaries (100s)



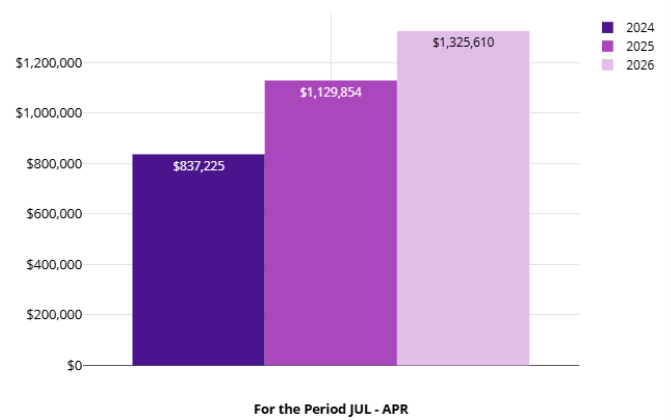
Benefits (200s)



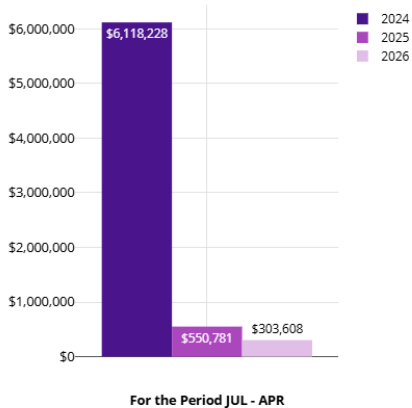
Purchased Services (300s)



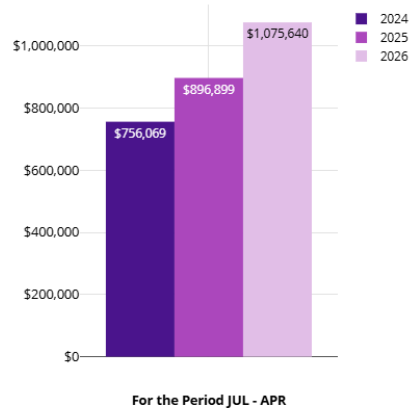
Supplies (400s)



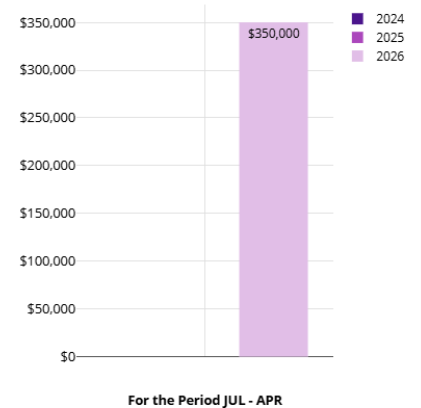
Capital Outlay (500s)



Other Objects (600s)



Transfers (700s)



**100 General fund | Revenue & Expense Summary**  
**Fiscal Year 2025 - 2026**  
**For the Period Ending April 30, 2026**

	Period 1 Actual Jul '25	Period 2 Actual Aug '25	Period 3 Actual Sept '25	Period 4 Actual Oct '25	Period 5 Actual Nov '25	Period 6 Actual Dec '25	Period 7 Actual Jan '26	Period 8 Actual Feb '26	Period 9 Actual Mar '26	Period 10 Actual Apr '26	Period 11 Projected May '26	Period 12 Projected Jun '26	Projected 2025-26 Totals	Adopted 2025-26 BUDGET
<b>REVENUES</b>														
<b>STATE SCHOOL FUND FORMULA:</b>														
Local Taxes	69,117	46,868	35,519	21,208	5,020,466	1,816,913	143,110	161,725	107,423	56,811	40,119	163,100	7,682,376	7,100,000
County School Funds	-	13,042	19,594	-	-	-	3,345	7,293	-	-	758	15,959	59,991	35,000
State School Fund	4,918,173	2,458,598	2,458,766	2,457,274	2,456,364	2,455,563	2,455,213	525	3,051,068	3,051,608	2,964,581	104,966	28,832,699	29,361,993
Common School Fund	184,725	-	-	-	-	-	-	187,571	-	-	38,810	1,374	412,480	384,382
State Managed Timber	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>SSF Formula Total</b>	<b>5,172,015</b>	<b>2,518,507</b>	<b>2,513,879</b>	<b>2,478,482</b>	<b>7,476,830</b>	<b>4,272,476</b>	<b>2,601,669</b>	<b>357,114</b>	<b>3,158,491</b>	<b>3,108,419</b>	<b>3,044,267</b>	<b>285,399</b>	<b>36,987,547</b>	<b>36,881,375</b>
Local Sources (1000)	44,691	42,632	112,763	66,852	60,991	180,154	62,925	53,452	92,088	73,084	72,733	173,933	1,036,299	902,200
Intermediate Sources (2000)	-	-	-	-	-	-	394,268	-	-	-	8,660	182,389	585,317	400,000
State Sources (3000)	-	-	-	-	-	3,000	-	-	-	-	-	-	3,000	-
Federal Sources (4000)	-	-	-	2,414	1,092,593	6,289	-	-	380,882	-	17,824	-	1,500,001	35,000
Other Sources (5000)	-	-	-	-	-	-	-	-	-	-	1,080	440,144	441,224	752,500
<b>Total Operating Revenue</b>	<b>5,216,706</b>	<b>2,561,139</b>	<b>2,626,642</b>	<b>2,547,748</b>	<b>8,630,414</b>	<b>4,461,918</b>	<b>3,058,862</b>	<b>410,566</b>	<b>3,631,461</b>	<b>3,181,503</b>	<b>3,144,563</b>	<b>1,081,865</b>	<b>40,553,388</b>	<b>38,971,075</b>
Beginning Fund Balance (5400)	4,461,371	-	-	-	-	-	-	-	-	-	-	-	4,461,371	3,437,402
<b>Total Monthly Revenues</b>	<b>9,678,077</b>	<b>2,561,139</b>	<b>2,626,642</b>	<b>2,547,748</b>	<b>8,630,414</b>	<b>4,461,918</b>	<b>3,058,862</b>	<b>410,566</b>	<b>3,631,461</b>	<b>3,181,503</b>	<b>3,144,563</b>	<b>1,081,865</b>	<b>45,014,759</b>	<b>42,408,477</b>
<b>CUMULATIVE RESOURCES</b>	<b>9,678,077</b>	<b>12,239,216</b>	<b>14,865,858</b>	<b>17,413,606</b>	<b>26,044,020</b>	<b>30,505,939</b>	<b>33,564,801</b>	<b>33,975,367</b>	<b>37,606,828</b>	<b>40,788,331</b>	<b>43,932,894</b>	<b>45,014,759</b>		
<b>EXPENDITURES BY OBJECT</b>														
Salaries (100)	555,116	621,230	1,849,804	1,771,431	1,742,106	2,079,295	1,856,064	1,859,303	1,792,891	1,798,535	1,848,294	3,393,647	21,167,717	20,232,010
Employee Benefits (200)	345,448	388,131	1,081,792	1,051,009	1,087,965	1,189,878	1,090,813	1,089,391	1,060,070	1,089,351	1,133,363	2,163,631	12,770,842	12,578,086
Purchased Services (300)	284,051	215,017	253,807	350,411	318,800	377,595	275,248	407,207	251,267	497,799	414,891	487,511	4,133,603	4,323,562
Supplies & Materials (400)	308,304	138,240	225,267	143,438	80,399	72,113	71,425	58,752	94,856	132,817	163,758	106,223	1,595,591	1,536,271
Capital Outlay (500)	-	52,381	42,849	51,801	43,731	4,350	5,976	6,218	7,416	88,885	73,923	(299,567)	77,964	581,634
Insurance/Other (600)	81,639	713,124	73,759	30,053	21,795	50,600	31,000	26,060	22,747	24,864	31,089	9,696	1,116,425	1,031,160
Interfund Transfers (700)	350,000	-	-	-	-	-	-	-	-	-	4,102	2,119,546	2,473,648	2,125,754
<b>Total Operating Expenditures</b>	<b>1,924,558</b>	<b>2,128,123</b>	<b>3,527,277</b>	<b>3,398,144</b>	<b>3,294,796</b>	<b>3,773,831</b>	<b>3,330,526</b>	<b>3,446,930</b>	<b>3,229,247</b>	<b>3,632,250</b>	<b>3,669,419</b>	<b>7,980,687</b>	<b>43,335,790</b>	<b>42,408,477</b>
Contingency (810)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unapprop. Ending Fund (820)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Monthly Expenditures</b>	<b>1,924,558</b>	<b>2,128,123</b>	<b>3,527,277</b>	<b>3,398,144</b>	<b>3,294,796</b>	<b>3,773,831</b>	<b>3,330,526</b>	<b>3,446,930</b>	<b>3,229,247</b>	<b>3,632,250</b>	<b>3,669,419</b>	<b>7,980,687</b>	<b>43,335,790</b>	<b>42,408,477</b>
<b>CUMULATIVE EXPENDITURES</b>	<b>1,924,558</b>	<b>4,052,682</b>	<b>7,579,959</b>	<b>10,978,103</b>	<b>14,272,899</b>	<b>18,046,730</b>	<b>21,377,256</b>	<b>24,824,187</b>	<b>28,053,433</b>	<b>31,685,683</b>	<b>35,355,103</b>	<b>43,335,790</b>		
Month-end Fund Balance	7,753,519	8,186,535	7,285,899	6,435,504	11,771,122	12,459,209	12,187,545	9,151,181	9,553,395	9,102,647	8,577,791	1,678,969		

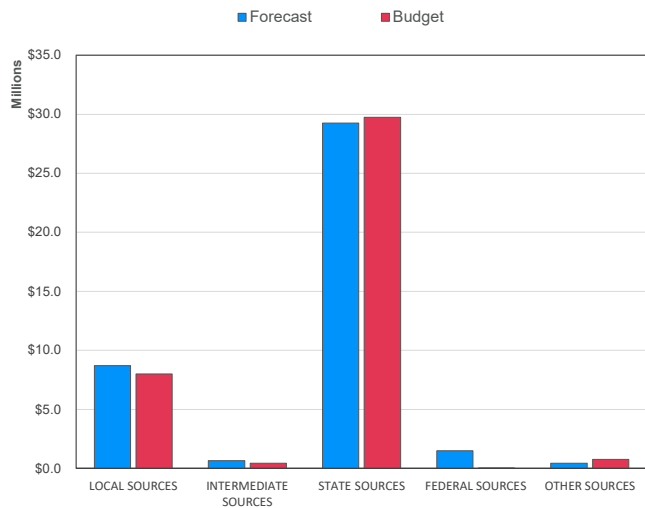
## 100 General fund | Financial Projection by Object

For the Period Ending April 30, 2026

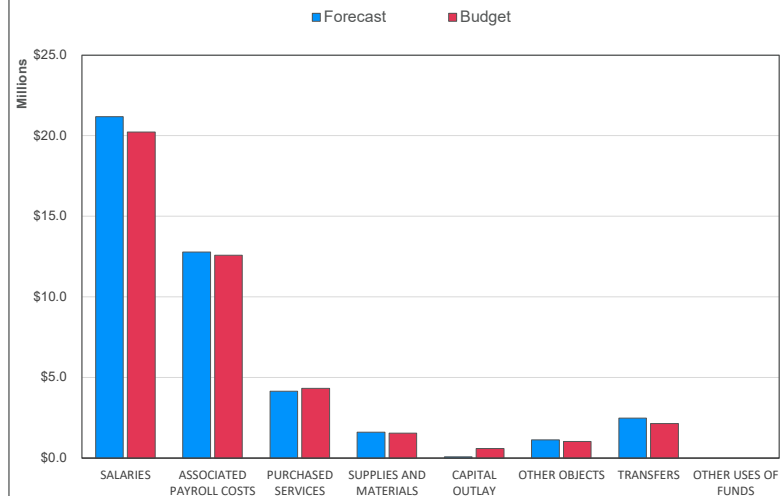
	Prior YTD	Current YTD	Add: Projections	Annual Forecast	Annual Budget	Variance Fav / (Unfav)
<b>Beginning Fund Balance</b>	\$ 6,090,248	\$ 4,461,371	\$ -	\$ 4,461,371	\$ 3,437,402	\$ 1,023,969
<b>REVENUES</b>						
Local Sources	8,947,675	8,268,791	449,884	8,718,675	8,002,200	716,475
Intermediate Sources	684,247	437,542	207,766	645,308	435,000	210,308
State Sources	25,392,652	26,138,448	3,109,731	29,248,179	29,746,375	(498,196)
Federal Sources	116,644	1,482,178	17,824	1,500,001	35,000	1,465,001
Other Sources	125	-	441,224	441,224	752,500	(311,276)
<b>TOTAL REVENUE</b>	<b>\$ 35,141,344</b>	<b>\$ 36,326,959</b>	<b>\$ 4,226,428</b>	<b>\$ 40,553,388</b>	<b>\$ 38,971,075</b>	<b>\$ 1,582,313</b>
<b>EXPENDITURES</b>						
Salaries	\$ 14,221,193	\$ 15,925,776	\$ 5,241,941	\$ 21,167,717	\$ 20,232,010	\$ (935,707)
Associated Payroll Costs	8,676,146	9,473,848	3,296,994	12,770,842	12,578,086	(192,756)
Purchased Services	2,891,796	3,231,201	902,402	4,133,603	4,323,562	189,959
Supplies and Materials	1,129,854	1,325,610	269,981	1,595,591	1,536,271	(59,320)
Capital Outlay	550,781	303,608	(225,644)	77,964	581,634	503,670
Other Objects	896,899	1,075,640	40,785	1,116,425	1,031,160	(85,265)
Transfers	-	350,000	2,123,648	2,473,648	2,125,754	(347,894)
Other Uses of Funds	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>\$ 28,366,669</b>	<b>\$ 31,685,683</b>	<b>\$ 11,650,107</b>	<b>\$ 43,335,790</b>	<b>\$ 42,408,477</b>	<b>\$ (927,313)</b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$ 6,774,674</b>	<b>\$ 4,641,276</b>	<b>\$ (7,423,678)</b>	<b>\$ (2,782,402)</b>	<b>\$ (3,437,402)</b>	
<b>ENDING FUND BALANCE</b>				\$ 1,678,969		

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**Revenues by Source | Forecast vs. Budget**



**Expenditures by Object | Forecast vs. Budget**



4. **NEW BUSINESS/ACTION ITEMS**

1. Proposal of new elementary charter school

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# **Charter School Proposal**

## **The Meadowlark School**

### **Projected School Year 2026/2027**

#### **Founder: Caleb Adkisson**

#### **Identification of the Applicant**

The applicant is a founding group of educators and community members based in Klamath Falls, Oregon, led by the founder, Caleb Adkisson, who will serve as the primary educational and administrative lead during the start-up phase. The founding group includes the founder, their spouse, and three to four additional community members who are committed to establishing a public charter school that reflects the educational needs and values of local families. The applicant intends to establish a nonprofit governing entity to operate the proposed public charter school in compliance with Oregon charter school law.

#### **Name of the Proposed Public Charter School**

The proposed name of the public charter school is **The Meadowlark School**. The name reflects the school's commitment to holistic, place based, developmentally appropriate education rooted in relationship, place, and community.

#### **Legal Address, Facilities, and Physical Location**

The proposed school will be located at 851 Pacific Terrace, Klamath Falls, Oregon 97601. The initial facility is anticipated to be a residential style building owned or secured by the founding group, which will be adapted to meet applicable health, safety, zoning, and building code requirements prior to opening.

The facility will be designed to support small class sizes, hands on learning, artistic work, and daily outdoor access. As the school grows, the governing board will evaluate long-term facility needs and explore expansion options that remain aligned with community scale and program integrity.

If enrollment demand exceeds initial projections, the school may consider relocating or expanding to an alternative site that allows for additional facilities, including school buildings and an on-site educational farm, in order to safely and effectively meet community interest while remaining aligned with the school's mission and program model.

## **II. Mission & Educational Program**

### **Philosophy and Mission**

The mission of the proposed charter school is to provide a public, tuition-free education that supports the intellectual, emotional, social, and physical development of each child. The school's philosophy is inspired by Waldorf education and emphasizes learning through experience, artistic expression, and engagement with the natural world. Instruction will be developmentally appropriate, hands-on, and rhythmically structured to foster focus, creativity, and a sense of responsibility. The school is committed to serving all students in the community while responding to demonstrated demand from families currently homeschooling, providing a public option that strengthens overall district enrollment.

## Curriculum

The school will offer an integrated, thematic curriculum that combines literacy, mathematics, science, social studies, arts, and handwork. Instruction will emphasize experiential learning, project-based activities, and outdoor exploration. Daily schedules will balance academic content, artistic work, practical skills, and outdoor time, ensuring that each child engages head, heart, and hands. Technology use will be minimal in the early years and introduced intentionally at later grade levels in accordance with developmental readiness.

The school will implement a standards-aligned educational program designed to meet all **Oregon Academic Standards** while delivering instruction through a Waldorf-inspired, experiential learning approach. Core instructional materials will include open-source, standards-aligned curricula such as Illustrative Mathematics for mathematics, EL Education for English Language Arts, and OpenSciEd for science. These programs provide structured coverage of required academic standards while allowing teachers flexibility in instructional delivery.

Instruction will be organized through interdisciplinary learning blocks, storytelling, project-based activities, artistic integration, and nature-based exploration. Teachers will adapt lessons to incorporate hands-on learning, movement, outdoor education, and creative expression while ensuring that all state standards are addressed. Students will demonstrate learning through a combination of teacher-directed assessments, projects, portfolios, and standards-aligned evaluations.

This approach allows the school to maintain rigorous academic expectations while fostering curiosity, creativity, and deep engagement with learning.

## Expected Results and Measurement

The school expects students to achieve:

- Proficiency in state-aligned academic standards, particularly in reading, writing, and mathematics
- Growth in social-emotional competencies, including collaboration, problem-solving, and self-regulation

- Demonstrated engagement in learning through participation, project completion, and portfolios

Student progress will be measured through a combination of:

- Teacher observations and narrative evaluations
- Portfolios of student work
- Formative and summative assessments aligned to Oregon standards
- Required state assessments where applicable

Annual reports will compare student outcomes to district and statewide averages to evaluate program effectiveness and ensure continuous improvement.

### **Distinctive Learning and Teaching Techniques**

The school's instructional approach is characterized by:

- **Rhythm-based daily structure** to support predictable routines and developmental needs
- **Arts integration and handwork** as core components of learning
- **Daily outdoor learning** to connect students with the environment and local community
- **Project-based and experiential learning** linking academic content with real-world applications
- **Gradual introduction of technology** in middle school grades to maintain focus on experiential, hands-on learning

These distinctive methods are designed to meet the needs of diverse learners while maintaining alignment with Oregon academic standards and public accountability requirements.

## **III. Governance & Operations**

### **Date the School Will Begin Operating**

The school is planned to begin operations in the **2026–2027 school year**, contingent on approval of the charter, finalization of facility arrangements, and completion of staffing requirements.

### **Term of the Charter**

The applicant requests an initial charter term of **one year**, in alignment with Oregon charter law. Renewal will be sought based on successful performance, compliance with state requirements, and demonstrated community support.

## Target Population of Students to Be Served

The school will serve **all students residing in Klamath Falls**, with particular attention to families seeking a holistic, nature-based, arts-integrated educational option. Many families currently homeschooling have expressed interest in enrolling, indicating the school will serve a mix of public school, private homeschool, and at-risk students.

The program is designed to be inclusive, supporting students of diverse abilities, cultural backgrounds, and socioeconomic status.

## Projected Enrollment and Ages/Grades to Be Served

**Year One Enrollment:** 20–25 students

**Grades:** Mixed Kindergarten and First Grade classroom; optional mixed Second and Third Grade classroom if enrollment and staffing allow

The school plans to expand gradually, adding additional grade levels over time with careful attention to maintaining small class sizes and program quality.

## School Calendar and Schedule

### School Calendar and Instructional Schedule

The school will operate on a modified academic calendar designed to support student well-being, family rhythms, and extended winter rest. For the **2026–2027 academic year**, the instructional year will begin **Monday, September 1, 2026**, and conclude **Thursday, June 24, 2027**, slightly shortening the traditional summer break while extending winter recess.

A key feature of the calendar is an extended winter break intended to provide families with a meaningful period of rest and seasonal reflection. Winter break will begin **Friday, December 18, 2026**, the Friday before the Christmas holiday. Students will return to school on **Tuesday, February 2, 2027**.

Although the winter break is extended, the school will meet and exceed all **Oregon-required instructional hours** through the structure of the academic year and the weekly instructional schedule.

**School day length:** Approximately 6–6.5 hours, including:

- Core academic instruction
- Arts and handwork
- Daily outdoor learning
- Movement and rest periods appropriate to developmental needs

### **Four-Day Instructional Week**

The school will operate on a four-day instructional week, Monday through Thursday, with Fridays reserved for teacher planning, professional development, student support meetings, optional enrichment opportunities, and rest and recovery to promote a more balanced work-life schedule for staff. To ensure that all **Oregon-required instructional hours** are met, students enrolled may engage in teacher-facilitated learning on Fridays from home. This model allows students to continue standards-aligned instruction under teacher guidance, effectively compensating for the shortened on-campus week while maintaining flexibility for families.

The four-day schedule supports a balanced rhythm for students and families, allowing additional time for rest, family activities, experiential learning, and community engagement. Optional enrichment programs may also be offered on Fridays to further support student learning and community needs.

This model ensures that all students, whether full-time or hybrid, receive a **complete and standards-aligned educational experience** while maintaining the quality and integrity of the Waldorf-inspired curriculum.

### **Hybrid Homeschool Option**

The school will offer a **hybrid homeschool option** for families seeking a flexible educational structure while remaining connected to the school community. Students enrolled in this program may participate in **shortened or half-length instructional days** on any or all school days. To maintain **full-time enrollment status** at the brick-and-mortar school, students are expected to attend **more than 50% of the instructional day** in person. During these days, teachers will facilitate **standards-aligned learning activities**, for both on campus or at home, providing guidance, feedback, and support to ensure students progress toward grade-level learning outcomes.

This program allows families to take an active role in their child's education while still receiving professional instruction and access to the school's resources. The hybrid homeschool model ensures that **all students, whether full-time or hybrid, meet Oregon Academic Standards** and have the opportunity to engage in the school's Waldorf-inspired curriculum, including hands-on learning, experiential projects, artistic integration, and nature-based education.

Regular communication between teachers and families will support student accountability and continuity of learning. This flexible model is designed to accommodate diverse family needs without compromising instructional quality or standards compliance.

### **Governance Structure**

The school will be governed by a **nonprofit board of directors** responsible for policy development, financial oversight, and overall accountability. The board will meet regularly and ensure compliance with Oregon charter law.

The founder will serve as a **hybrid educator and administrator** during the startup phase, managing day-to-day operations and instructional leadership. As the school grows, additional administrative and instructional staff will be added.

## Proposed Staff Members and Qualifications

### Year One Staffing:

- One lead teacher (Waldorf-certified preferred; candidates with demonstrated alignment to Waldorf philosophy considered) \*
- Founder serving in instructional and administrative roles

\* The school anticipates employing one lead classroom teacher in its initial year of operation. Should enrollment exceed expectations or additional classes be opened, the school will hire additional qualified teachers and instructional staff as needed to maintain appropriate class sizes and program quality.

### Staff Qualifications:

- Strong educational background in early childhood and elementary education
- Commitment to arts integration, outdoor learning, and holistic development
- Ability to implement developmentally appropriate, experiential learning

Additional staff will be added as enrollment increases, maintaining low student-to-teacher ratios.

## Admissions Policies and Application Procedures

The school will operate an **open enrollment, lottery-based admission process** consistent with ORS Chapter 338:

- Enrollment is open to all eligible students in the community without discrimination based on race, ethnicity, disability, academic ability, or socioeconomic status
- Applications will be made publicly available during a specified enrollment period
- If applicants exceed available spaces, a **random lottery** will determine enrollment
- Siblings of enrolled students may receive lawful preference
- Outreach will specifically target families across the community, including those currently homeschooling

- Once enrolled, students may remain in the school through the highest grade offered, contingent on attendance and behavior compliance

### **Statutes and Rules That Will Apply**

The school will comply with all relevant statutes and administrative rules, including but not limited to:

- **ORS Chapter 338** (Charter Schools)
- **State assessment and accountability requirements**
- **Civil rights and nondiscrimination laws**
- **Health, safety, and employment regulations**
- **Student records and privacy laws**
- **Special education requirements under IDEA and state regulations**

The governing board will ensure compliance and pursue waivers only when legally permissible and necessary to support the educational program.

## **IV. Financial & Accountability**

### **Proposed Budget and Financial Plan**

The school will operate as a **tuition-free public charter school**, funded primarily through per-pupil state allocations, private donations, and grant funding. A grant has already been secured to fund the initial teaching position, ensuring that staffing can be established at launch.

#### **Year One Budget Highlights:**

- **Staffing:** Lead teacher, founder/administrator hybrid role
- **Facilities:** Rent, utilities, minor modifications to meet health and safety requirements
- **Educational Materials:** Classroom supplies, curriculum resources, art and handwork materials
- **Food Services:** Farm-to-school meals emphasizing local, organic ingredients

The budget assumes **conservative enrollment projections (20–25 students)** and phased expansion of staff and facilities. Multi-year financial planning anticipates gradual growth to additional grades while maintaining small class sizes and educational quality. The plan demonstrates **fiscal soundness** and the ability to operate within anticipated revenues.

### **Financial Management System**

The school will implement a financial management system fully compliant with **ORS 338.095** and best practices in nonprofit governance. Key components include:

- **Segregation of Duties:** Different staff members will handle accounting, deposits, and disbursements
- **Board Oversight:** The governing board will review monthly financial reports and approve expenditures
- **Accounting Practices:** All transactions will be documented and maintained in accordance with generally accepted accounting principles
- **Annual Budget Review:** Updated projections and adjustments will be presented to the board prior to the start of each fiscal year

This system ensures readiness for operations from the first day of school and supports long-term fiscal sustainability.

### **Program Review and Fiscal Audit**

The governing board will conduct **annual program reviews** assessing:

- Academic performance relative to Oregon standards
- Enrollment stability and community demand
- Staff performance and retention
- Compliance with legal and policy requirements

An **independent fiscal audit** will be conducted annually to verify accounting accuracy and financial integrity. Audit findings will be reported to the board and, when required, submitted to the district and state authorities.

### **Performance Bonding and Insurance**

The school will maintain comprehensive insurance coverage including:

- **General Liability Insurance** covering student activities, staff, and visitors
- **Property Insurance** for facilities, equipment, and instructional materials
- **Workers Compensation** for all employees
- **Performance Bonding** as required by state law to protect public funds

Coverage levels will be reviewed annually to ensure adequacy and compliance with Oregon law.

## **V. Student Policies**

## **Standards for Behavior and Procedures for Discipline, Suspension, and Expulsion**

The school will maintain a **safe, respectful, and inclusive learning environment**. Expectations for student behavior will be clearly communicated to students and families and will emphasize responsibility, empathy, and social-emotional growth.

### **Behavior Management Approach:**

- **Restorative Practices:** Conflicts and misbehavior will be addressed through dialogue, reflection, and reconciliation rather than punitive measures alone.
- **Progressive Support:** Students will receive guidance and interventions appropriate to their developmental stage, escalating only when necessary.
- **Parental Involvement:** Families will be engaged early in the process to reinforce consistency and partnership in supporting student growth.

### **Procedures for Suspension and Expulsion:**

- Suspension and expulsion will be used only as a last resort and in accordance with Oregon law and district policies.
- All actions will be documented, communicated to parents, and reported as required to the district.
- Students subject to disciplinary actions will continue to have access to education and support services in alignment with state law.

These procedures are designed to balance **student accountability, educational continuity, and safety** for the entire school community.

## **Arrangements for Special Education and Related Services**

The school will fully comply with **federal and state special education laws, including ORS 338.165**.

### **Special Education Program Overview:**

- The school will provide Individualized Education Programs (IEPs) and related services in collaboration with the district or contracted specialists.
- Students with disabilities will receive accommodations and modifications tailored to their needs.
- Staff will be trained in inclusive practices and differentiation to ensure all students have equitable access to the curriculum.

### **Access and Compliance:**

- The school will maintain records and documentation for each student receiving special education services.
- Progress and service delivery will be monitored regularly, and parents will be active participants in planning and review.

This framework ensures **all students, including those with disabilities, can participate fully in the school's educational program** while meeting or exceeding state and federal compliance requirements.

## VI. Community & Human Resources

### Community Group Involvement in Planning and Development

The founding of the proposed charter school has been guided by an engaged group of local educators, parents, and community members who share a commitment to holistic, nature-based education. The core planning team includes the founder, their spouse, and three to four additional community members with expertise in education, child development, and local community engagement.

Community involvement has included:

- **Stakeholder Meetings:** Conversations with families, local homeschooling networks, and interested community members to assess educational needs and demand.
- **Feedback on Program Design:** Input on curriculum priorities, school culture, class size, and outdoor learning.
- **Partnership Exploration:** Engagement with local farms, artisans, and cultural organizations to support place-based, experiential learning.

This collaborative approach ensures the school reflects the values and needs of the community it serves while promoting broad support and participation.

### Plan for Placement of Teachers, Employees, and Students if the Charter is Terminated or Not Renewed

In the event that the charter is terminated or not renewed, the school will implement a **structured transition plan** to minimize disruption for students, families, and staff:

#### For Students:

- Families will be notified as early as possible to allow for placement in district schools or other appropriate public education options.
- Student records, including academic, behavioral, and special education documentation, will be transferred promptly to receiving schools in accordance with state law.

#### For Staff and Teachers:

- Employees will be given notice in compliance with contracts, labor laws, and district policies.
- The board will provide support in job placement, including references and professional recommendations where appropriate.

**Assets and Facilities:**

- Assets and educational materials will be distributed in accordance with Oregon charter school law and nonprofit regulations.
- Facility leases or ownership arrangements will be resolved responsibly, ensuring continuity of care for students and staff where possible.

This plan demonstrates the school's commitment to **responsible governance, accountability, and the well-being of the community** in all circumstances.

## **VIII. Additional Requirements**

### **Governing Board Member Acknowledgment**

Each proposed member of the governing board will formally acknowledge and document their understanding of responsibilities, duties, and liabilities under **ORS Chapter 65** governing nonprofit corporations. This includes:

- **Fiduciary Duty:** Board members will act in the best interests of the charter school, ensuring prudent financial management and ethical decision-making.
- **Legal Compliance:** Members will comply with all applicable state and federal laws, including nondiscrimination, public accountability, and labor laws.
- **Conflict of Interest:** Board members will disclose any potential conflicts and abstain from decisions where personal interests may conflict with those of the school.
- **Oversight Responsibility:** Members will actively participate in governance, including budget approval, policy oversight, and annual evaluation of the school's performance.

Board members will sign acknowledgment forms confirming their understanding and commitment prior to assuming governance responsibilities.

### **Additional Information Required by the School District Board**

The applicant will provide any additional information requested by the district to support the review and approval of the charter application. This may include, but is not limited to:

- Supplemental financial documentation
- Facility inspection reports or certificates
- Letters of support from families or community partners

- Policy documents or procedural manuals
- Any forms or assurances specified by the district application process

The school is committed to full transparency and collaboration with the district throughout the application review process.

## **IX. Optional Requests**

### **Request for Technical Assistance**

The applicant respectfully requests that the district board provide technical assistance in the development and refinement of this charter proposal. Assistance may include guidance on:

- Aligning the proposed program with state and district academic standards
- Compliance with ORS 338.045 application requirements
- Fiscal and governance best practices for start-up charter schools
- Facility, transportation, and operational considerations

Such support will help ensure the proposal is thorough, compliant, and responsive to the needs of the Klamath Falls community.

### **Request for Vacant or Unused Public Buildings**

The applicant also requests a list of vacant or underutilized public buildings within the district, the Education Service District (ESD), or other public entities. This request is made in accordance with state law and with the understanding that the information will be provided within **30 days**.

Access to potential public facilities will assist the school in planning for a safe, functional, and accessible learning environment for students, staff, and the community.



**KLAMATH FALLS CITY SCHOOLS  
BOARD RESOLUTION**

**Resolution No. #26-04**

**Adoption of the Klamath Falls City New Education School (KFCNES) Model**

---

**WHEREAS,**

The Klamath Falls City Schools Board of Education is committed to improving student outcomes and ensuring all students have access to high-quality instruction; and

WHEREAS, the District has identified persistent challenges related to inconsistent instructional practices, variable student experiences, and stagnant academic growth; and

WHEREAS, district leadership has conducted extensive research, planning, and site visits to identify effective models for improving instructional consistency and student outcomes; and

WHEREAS, the Klamath Falls City New Education School (KFCNES) model provides a structured, research-informed approach to strengthening classroom instruction, increasing student engagement, and improving academic outcomes;

---

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**1. Implementation Approval**

The Board of Education approves the implementation of the KFCNES model at:

- Mills Elementary School
  - Ponderosa Middle School
- beginning with the 2026–2027 school year.
- 

**2. Model Components**

Implementation of the KFCNES model shall include:

- Structured, standards-aligned instructional practices in all classrooms
- Daily assessment of student learning with targeted reteach
- Increased principal presence in classrooms to support instruction
- Alignment of staffing structures to support instructional delivery
- Expanded instructional time for students
- Professional learning and coaching aligned to the instructional model
- Systems to monitor and ensure instructional consistency

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**3. Resource Allocation**

The Board authorizes the Superintendent to allocate and reallocate district resources, including grant and program funds, to support implementation of the KFCNES model, including staffing, compensation adjustments, training, and materials.

---

**4. Administrative Authority**

The Superintendent is authorized to:

- Finalize implementation plans and timelines
  - Make necessary staffing and operational adjustments
  - Implement evaluation and accountability systems aligned to the model
- 

**5. Monitoring and Reporting**

The Superintendent shall provide regular updates to the Board of Education regarding:

- Implementation progress
  - Student outcomes
  - Staffing and operational impacts
- 

**ADOPTED this 18th day of May, 2026.**

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**Board Chair:** \_\_\_\_\_

**Superintendent:** \_\_\_\_\_



# 2026-2027 KFCS Title VI Grant

## 1. Objective I: Increase School Readiness

- a. Focal Level(s): Elementary, Middle, and High School Students
- b. Services to Support Objective:
  - i. Culturally-responsive academic support (e.g., study skills, homework support)
  - ii. Parent involvement

## 2. Objective II: Increase Academic Achievement

- a. Focal Level(s): Elementary
- b. Services to support Objective:
  - i. Culturally-responsive academic support (e.g., study skills, homework support)
  - ii. Family literacy with culturally-based materials

## 3. Objective III: Increase School Attendance Rate

- a. Focal Level(s): Middle School, High School
- b. Services to support Objective:
  - i. Cultural enrichment (e.g., events, field trips, clubs)
  - ii. Culturally-responsive academic enrichment (e.g., after school programs, projects)
  - iii. Parent involvement

## 4. Objective IV: Increase Parent Participation

- a. Focal Level(s): Elementary, Middle, and High School Students
- b. Services to support Objective:
  - i. Family literacy with culturally-based materials
  - ii. Parent involvement
  - iii. Drop-out prevention strategies

### Required Plan Approval:

Approval: KFCS Title VI Parent Committee - April 28, 2026

Pending Approval: KFCS Board of Education - May 18, 2026

Pending Approval: Klamath Tribes Tribal Council - May TBD

Pending Approval: ODE Office of Indian Education

### Title VI Student Enrollment:

196 Students (decrease of 3 students from 2025-2026)

### Anticipated Budget:

Anticipated Allocation: \$60,450.00 (same as 2025-2026)

5. **OLD BUSINESS/ACTION ITEMS**

1. Second Reading of OSBA policy revisions Section G

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# Klamath Falls City Schools

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The following symbol is used on some policies:

- \*\* As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

# Klamath Falls City Schools

Code: GAA  
Adopted: 10/12/15  
Readopted: 3/06/17  
Orig. Code(s): GAA

## Personnel: Definitions

“Licensed employees” are those holding a position that requires a license issued by the state Teacher Standards and Practices Commission (TSPC).

1. A “teacher” is an employee who holds a teacher’s license or is registered to teach by TSPC.
2. A “contract teacher” is any teacher who has been regularly employed by a district for a probationary period of not more than three successive school years, and who has been retained for the next succeeding school year.
3. A “probationary teacher” is one who is not a contract teacher and who is employed for at least 135 consecutive days in any school year as a teacher in the district. At least 30 consecutive days of employment in the district in a successive year shall be sufficient to keep the service intact, and the teacher shall not lose credit for previous probationary years served.
4. A “temporary teacher” is any teacher employed to fill a position designated as temporary or experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.
5. A “substitute teacher” is any teacher employed to take the place of a probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-by-day basis, without contract, and does the work of the regularly assigned teacher during the latter’s absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually by the Board in accordance with the provisions of Oregon law.
6. An “intern teacher” is a regularly enrolled candidate of an approved educator preparation provider, who teaches under the supervision of the staff of the provider and of the employing district, in order to acquire practical experience in teaching. The intern teacher receives both academic credit from the provider and financial compensation from the district or education service district.
7. An “administrator” is an employee who holds a valid Oregon administrative license or registration, and who works in a position requiring an administrative license. An administrator includes, but is not limited to, all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts, who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services with public funds.
8. A “specialist” is an employee who has a teaching license or a letter of authorization from the Oregon Department of Education and who is employed half-time or more.

“Classified personnel” are those employees in positions for which no teaching or administrative licenses are required by law.

“Supervisory employees” are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

“Confidential employees” are designated in accordance with Oregon law (ORS 243.650(6)) and provisions of the labor agreements between the district and its licensed and classified employees. Such employees will be excluded from any bargaining unit. Salaries and benefits for confidential employees will be established by the Board.

“Administrative employee” means an employee of the district who possesses authority to formulate and carry out administrative and/or program decisions, or who represents administration’s interest by taking or effectively recommended discretionary actions that control or implement district policy, and who has discretion in the performance of these administrative and/or program responsibilities beyond the routine discharge of duties. An administrative employee need not act in a supervisory capacity in relation to other employees.

END OF POLICY

**Legal Reference(s):**

[ORS 243.650\(6\), \(23\)](#)  
[ORS 332.505](#)  
[ORS 332.554\(3\)](#)  
[ORS 342.120](#)  
[ORS 342.125](#)

[ORS 342.420](#)  
[ORS 342.610](#)  
[ORS 342.815](#)  
[ORS 342.835](#)  
[ORS 342.840](#)

[ORS 342.845](#)  
[OAR 584-020-0005](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GAB  
Adopted: 10/09/06  
Readopted: 3/06/17  
Orig. Code(s): GAB

## Job-Position Descriptions

Job-Position descriptions serve to:

1. Describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help district administrators determine which candidates to recommend for appointment; and
5. Assist administrators in the evaluation of the employee's performance of position/job responsibilities.

Job-Position descriptions will include essential functions of the position. "Essential functions," as used in this policy, means the fundamental job duties of the employment position. A job-position 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/his or her 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 district.

Position Job-descriptions will be developed under the supervision of the superintendent for each position in the district. Each job-position description shall be dated; as-As job-position descriptions are reviewed and/or revised new dates will be affixed.

Job-Position descriptions will be coded and retained in a document titled *Job Descriptions for the Klamath Falls City School District* on record. The document will be available for inspection by any district employee or patron. Each employee shall receive a copy of their/his/her job-position description. Each employee shall affix their/his/her signature and date after having read the job-position description.

Job Position descriptions will be reviewed and updated as needed. ~~necessary~~. Initial ~~and~~ revised job position descriptions will be approved by the superintendent or designee.

END OF POLICY

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**Legal Reference(s):**

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

[OAR 581-022-2405](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 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.

Corrected 12/08/25

# Klamath Falls City Schools

Code: GB  
Adopted: 10/09/06  
Readopted: 3/06/17  
Orig. Code(s): GB

## General Personnel Policies

The quality of the professional and support staff is of primary importance in achieving the district's educational objectives. In filling any licensed or classified position, the district will seek out and appoint the best-qualified person available for the position.

~~The employment of candidates to fill licensed positions may be approved by the Board upon the superintendent's recommendation. The superintendent will employ all classified employees, substitutes and part-time personnel as needed.~~

Notice of all regular job openings will be available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies, and general and specialized media.

Applications or inquiries concerning job openings will be directed to the ~~personnel~~ human resources office on standard district application forms. The selection process will be coordinated and supervised by the ~~personnel~~ human resources director with the involvement of other appropriate administrators and supervisors.

Each candidate selected for a position with the district must possess or demonstrate eligibility for any license or permit required to fill the position. In addition, the individual must be insurable by the district's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the district may require any candidate, as a condition of employment, to hold a current, recognized first-aid/AED/CPR card. A current employee required to hold a card will obtain it within 90 days from the date the district gives notification.

~~The superintendent will recommend candidates to fill licensed positions for Board approval. The superintendent or designee will hire all classified employees, substitutes and part-time personnel as needed.~~

~~Following Board approval, licensed p~~Personnel selected for employment will be notified in writing ~~following Board approval~~; all other personnel selected by the superintendent will be notified. This notification will specify the assignment, the job classification, the salary or hourly rate, the length of the ~~workweek~~work week and the length of the assignment. Unsuccessful applicants who were interviewed will be notified.

Initial assignments of staff will be made by the superintendent or ~~his~~ designee.

The superintendent or designee will establish ~~guidelines~~ ~~regulations~~ governing the recruitment, selection and employment of personnel in accordance with this policy.

END OF POLICY

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**Legal Reference(s):**

[ORS 342.664](#)  
[ORS 408.225](#)  
[ORS 408.230](#)  
[ORS 408.235](#)  
[ORS 653.305 to -653.326](#)

[ORS 659A.309](#)  
  
[OAR 581-022-2405](#)  
[OAR 839-006-0435](#)  
[OAR 839-006-0440](#)

[OAR 839-006-0450](#)  
[OAR 839-006-0455](#)  
[OAR 839-006-0460](#)  
[OAR 839-006-0465](#)

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBA  
Adopted: 1/13/20  
Revised/Readopted: 3/14/22  
Orig. Code(s): GBA

## Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race<sup>1</sup>, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition<sup>2</sup>, age, veterans' status<sup>3</sup>, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability<sup>4</sup> if the employee, with or without reasonable accommodations, 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 (ADA), the Americans with Disabilities Act Amendments Act (ADA/ADAAA), 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 or designee will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

### Legal Reference(s):

<a href="#">ORS 174.100</a>	<a href="#">ORS 408.235</a>	<a href="#">ORS 659A.030</a>
<a href="#">ORS 243.317 – 243.323</a>	<a href="#">ORS 652.210 - 652.220</a>	<a href="#">ORS 659A.040</a>
<a href="#">ORS 326.051</a>	<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.082</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.109</a>
<a href="#">ORS 342.934</a>	<a href="#">ORS 659A.006</a>	<a href="#">ORS 659A.112</a>
<a href="#">ORS 408.225</a>	<a href="#">ORS 659A.009</a>	<a href="#">ORS 659A.147</a>
<a href="#">ORS 408.230</a>	<a href="#">ORS 659A.029</a>	<a href="#">ORS 659A.233</a>

<sup>1</sup> 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)).

<sup>2</sup> 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.

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

<sup>4</sup> 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](#)  
[ORS 659A.309](#)  
[ORS 659A.321](#)  
[ORS 659A.409](#)  
[ORS 659A.820](#)

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

[OAR 839-006-0450](#)  
[OAR 839-006-0455](#)  
[OAR 839-006-0460](#)  
[OAR 839-006-0465](#)

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).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBA-AR  
Revised/Reviewed: 3/14/22  
Orig. Code(s): GBA-AR

## Veterans' Preference

Oregon's Veterans' Preference Law requires the district 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' preference<sup>1</sup> a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law<sup>2</sup>.

The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district 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 district for an explanation of the reasons why they were not selected for the position. The district 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 district'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<sup>3</sup> of eligibility for preference, in addition to other requested materials.

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<sup>1</sup> See Oregon Revised Statute (ORS) 408.235.

<sup>2</sup> See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions of veteran and disabled veteran.

<sup>3</sup> 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.

## **Selection Procedures<sup>4</sup>**

- 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.
- 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 district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district 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 submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested.

### **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.

Corrected 12/10/25

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

# Klamath Falls City Schools

Code: GBC  
Adopted: 6/20/94  
Readopted: 10/09/06; 2/09/09; 11/15/10;  
1/13/14; 11/20/14; 4/11/16;  
3/06/17  
Orig. Code(s): GBC

## Staff Ethics

### **I. Prohibited Use of Official Position for Financial Gain. ~~Conflict of Interest~~**

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

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium allowed by ORS 244.042, 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 district employee.

The employee may receive district or school logo apparel as part of the employee's official compensation package.

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

This means that:

1. Employees, relatives or members of the district employee's household will not use the employee's their 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 district 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 district employee may serve as a Board or budget committee member in the district;

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 district 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 a district employee has a potential or actual conflict of interest, the district 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 district employee is met with a conflict of interest.

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

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

In order to avoid violation of nepotism provisions both potential and district policy actual conflicts of interests, district employees must abide by the following rules when an employee's relative or member of the household of the district employee, is seeking and/or holds a position with the district:

1. A district 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 he/she complies 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. A district 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 district employee. In accordance with Oregon law, however, the district 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 spouse<sup>1</sup>, 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 benefits<sup>2</sup> to the employee, or who receives any benefit from the employee’s public employment.

## II. Gifts

District 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 district employee. All gift-related provisions apply to the 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 district employee from, but not limited to, another district employee, a student or parent of a student or a vendor within the \$50 gift limit. Except for exclusions in ORS 244.040(2), an item received by an employee from the district 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 spouse<sup>3</sup>, 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 benefits<sup>4</sup> to the employee, or who receives any benefit<sup>5</sup> from the employee’s public employment.

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

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<sup>1</sup> The term spouse includes domestic partner.

<sup>2</sup> 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.

<sup>3</sup> Ibid. p. 32

<sup>4</sup> Ibid. p. 3

<sup>5</sup> Ibid. p. 2

## 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 district 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 district 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:

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.
3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
  4. 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 solicit or 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:
  - a. Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:

- (1) 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:
  - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
    - (i) The giver is a unit of a:
      - 1) Federal, state, or local government;
      - 2) An Oregon or federally recognized Native American Tribe; OR
      - 3) Nonprofit corporation.
    - (b) The employee is representing the district:
      - (i) On an officially sanctioned trade-promotion or fact-finding mission; OR
      - (ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the superintendent.
  - (2) The purpose of this 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 district.

“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(75)(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 or gift 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 district employment;—
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

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**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.

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBC-AR  
Revised/Reviewed: 11/20/14; 3/06/17  
Orig. Code(s): GBC-AR

## Staff Ethics

District 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. District employees are prohibited from using or attempting to use their/his/her district position to obtain a financial gain or to avoid a financial detriment for the district 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 district. Specifically, this means that:

1. Employees will not use district 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 district's:
  - a. Fax machine<sup>1</sup>;
  - b. Phones to make long distance personal calls;
  - c. District vehicles;
  - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
  - e. Athletic facilities (e.g., pool or weight room).

Further, the district'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 district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district 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 district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district 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 district travel or other district 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

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<sup>1</sup> The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district 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.

discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for district 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 district 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 district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission.
6. The employee's district 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 district, 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 a district 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 employees' sister's tutoring business.
8. District 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 district, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. District 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 district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district 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 district facilities for this purpose only if they comply with the district'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. The definition of a "fact finding mission" is, in part, any activity related to a cultural or educational purpose. See OAR 199-005-0020(3)(a). The district employee must be directly and immediately associated with the event or location being visited. If a district employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(6)(H)(i). Further, the employee can only accept the reimbursement of reasonable travel expenses from the private company, not any further compensation.~~

~~These restrictions do not apply if the district compensates the district employee for chaperoning the trip.~~

# Klamath Falls City Schools

Code: GBCBA  
Adopted: 10/09/06  
Readopted: 3/06/17  
Orig. Code(s): GBCBA

## Alcohol/Controlled Substance Use (Version 1)

The manufacture, delivery, possession or use of a controlled substance or alcohol by any employee, except as authorized by Oregon Revised Statutes, is prohibited at any district work site. In enforcing this prohibition, district officials may only make a search or seizure related to a violation of this policy which is permitted by law. An employee who violates this rule is subject to disciplinary action, including suspension and discharge. Such violations may also disqualify an employee from unemployment compensation benefits.

The authorized use of a controlled substance by an employee at any district worksite is not prohibited. The authorized use of a controlled substance by an employee at any district worksite is subject to remedial action by the district where such use negatively affects job performance or creates a risk of injury to any person.

Remedial action should be corrective, not disciplinary, in nature, although suspension may be included in the action and discharge may result where an employee fails to comply with the action or correct the effect on job performance or risk of injury.

### Definitions

1. "Alcohol" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.
2. "Authorized" means:
  - a. That a person who manufactures or delivers a controlled substance must be registered with the State Board of Pharmacy; or
  - b. That a person who possesses or uses a controlled substance must have a prescription that allows such possession or use.
3. "Controlled substance" means a drug or its immediate precursor as described in Oregon Revised Statutes.
4. "Deliver" or "delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, or alcohol, whether or not there is an agency relationship.
5. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance or alcohol, either directly or indirectly, by extraction from substances of natural origin; or independently by means of chemical synthesis; or by a combination

of extraction and chemical synthesis; and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

6. “Possession” means to physically possess or otherwise to exercise dominion or control over a controlled substance or alcohol.
7. “Remedial action” is a response which attempts to eliminate the negative effect on job performance or the risk of injury.
8. “Use” means to consume by ingestion, injection, inhalation or any other means, in whole or in part, a controlled substance or alcohol, including being under the influence of either.
9. “Worksite” means any building, structure, vehicle or property (including parking lots), or part thereof, owned or possessed by the district or any other location at which an employee is to perform work for the district. “Any other location” includes the place of a district-sponsored or district-approved activity and the employee’s own vehicle when used to transport students or fellow employees to and from an activity sponsored or approved by the district and when used to transport fellow employees to and from different worksites following initial arrival at work.

END OF POLICY

**Legal Reference(s):**

[ORS Chapter 475](#)  
[ORS 657.176](#)  
[ORS 659.840](#)  
[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)  
[OAR 581-053-0230\(9\)\(t\)](#)  
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)  
[OAR 581-053-0420\(3\)\(c\)](#)  
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)  
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)  
[OAR 581-053-0620\(1\)\(s\)](#)  
[OAR 584-020-0040](#)  
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).  
Americans with Disabilities Act Amendments Act of 2008.

# Klamath Falls City Schools

Code:  
Adopted:

GBCBA

## Alcohol/Controlled Substance Use

(Version 2)

The following conduct is strictly prohibited and will subject an employee to immediate discipline, up to and including termination:

1. The buying, selling, transporting, possessing, providing or using of intoxicants, including alcohol or any controlled substances as defined by law, while on district property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours and while driving between worksites during the workday in either a district-supplied vehicle or a vehicle supplied by the employee;
2. Reporting for work under the influence of alcohol, intoxicants or any controlled substance. An individual is considered to be “under the influence of alcohol, intoxicants and/or a controlled substance” when, in the district’s determination, the controlled substance, alcohol or intoxicant 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 district reserves the right, with prior notice and reasonable suspicion, to conduct searches of district property, vehicles or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.

The superintendent or designee will develop procedures, consent forms and such notifications as are needed for an orderly implementation of this policy.

END OF POLICY

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### Legal Reference(s):

[ORS Chapter 475](#)  
[ORS 657.176](#)  
[ORS 659.840](#)  
[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)  
[OAR 581-053-0230\(9\)\(t\)](#)  
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)  
[OAR 581-053-0420\(3\)\(c\)](#)  
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)  
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)  
[OAR 581-053-0620\(1\)\(s\)](#)  
[OAR 584-020-0040](#)  
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).  
Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBD  
Adopted: 10/13/08  
Readopted: 3/06/17  
Orig. Code(s): GBD

## Board-Staff Communications

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. This policy does not restrict protected labor relations communications of bargaining unit members. The superintendent will develop and recommend to the Board, processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will ~~communicate~~ employ media, as appropriate, to keep staff fully informed of the Board's concerns and actions.

END OF POLICY

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### Legal Reference(s):

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBDA  
Adopted: 3/06/17  
Readopted: 10/14/19; 5/12/25  
Orig. Code(s): GBDA

## Expression of Milk or Breast Feed in the Workplace\*\*

The district 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 district.

The district will make a reasonable effort to provide a location 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 district may not include the time taken to travel to and from the location as part of the break period.

The following locations have been identified in each facility for milk expression or breast feeding<sup>1</sup>:

1. LOEC District office: the location designated for this purpose is a room located in Room 38 called the Teen Parent/Nursing Room; It has a locking door; one window that is covered; a table and chair; electricity; and access to water in the kitchen;
2. Conger Elementary School<sup>2</sup>: the location designated for this purpose is room #16 located near the staff room. This lactation room is a private room with locking doors, electricity, a table and chair and has no windows;
3. Mills Elementary School: the location designated for this purpose is Room 29 is the size of a larger office; It has a window and a counter with shelves; There is no sink, but it is near our staff room where a sink is accessible easily; and Hhas one window and locks. Additionally, teachers are invited to use their classrooms, putting a sign on their door indicating that no entry is permitted;
4. Pelican Elementary School: the location designated for this purpose is room 125; It has a locking door and no windows, a table and chairs. It is located to the side of the SPED room and has access to a nearby restroom;
5. Roosevelt Elementary School: the location designated for this purpose is a room located just off the gymnasium on the main floor has been designated for this purpose; it has a locking door, no windows, a table and chairs;

<sup>1</sup> ~~The list of designated locations and facilities is required to be in policy as per Oregon Revised Statute (ORS) 653.077(10)(b).~~

<sup>2</sup> ~~Must list all elementary schools if more than one within the district.~~

6. Ponderosa Middle School<sup>3</sup>: the location designated for this purpose is a room in the back medical office of the school will be used for this purpose; it has a locking door, no windows and a table and chair. There is access to electricity, a private refrigerator and water just outside the room;
7. Klamath Union High School<sup>4</sup>: the location designated for this purpose is next to the cafeteria on the main floor; it has a locked door, no windows and there are a few chairs in this space. There is also a bathroom on the other side of the nursing room and it has access to electricity and water;
- ~~8. Klamath Learning Center: the location designated for this purpose is the private room located between modules #2 and #3 is designated for this purpose; it has a locking door and a curtained window. The staff restroom is just around the corner from this room which has electricity and water;~~
- 9.8. Transportation & Food Service: the location designated for this purpose is the break room in the food service department; it has a lock door, a covered window and access to electricity and water; it has a chair and countertop space;
- 10.9. Eagle Ridge New Tech High School: the location designated for this purpose is in the front counseling office. Room 114; it has a locking door, a window with blinds, a desk and chair; There is a bathroom located three classrooms away from the nursing room and it has access to electricity and water;
- 11.10. KECDC: the location designated for this purpose is Room 6 which is on the bottom floor; it has a locking door, a window with blinds, a sink in the room, a chair and counter space; it has access to electricity and water.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district 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 central office of each school facility and in the district's central office.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 243.650](#)  
[ORS 653.077](#)

[ORS 653.256](#)  
[OAR 839-020-0051](#)

Corrected 5/20/25; Corrected 12/08/25

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<sup>3</sup> ~~Must list all middle schools if more than one within the district.~~

<sup>4</sup> ~~Must list all high schools if more than one within the district.~~

# Klamath Falls City Schools

Code:

GBE

Adopted:

## Staff Health and Safety

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 superintendent or designee will develop districtwide 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.

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

END OF POLICY

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### Legal Reference(s):

[ORS 243.650](#)

[ORS 329.095](#)

[ORS 453.001 to -453.275](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0075](#)

[OAR 437-002-0140](#)

[OAR 437-002-0144](#)

[OAR 437-002-0145](#)

[OAR 437-002-0180 to -0182](#)

[OAR 437-002-0360](#)

[OAR 437-002-0368](#)

[OAR 437-002-0377](#)

[OAR 437-002-0390](#)

[OAR 437-002-0391](#)

[OAR 581-022-2225](#)

Corrected/Added 12/08/25

# Klamath Falls City Schools

Code: GBEA  
Adopted: 3/14/22  
Revised/Readopted: 6/28/23  
Orig. Code(s): GBEA

## Workplace Harassment

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

Any district employee who believes they have been a victim of workplace harassment may file a report with the district 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 district 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 assault<sup>1</sup> 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 district, upon receipt of a report from a district 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 district employee receiving the report, whether a supervisor of the employer or the district 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.

The district may not require or coerce a district employee to enter into a nondisclosure<sup>2</sup> or nondisparagement<sup>3</sup> agreement.

The district 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 district employees or between a district employee and the district, in the workplace or at a work-

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<sup>1</sup> “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.

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

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

related event that is off district premises and coordinated by or through the district, or between a district employee and employer off district premises.

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district 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 district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

If the district determines in good faith that an employee has engaged in workplace harassment, the district 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 district 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, witnesses, 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 district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district 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

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**Legal Reference(s):**

[ORS 174.100](#)  
[ORS 243.317 - 243.323](#)  
[ORS 659A.001](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[ORS 659A.082](#)  
[ORS 659A.112](#)  
[ORS 659A.370](#)  
[ORS 659A.375](#)  
[ORS 659A.820](#)

[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).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBEA-AR  
Revised/Reviewed: 1/13/20  
Orig. Code(s): GBEA-AR

## Workplace Harassment Reporting and Procedure

Any district employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administrative regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

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

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, or 659A.112 or ~~ORS 659A.370 section 4 of Senate Bill 479 (2019)~~ must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the district as a separate confidential file and stored in the district office.

### Investigation Procedure

The Human Resource Director is responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the Human Resources Director, the employee may report to the Director of Operations. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee;
3. Provide a copy of the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within ~~ten~~ 10 working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the

investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace 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 shall review the investigators report and findings. The superintendent will arrange such meetings with the complainant and other affected parties as deemed necessary by the superintendent to discuss the appeal. The superintendent shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

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 5 working days after receipt of the Step 2 decision. The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board ~~may~~ will hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, ~~within 20 days,~~ in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within ~~10-30 working days following completion of the hearing~~ receipt of the appeal.

If the Board chooses not to hear the appeal, the superintendent's decision in Step 2 is final.

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information<sup>1</sup> required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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<sup>1</sup> Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee, and a copy the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee.

## **Follow-up Procedures**

The Human Resources Director will follow up with the district employee of the alleged harassment once every three months for the calendar year following the date on which the Human Resources Director received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The Human Resources Director will document the record of this follow-up. The Human Resources Director will continue follow-up in this manner until and unless the employee directs the Human Resources Director in writing to stop.

## **Other Reporting Options and Filing Information**

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

## **Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.**

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

**Klamath Falls City Schools**  
1336 Avalon Street, Klamath Falls, Oregon 97603  
541-883-4702

**WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM**

Name of person making report/complainant: \_\_\_\_\_

Position of person making report/complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of alleged misconduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

Evidence of workplace harassment, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

Any other information: \_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Klamath Falls City Schools**  
1336 Avalon Street, Klamath Falls, Oregon 97603  
541-883-4702

**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: \_\_\_\_\_

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBEB  
Adopted: 9/14/20  
Readopted: 7/08/24  
Orig. Code(s): GBEB

## Communicable Diseases in Schools

The district 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).

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

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

The district shall protect the confidentiality of each student's and employee'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 inform employees with a legitimate educational interest.

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

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)  
[ORS 431.150 - 431.157](#)  
[ORS 433.001 - 433.004](#)  
[ORS 433.010](#)

[ORS 433.110](#)  
[ORS 433.235 - 433.284](#)  
[OAR 333-018](#)

[OAR 333-019-0010](#)  
[OAR 333-019-0014](#)  
[OAR 581-022-2220](#)  
[OAR 581-022-2225](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable 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).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBEB-AR  
Revised/Reviewed: 9/14/20; 7/08/24  
Orig. Code(s): GBEB-AR

## Communicable Diseases 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 rule<sup>1</sup> and include but are not limited to COVID-19, 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, in the opinion of the local health officer, poses an unusually high risk to other children (e.g., 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.
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 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. A student or employee of the district will not attend school or work, respectively, at a district school or facility while in a communicable stage of a restrictable disease, unless authorized to do so under Oregon law. When an administrator has reason to suspect that a student or employee has a restrictable disease, the administrator shall send them home.
2. An administrator shall exclude a susceptible student or employee if the administrator has reason to suspect they have been exposed to measles, mumps, rubella, diphtheria, 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 may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator or designee may report the occurrence to the local health department.
3. A student or employee will be excluded in such instances until such time as the student or employee, respectively, 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 student or employee does not have or is not a carrier of any restrictable disease. An exclusion for chickenpox, scabies,

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<sup>1</sup> OAR 333-019-0010 lists restrictable diseases.

staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.

4. More stringent exclusion standards for students or employees from school or work may be adopted by the local health department.

### **Reportable Diseases Notification**

1. All employees shall comply with all reporting measures adopted by the district 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 district response when the administrator is notified that an employee or student has been exposed to a restrictable disease which is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance<sup>2</sup>.
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 determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's ~~school-nurse~~ **nursing team** or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district 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).

Corrected 12/08/25

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<sup>2</sup> Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

# Klamath Falls City Schools

Code: GBEBAA/JHCCBA/EBBAB  
Adopted: 6/16/03  
Readopted: 10/09/06; 3/06/17  
Orig. Code(s): GBEBAA/JHCCBA/EBBAB

## HBV/Bloodborne Pathogens

*(See policy EBBAA)*

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, HIV and/or other bloodborne pathogens.

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 or 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 district. 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 task shall be provided by the district. Follow up by nursing/medical personnel will be provided by the District to any employee sustaining an occupational exposure.

The district 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 glucagons) 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 district 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 OAR 437-002-1030 (3).

END OF POLICY

**Legal Reference(s):**

[OAR 333-022-0415](#)  
[OAR 437-002-0360](#)

[OAR 437-002-0377](#)  
[OAR 437-002-1030](#)

[OAR 437-002-1035](#)

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Corrected 12/08/25

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# Klamath Falls City Schools

Code: GBEBC/JHCCC/EBBAA  
Adopted: 1/11/93  
Readopted: 10/09/06; 3/06/17  
Orig. Code(s): GBEBC/JHCCC/EBBAA

## Infection Control - HIV, AIDS, HBV

*(See revised policy EBBAA)*

The district shall use standard precautions at all times as though each staff member or student is infected with HIV, AIDS or HBV.

The district shall develop exposure control procedures for staff and students.

Staff and students shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be available for each room in the building and in each district vehicle.

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

The information shall emphasize infection — how infection is spread as well as how it is not spread.

The district will cooperate with the Oregon Department of Education, the Oregon Department of Human Services, Health Services, the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

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### Legal Reference(s):

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

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

[OAR 581-053-0240\(23\)\(c\)](#)  
[OAR 581-053-0250\(1\)](#)

# Klamath Falls City Schools

Code: GBEC  
Adopted: 3/10/08  
Readopted: 3/06/17  
Orig. Code(s): GBEC

## Drug-Free Workplace (Version 1)

No employee engaged in work in connection with a direct federal grant or contract shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation at 21 C.F.R. 1308.11-1308.15.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant or contract. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district where work on a federal grant is performed.

No district employee shall knowingly sell, market or distribute steroids or performance enhancing substances to students age birth to 21 with whom the employee has contact as part of the employee’s district duties; or knowingly endorse or suggest the use of such drugs or substances.

<sup>1</sup>Each employee who is engaged in work related to a direct federal grant or contract, shall notify his/her supervisor of his/her conviction of any criminal drug statute based on conduct occurring in the workplace, as defined above, no later than five days after such conviction.

<sup>1</sup>Each employee who is engaged in work related to a direct federal grant or contract, shall abide by the terms of this district policy establishing a drug-free workplace.

<sup>1</sup>An employee who violates the terms of this policy shall be subject to discipline up to and including dismissal. The district may require that the employee satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, employment may be suspended, his/her contract nonrenewed or nonextended or he/she may be dismissed, at the discretion of the Board.

END OF POLICY

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### Legal Reference(s):

[ORS 243.650](#)  
[ORS 336.222](#)

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

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

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

[ORS 657.176](#)  
[ORS 659A.127](#)

[OAR 581-022-2045](#)  
[OAR 581-022-2210](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).  
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Reviewed 12/08/25

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# Klamath Falls City Schools

Code:  
Adopted:

GBEC

## Drug-Free Workplace (Version 2)

The district shall provide a drug-free workplace.

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 workplace.

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

The district 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 district 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 district duties; or knowingly endorse or suggest the use of such substances.

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

### Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under Oregon Revised Statute (ORS) 475.035.
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.

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<sup>1</sup> Districts 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 Remedies<sup>2</sup>**

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

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<sup>2</sup> Ibid. p. 1

## Establishment of Drug-Free Awareness Program

The district 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 Conviction<sup>3</sup>

An employee shall, as a condition of employment, notify the district 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 District of an Employee Conviction

The district 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 learning of such conviction.

END OF POLICY

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#### Legal Reference(s):

[ORS 243.650](#)  
[ORS 336.222](#)  
[ORS 342.721](#)  
[ORS 342.723](#)

[ORS 342.726](#)  
[ORS Chapter 475](#)  
[ORS 657.176](#)  
[ORS 659A.127](#)

[OAR 581-022-2045](#)  
[OAR 581-022-2210](#)  
[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Added 12/08/25

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<sup>3</sup> Ibid. p. 1

# Klamath Falls City Schools

Code: GBED  
Adopted: 3/06/17  
Orig. Code(s): GBED

## Medical Examinations/Drug Testing

### Medical Examinations

The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her/their employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health-care professional selected by the district. District-required medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

### Drug Testing

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.<sup>†</sup> The district will designate when and where such testing will be conducted. The cost of the drug test shall

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<sup>†</sup>Based on Lanier, "Safety sensitive" may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).

be paid by the district. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 657.176](#)

[ORS 659A.133](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).  
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).  
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).  
Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/09/26

# Klamath Falls City Schools

Code: GBEDA  
Adopted: 3/06/17  
Revised/Readopted: 1/13/20  
Orig. Code(s): GBEDA

## Drug and Alcohol Testing and Record Query - Transportation Personnel

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the district shall establish a drug and alcohol misuse prevention program. The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

All covered individuals offered employment with the district and district employees transferring to positions subject to the OTETA shall be required to submit to pre-employment drug testing and a pre-employment query with FMCSA. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required.

The superintendent will develop administrative regulations as needed to implement the district's program including such provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will include training, education and other assistance to employees to promote a drug- and alcohol-free environment.

END OF POLICY

### Legal Reference(s):

[ORS 657.176](#)  
[ORS 825.415](#)  
[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)  
[OAR 581-053-0230\(9\)\(t\)](#)  
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)  
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)  
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)  
[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2019).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBEDA-AR  
Adopted: 3/06/17  
Revised/Readopted: 1/13/20  
Orig. Code(s): GBEDA-AR

## Drug and Alcohol Testing and Record Query – Transportation Personnel

The following procedures shall govern the district’s drug use and alcohol misuse prevention program:

### 1. Program Coordinator

The ~~director of personnel~~ human resources director will be designated as the district’s drug use and alcohol misuse prevention program coordinator. The human resources director ~~of personnel~~ will coordinate the district’s responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The ~~human resources director of personnel~~ will:

- a. Ensure that all covered employees receive written materials explaining the district’s drug and alcohol misuse prevention program requirements including:
  - (1) The district policy and administrative regulations;
  - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
  - (3) Categories of employees covered;
  - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
  - (5) Specific information concerning prohibited conduct;
  - (6) Circumstances under which employees will be tested;
  - (7) Procedures used in the testing process;
  - (8) The ~~requirements~~ requirements that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
  - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
  - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test;

- (11) Information on the effects of drug use and alcohol misuse on an individual’s health, work and personal life; signs and symptoms of an alcohol or drug problem (driver’s or co-worker’s); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and
- (12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse<sup>1</sup>:
  - (a) A verified positive, adulterated, or substituted drug test result;
  - (b) An alcohol confirmation test with a concentration of 0.04 or higher;
  - (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
  - (d) An employer’s report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
    - (i) On duty alcohol use;
    - (ii) Pre-duty alcohol use;
    - (iii) Alcohol use following an accident;
    - (iv) Controlled substance use.
  - (e) A SAP’s report of the successful completion of the return-to-duty process;
  - (f) A negative return-to-duty test; and
  - (g) An employer’s report of completion of follow-up testing.
- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators and supervisors designated to determine reasonable suspicion receive at least 60 minutes of drug-abuse training and an additional 60 minutes of alcohol-misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug abuse and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA’s requirements regarding the district’s management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the Oregon Health Authority, Public Health Division (“OHA”) to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a **medical review officer** ~~Medical Review Officer~~ (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district’s drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
  - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
  - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
  - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;

<sup>1</sup><https://clearinghouse.fmcsa.dot.gov/>

- (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
  - (5) Documentation of training given to employees.
- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
  - l. Ensure employee organizations receive written notice of the availability of all pertinent drug and alcohol misuse prevention program information;
  - m. <sup>2</sup>Ensure compliance with stand-down prohibitions as set forth by the OTETA. “Stand-down” means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the ~~FMCSA Federal Motor Carrier Safety Administration (FMCSA)~~ below:
    - (1) The district may seek a waiver of the prohibition against standing down an employee;
    - (2) Requests which include all required information will be submitted to FMCSA for approval.

2. Pre-Employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
  - (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
  - (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
  - (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
  - (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
    - (a) On duty alcohol use;
    - (b) Pre-duty alcohol use;
    - (c) Alcohol use following an accident; or
    - (d) Controlled substance use.

The district will conduct annual queries<sup>3</sup> with the FMCSA on employees subject to such queries as required by law.

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<sup>2</sup> Stand-down policy pursuant to law.

<sup>3</sup> Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver~~driver~~, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

- b. The district will report<sup>4</sup> to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:
- (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
  - (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
  - (3) A SAP's report of the successful completion of the return-to-duty process;
  - (4) A negative return-to-duty test; and
  - (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
- (2) Driver's name, date of birth, and CDL number and ~~State~~state of issuance;
- (3) Employer name, address, and USDOT number;
- (4) Date of the test;
- (5) Date the result was reported; and
- (6) Test result. The test result must be one of the following:
  - (a) Negative (only required for return-to-duty tests administered in accordance with law);
  - (b) Positive; or
  - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit<sup>5</sup> to alcohol or drug testing must include the following information:
  - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
  - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
  - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- (8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
  - (a) On duty alcohol use;
  - (b) Pre-duty alcohol use;
  - (c) Alcohol use following an accident;
  - (d) Controlled substance use.

This report will include the following information:

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<sup>4</sup> The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

<sup>5</sup> 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

- (a) Driver's name, date of birth, ~~and~~ CDL number and state of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;
- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

### 3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and/or alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug and/or alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years no later than 14 calendar days after the driver is used for the first time. The district will provide the written permission of the driver, for release of information, to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.
- e. <sup>6</sup>Requests received by the district for release of such information to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written record and summary of information released, the date, and to whom the information was released;
- f. The district must ask a driver, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;
- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;

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<sup>6</sup> Pertains to requests received by the district from other employers.

- i. Pre-employment drug and alcohol testing will be paid for by the district
- j. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and/or alcohol testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- m. Refusal to submit to drug and/or alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- n. The individual may request a screening of the split specimen at their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

#### 4. Post-Accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:
  - (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
  - (2) If alcohol testing has not been administered within two hours, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered;
  - (3) If alcohol testing is not administered within eight hours, the district shall cease attempts to administer an alcohol test and shall state and maintain on file a record specifying why the test was not administered;
  - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
  - (5) The employee will contact the district official or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-a-ways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period

- necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

## 5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
  - (1) The district will meet minimum testing rates.
- b. The testing rate may be adjusted by FMCSA based on industrywide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.

- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year-;"
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Each employee selected for testing shall be tested during the selection period;
- h. Employees shall only be tested for alcohol just before the driver is scheduled to perform safety-sensitive functions, during or just after performing such functions;
- i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

## 6. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;

- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

## 7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
  - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
  - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
  - (3) Alcohol and drug abuse counselors certified by the Association for Addiction Professionals (NAADAC). This does not include state-certified counselors.

## 8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

## 9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced<sup>7</sup>;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
  - (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
  - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if SAP determines the testing is no longer needed.

## 10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

- a. Drugs
  - (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
  - (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
  - (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the OHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
  - (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
  - (5) The MRO will verify negative and positive testing results;
  - (6) The MRO will report the verified negative testing results to the district;
  - (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
  - (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
  - (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
  - (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee
  - (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
  - (12) The MRO will report results of the second screening to the employee and the district;
  - (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive

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<sup>7</sup> A follow-up test shall not also serve as a random test, and vice versa.

testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;

- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by a qualified breath alcohol technician using evidential breath testing devices;
- (4) Testing may be conducted at an OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;
- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:

- (1) Collection logbook, if used;
- (2) Documents relating to the random selection process;
- (3) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (4) Documents generated in connection with decisions on post-accident testing;
- (5) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;

- (6) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes;
  - (7) Calibration documentation for evidential breath testing devices;
  - (8) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.
- b. Records related to each query:
    - (1) Documents related to consent of any query;
    - (2) Documents related to information received for a pre-employment or annual query;
    - (3) Documents related to meeting reporting requirements.
  - c. Records related to pre-employment verification with a driver's previous employer;
  - d. Records related to a driver's test results, including:
    - (1) The district's copy of the alcohol testing form, including the test results;
    - (2) The district's copy of the controlled substance test custody and control form;
    - (3) Documents sent by the MRO to the district;
    - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
    - (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
  - e. Records related to evaluations as follows:
    - (1) Records pertaining to a determination by a SAP concerning an evaluation of covered employees need for assistance;
    - (2) Records concerning a driver's compliance with recommendations of the SAP.
  - f. Records related to education and training as follows:
    - (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
    - (2) Driver's signed receipt of education materials;
    - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
    - (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
  - g. Records related to alcohol and drug testing as follows:
    - (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
    - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
    - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

h. Records will be retained by the district as follows:

(1) Five Years:

- (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
- (b) Records of verified positive drug testing results;
- (c) Documentation of refusals to take required drug and/or alcohol tests;
- (d) Employee evaluation and referrals<sup>8</sup>;
- (e) Testing program records including violations;
- (f) A copy of each annual calendar year report summary;
- (g) Equipment calibration documentation when required (See 12. a. ~~and~~(7) above),

(2) Three Years:

- (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
- (b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.

(3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

(5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information<sup>8</sup> to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413);

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<sup>8</sup> Information that must be disclosed to subsequent employers upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

- (5) The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

Corrected 12/08/25

# Klamath Falls City Schools

Code:

GBG

Adopted:

## Staff Participation in Political Activities

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All district employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of district duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district's official viewpoint.

No employee will use district facilities, equipment or supplies in connection with political activities, nor will use any time during the work day for such political activities.

END OF POLICY

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### Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Added 2/09/26

# Klamath Falls City Schools

Code: GBH/JECAC  
Adopted: 3/06/17  
Readopted: 4/09/18  
Orig. Code(s): GBH/JECAC

## Staff/Student/Parent Relations Communications\*\*

The Board encourages parents to be involved in their student's school 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 school records and consulting with school 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.

~~Unless provided by court order or a parental plan, a student shall not be released to the noncustodial parent, nor shall the noncustodial parent be granted visitation or phone access during the school day.~~

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

The district 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).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBI  
Adopted: 5/11/09  
Revised/Readopted: 3/06/17  
Orig. Code(s): GBI

## Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to district 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 gifts<sup>1</sup> 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 school or district through the use of, including but not limited to, internet-based or crowd-funding types of fund raising, without the approval of the 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 district. “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 schools 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 schools 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 principal or supervisor. Advertising is not allowed in the building without the superintendent’s approval.

END OF POLICY

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### Legal Reference(s):

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

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

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<sup>1</sup> “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.



Corrected 12/08/25

# Klamath Falls City Schools

Code: GBI-AR  
Revised/Reviewed:

## Internet-Based, Crowd Funding Solicitation

All district or school internet-based, crowd funding or other similar types of monetary solicitation shall be in compliance with all district fund-raising policies, requiring preapproval from the principals.

The principals shall monitor the internet-based and/or crowd-funding site to ensure that no student information is disclosed improperly and no images are used without permission.

The principals shall ensure that the internet-based and/or crowd-funding site is legitimate, and that the terms of the site are being followed.

All technology requests for funding shall follow appropriate policies and use guidelines.

All district or school funding will be on the district's system.

All technology purchases or request for purchase will be approved by the director of technology.

All non-monetary items obtained become property of the district and all inventory procedures apply.

All monetary donations shall be recorded in the proper school or district fund. No school or district banking information shall be given out. A check will be requested to be mailed to the school or district as directed in the name of the school or district and not to the individual.

A file will be maintained by the principal that documents the principal approval, details of the project, a print out of the website, copies of all agreements and permission forms, copies of any checks of monetary donation received as well as the inventory listing non-monetary donations.

Corrected/Added 12/08/25

# Klamath Falls City Schools

Code: GBK/~~JFCG~~/KGC  
Adopted: 3/06/17  
Readopted: 4/09/18  
Orig. Code(s): GBK/JFCG/KGC

## **Prohibited Use, ~~Possession~~, 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 district property, including parking lots, at district-sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty on or off district premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by all others on district property, in district vehicles or at district-sponsored events, on or off district premises, on all district grounds, including parking lots, is prohibited.

Staff and/or all others authorized to use any private vehicles to transport district students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purposes 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 products, 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 products 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 systems are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on district grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco products and inhalant delivery system industries is similarly prohibited. The district 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 the Board.

Information about community resources and/or cessation programs to help staff 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 district grounds or at district-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 district'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 district's policy.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)  
[ORS 336.227](#)  
[ORS 339.883](#)  
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)  
[OAR 581-021-0110](#)  
[OAR 581-053-0015](#)

[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 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBL  
Adopted: 3/06/17  
Revised/Readopted: 3/14/22  
Orig. Code(s): GBL

## Personnel Records

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

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

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

Except as provided below, or required by law, district employees'<sup>1</sup> personnel records will be available for use and inspection only by the following:

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

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<sup>1</sup> Includes former employees.

9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the district, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district pursuant to (ORS) 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
11. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

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

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

END OF POLICY

**Legal Reference(s):**

[ORS 30.178](#)  
[ORS 339.370 – 339.374](#)  
[ORS 339.378](#)  
[ORS 339.388](#)

[ORS 342.143](#)  
[ORS 342.850](#)  
[ORS 652.750](#)  
[ORS Chapter 659](#)

[ORS Chapter 659A](#)  
[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).  
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (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. § 2000ff-1 (2018).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBM  
Adopted: 5/11/15  
Readopted: 3/06/17  
Orig. Code(s): GBM

## Staff Complaints

The superintendent or designee will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of district personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority; or believe there is evidence that the district created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of district personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal or contract non-extension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The district will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

[ORS 659A.199 to -659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBMA  
Adopted: 3/06/17  
Orig. Code(s): GBMA

## Whistleblower

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
  - a. Any member of the Legislative assembly;
  - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
  - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The district will use the complaint process in <sup>1</sup>administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

The district shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

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### Legal Reference(s):

<sup>1</sup>If the district created and has a GBM AR - Staff Complaints, it may want to consider inserting that language here.

[ORS 192.338](#)  
[ORS 192.345 - 192.355](#)

[ORS 192.377](#)  
[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).  
Connick v. Myers, 461 U.S. 138 (1983).

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBN/JBA  
Adopted: 6/29/20  
Revised/Readopted: 9/14/20  
Orig. Code(s): GBN/JBA

## Sexual Harassment

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

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

### General Procedures

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

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>2</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student's educational activity or program;
  - b. Interferes with a school or district staff member's ability to perform their job; or

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<sup>1</sup> Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

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

c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent<sup>3</sup>. 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 district 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):

Position \_\_\_\_\_ Phone \_\_\_\_\_

Renee Clark, Human Resources Director and Title IX Coordinator at 541-883-4700 or [hr@kfalls.k12.or.us](mailto:hr@kfalls.k12.or.us)

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

## Response

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

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

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the

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<sup>3</sup> "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.

student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

## **Investigation**

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

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

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

The district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

### **No Retaliation**

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

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

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

### **Notice**

When a person<sup>4</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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

The written notification must include<sup>5</sup>:

1. Name and contact information for all person designated by the district to receive complaints;

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<sup>4</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

<sup>5</sup> Remember confidentiality laws when providing any information.

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

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

The notice must:

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

### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request.

## FEDERAL DEFINITION AND PROCEDURES

### Federal Definition

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

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

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

### Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

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<sup>6</sup> "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 541-883-4700. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

## Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>7</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>8</sup> to the complainant and by following a grievance procedure<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

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<sup>7</sup> (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.

<sup>8</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>9</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

<sup>10</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

<sup>11</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

## Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary<sup>12</sup>, or both.

## No Retaliation

Neither the district or any person may retaliate<sup>13</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

## Publication

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

END OF POLICY

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### Legal Reference(s):

[ORS 243.706](#)  
[ORS 332.107](#)

[ORS 342.700](#)  
[ORS 342.704](#)

[ORS 342.708](#)  
[ORS 342.850](#)

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<sup>12</sup> Of the United States Department of Education.

<sup>13</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBN/JBA-AR(1)  
Adopted: 6/29/20  
Revised/Readopted: 9/14/20  
Orig. Code(s): GBN/JBA-AR(1)

## Sexual Harassment Complaint Procedure

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

Position	Phone
Renee Clark, Human Resources Director and Title IX Coordinator at 541-883-4700 or hr@kfalls.k12.or.us.	

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

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

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

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

**Step 3** If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent or designee in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not

limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 ~~working~~ days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final<sup>1</sup>.

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

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

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

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

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

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<sup>1</sup> If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

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

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

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

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

**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: \_\_\_\_\_

**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: \_\_\_\_\_

Corrected 12/08/25

# Klamath Falls City Schools

Code: GBN/JBA-AR(2)  
Adopted: 9/14/20  
Orig. Code(s): GBN/JBA-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 district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.<sup>1</sup>

“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 respondent<sup>2</sup> and requesting that the district investigate the allegation of sexual harassment.<sup>3</sup>

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.<sup>4</sup> The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

### Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties<sup>5</sup> written notice of the following:

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<sup>1</sup> This standard is not met when the only official with knowledge is the respondent.

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

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

<sup>4</sup> 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.

<sup>5</sup> Parties include the complainant and the respondent, if known.

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

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

### **Investigation**

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

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.<sup>8</sup>
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

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<sup>6</sup> 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.

<sup>7</sup> ~~The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.~~

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

the advisor of their choice.<sup>9</sup> The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

6. 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.<sup>10</sup> Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions<sup>11</sup> that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

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

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

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

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<sup>9</sup> 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.

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

<sup>11</sup> 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 complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

### **Determination of Responsibility**

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

The standard to be used for formal complaints in determining whether a violation has occurred is the ~~preponderance of the evidence~~<sup>12</sup>-clear and convincing evidence<sup>13</sup> standard.

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

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

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

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

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<sup>12</sup> ~~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.~~

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

## Remedies

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

The disciplinary sanctions<sup>14</sup> 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.<sup>15</sup>

Other remedies may include:

1. Educational programming.

## Dismissal of a Formal Complaint

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity<sup>16</sup>; or
3. Did not occur against a person in the United States.

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

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

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

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

<sup>16</sup> Includes locations, events, or circumstances over which the district 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 district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

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

### **Consolidation of Complaints**

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

### **Informal Resolution**

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

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

### **Appeals**

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

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

When an appeal is filed, the district must:

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

### **Timelines**

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

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

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause<sup>17</sup> with written notice to the parties.

### **Records**

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

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<sup>17</sup> 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))

<sup>18</sup> This includes creating a record for each investigation. This record must include:

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

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

## Training

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

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

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

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.<sup>49</sup>

Corrected 12/08/25

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<sup>49</sup> ~~If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.~~

# Klamath Falls City Schools

Code: GBNA  
Adopted: 3/06/17  
Revised/Readopted: 6/10/19  
Orig. Code(s): GBNA

## Hazing, Harassment, Intimidation, Menacing, Bullying or Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff; or third parties by staff, students, staff or third parties is strictly prohibited and shall not be tolerated in the district.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a report or complaint of complainant is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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. 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.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to the Teacher Standards and Practices Commission, if required by Oregon Administrative Rule (OAR) 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff, and third parties.

END OF POLICY

### Legal Reference(s):

[ORS 163.190](#)  
[ORS 163.197](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 174.100](#)  
[ORS 332.072](#)

[ORS 332.107](#)  
[ORS 339.250](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)  
[ORS 659A.103 - 659A.143](#)

[ORS 659A.199 - 659A.224](#)  
[OAR 839-003-0000](#)  
[OAR 839-005-0021](#)  
[OAR 839-005-0030](#)

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

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

HR2/28/19 | PH

Hazing, Harassment, Intimidation, Menacing, Bullying or  
Cyberbullying – Staff – GBNA

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).  
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).  
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),  
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNA-AR  
Revised/Reviewed: 6/10/19; 3/14/22  
Orig. Code(s): GBNA-AR

## Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

### Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises, and nondistrict property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, workgroup or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception basis of the other’s race, color, religion, national origin, disability, sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive work environment may also be considered cyberbullying (harass, intimidate, or bully). Staff will

refrain from using personal electronic devices or district equipment to harass or stalk another person or people.

8. "Menacing" includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

## Reporting Procedures

The principals and the superintendent or designee have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence - Student shall immediately report concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA - Hazing, Harassment, Intimidation, Intimidate/Bullying, Menacing, or Cyberbullying - Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, shall immediately report concerns to the designated district official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to the principal or superintendent or designee. Reports against the principal shall be filed with the superintendent or designee. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she/they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.

A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent, if applicable.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, ~~within 20 working days,~~ conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report.

The Board shall provide a written decision to the person making the report within ~~10-30 working days following completion of the hearing~~ of receipt of the appeal.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made ~~directly~~ to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file.

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNAA/JHFF  
Adopted: 1/13/20  
Revised/Readopted: 3/14/22  
Orig. Code(s): GBNAA/JHFF

## Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors<sup>1</sup>, agents<sup>2</sup>, and volunteers<sup>3</sup> is prohibited and will not be tolerated. All district employees, contractors, agents, ~~and~~ volunteers, and students<sup>4</sup> are subject to this policy. ~~Students are also subject to this policy if they are acting as an employee, contractor, agent, or volunteer.~~

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

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

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

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

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

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

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

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

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

If the superintendent is the alleged perpetrator the report shall be submitted to the director of human resources<sup>7</sup> who shall report the suspected sexual conduct to the Board chair.

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

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

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

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

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

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<sup>6</sup> ~~ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building in the respective school building. A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

<sup>7</sup> ~~A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).  
House Bill 4160 (2024).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNAA/JHFF-AR  
Revised/Reviewed: 1/13/20; 3/14/22  
Orig. Code(s): GBNAA/JHFF-AR

## Suspected Sexual Conduct Report Procedures and Forms

The district posts in each school building the names and contact information of the district employees<sup>1</sup> designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When ~~the~~ designated licensed administrator<sup>2</sup> receives a report of suspected sexual conduct that may have been committed by a commission licensee<sup>3</sup>, the designee shall notify Teacher Standards and Practices Commission (TSPC). ~~The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent, or volunteer that is not a commission licensee.~~

If the superintendent is the alleged perpetrator the report shall be submitted to the director of human resources<sup>4</sup> who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>5</sup> and take necessary actions to ensure the student's safety. The employee shall

<sup>1</sup> ~~ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building, in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

<sup>2</sup> A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

<sup>3</sup> "Commission licensee," as is defined in ORS 342.120 ~~(as amended by HB 2136 (2021))~~, means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

<sup>4</sup> ~~"Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years~~

<sup>5</sup> The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

remain on leave until TSPC<sup>6</sup> or ODE<sup>7</sup> determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor<sup>8</sup>, an agent or a volunteer, the district ~~may~~ shall prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services.~~ The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, **as appropriate**, that the report is unsubstantiated.

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the

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<sup>6</sup> TSPC investigates reports on commission licensees.

<sup>7</sup> ODE investigates reports on persons who are not commission licensees.

<sup>8</sup> ~~The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.~~

findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

## **Training**

The district shall provide information and training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

**Klamath Falls City Schools**

**Suspected Sexual Conduct Report Form**

Name of person making report: \_\_\_\_\_

Position of person making report: \_\_\_\_\_

Name of person suspected of sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of suspected sexual conduct: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Klamath Falls City Schools**

**Witness Disclosure Form**

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony/interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

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Any other information: \_\_\_\_\_

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\_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNAB/JHFE  
Adopted: 3/14/22  
Revised/Readopted: 7/08/24  
Orig. Code(s): GBNAB/JHFE

## Suspected Abuse of a Child Reporting Requirements\*\*

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse<sup>1</sup> shall immediately make a report to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system<sup>2</sup> or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Any district employee who has reasonable cause to believe that **any person**<sup>3</sup> with whom the employee is in contact has abused a child shall immediately report in the same manner described above.

The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors<sup>4</sup>, agents<sup>5</sup>, volunteers<sup>6</sup>, or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator.

The district will designate a licensed administrator, the principal and an alternate licensed administrator, the superintendent or designee, in the event that the designated licensed administrator/principal is the suspected

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<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

<sup>2</sup> How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

<sup>3</sup> "Person" could include adult, student or other child.

<sup>4</sup> "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>5</sup> "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

<sup>6</sup> "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the director of human resources who shall also report to the Board chair.

The district will post the names and contact information of the designees for each school building, in the respective school, designated to receive reports of suspected abuse and the procedures in GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for making a report to law enforcement or the centralized child abuse reporting system of DHS, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

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

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)  
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9<sup>th</sup> Cir. 2011).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNAB/JHFE-AR(1)  
Adopted: 3/14/22  
Revised/Readopted: 7/08/24  
Orig. Code(s): GBNAB/JHFE-AR(1)

## Reporting of Suspected Abuse of a Child

### Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse<sup>1</sup> shall make a report immediately to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system<sup>2</sup> or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**<sup>3</sup> with whom the employee is in contact has abused a child shall immediately report in the same manner.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator or alternate licensed administrator for their school building.

The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the director of human resources who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

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<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

<sup>2</sup> How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

<sup>3</sup> "Person" could include adult, student or other child.

The written record of the abuse report shall not be placed in the student’s educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district may ~~shall~~ prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services.~~ The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated<sup>5</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

## Definitions

1. Oregon law defines “abuse” in ORS 419B.005(1).
2. “Child” means an unmarried person who is under 18 years of age or is a child in care, as defined in ORS 418.257.

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<sup>4</sup> The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

<sup>5</sup> The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or law enforcement pursuant to law.

3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

### **Confidentiality of Records**

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

### **Failure to Comply**

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by policy or this administrative regulation, the employee will be disciplined up to and including dismissal.

### **Cooperation with Investigator**

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) (JHFE/GBNAB-AR(2)) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the student out in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;

4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

Corrected 1/12/26

# Klamath Falls City Schools

Code: GBNAB/JHFE-AR(2)  
Revised/Reviewed: 3/14/22; 7/08/24  
Orig. Code(s): GBNAB/JHFE-AR(2)

## Abuse of a Child Investigations Conducted on District Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

\_\_\_\_\_  
Investigator Name (Printed)

\_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Name of Worker's/Investigator's Supervisor

\_\_\_\_\_  
Supervisor Contact Information

\_\_\_\_\_  
Investigator Position and Badge or ID Number

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
School

\_\_\_\_\_  
Investigator Signature

\_\_\_\_\_  
Date

Investigator refused to sign. District staff should not deny entry based on refusal to sign.

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### FOR COMPLETION BY DISTRICT STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

\_\_\_\_\_  
Name of Administrator Notified

\_\_\_\_\_  
Name of Office Staff Involved

\_\_\_\_\_  
Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

# Klamath Falls City Schools

Code: GBNAB/JHFE-AR(3)  
Adopted: 3/20/25  
Orig. Code(s): GBNAB/JHFE-AR(3)

## Suspected Child Abuse Reporting Form

(This is a confidential form)

In accordance with ORS 419B.010 all school employees must report or cause a report to be made when there is reasonable cause to believe that a child has been abused.

Student's Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Parent/Guardian Name (\*or individual with whom child resides): \_\_\_\_\_

Parent/Guardian\* Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Evidence, Nature and Expect of Abuse (what you have seen or heard): \_\_\_\_\_

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What do you believe caused this abuse: \_\_\_\_\_

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Who have you notified: \_\_\_\_\_

How did you notify (phone, email or in-person, other): \_\_\_\_\_

When did you notify (time/date): \_\_\_\_\_

What was the response: \_\_\_\_\_

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DHS Case number: \_\_\_\_\_

\_\_\_\_\_  
Print Name and Position

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Copies should be made by reporting individual for principal and may be sent to reporting agency.**

# Klamath Falls City Schools

Code: GCA  
Adopted: 1/13/20  
Orig. Code(s): GCA

## License Requirements

The Board, in adhering to Oregon Revised Statutes (ORS), shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The district must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach with Board approval for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
  - a. Furnished fingerprints, if required;
  - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
  - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.
3. Not been employed by the district under this 90 calendar day provision during the previous 12 months with a pending application for the same license.

The district will complete a review of the applicant's employment history and verify through TSPC if there is an ongoing investigation or a substantiated report that may constitute sexual conduct as required by law prior to beginning employment.

The district will verify through TSPC the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the district.

~~This 90 calendar day teaching option will only be applied to those positions of high need, specialty areas or emergency assignments as determined by the district.~~

The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the Human Resources office.

END OF POLICY

**Legal Reference(s):**

[ORS 332.505](#)  
[ORS 339.374](#)

[ORS 342.120 - 342.203](#)  
[OAR 584-050-0035](#)

[OAR 584-200-0020](#)

Corrected 1/12/26

# Klamath Falls City Schools

Code: GCAA  
Adopted: 8/14/23  
Orig. Code(s): GCAA

## Standards for Competent and Ethical Performance of Oregon Educators

### Application of Rules

1. Oregon Administrative Rules were adopted by the Teacher Standards and Practices Commission (TSPC) in accordance with Oregon Revised Statutes (ORS).
2. Oregon Administrative Rules (OAR) may be used as criteria by the TSPC in matters pertaining to the revocation or suspension of licenses issued by TSPC under Oregon law or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under ORS.
3. The TSPC determines whether an educator’s performance is ethical or competent in light of all the facts and circumstances surrounding the educator’s performance as a whole.
4. The TSPC will promptly investigate complaints:
  - a. The TSPC may at its discretion defer action to charge an educator against whom a complaint has been filed under law when the investigation report indicates that disciplinary action against the educator is pending at the local district level or when criminal charges are pending or are likely to be filed against the educator. In considering whether to defer action to charge an educator, the TSPC shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator;
  - b. The executive secretary shall regularly inform the TSPC of the status of any complaints on which the TSPC has deferred action.

### Definitions

The following definitions apply to Oregon Administrative Rules unless otherwise indicated by context:

1. “Administrator”: any educator who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license;
2. “Competent”: discharging required duties as set forth in these rules;
3. “Educator”: any licensed or registered or certified person who is authorized to be engaged in the instructional program including teaching, counseling, school psychology, administering and supervising;
4. “Ethical”: conforming to the professional standards of conduct set forth in these rules;

5. “Sexual conduct”: means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student that are:
- Sexual advances or requests for sexual favors directed toward the student; or
  - Of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student’s educational performance, or of creating an intimidating or hostile educational environment.

“Sexual conduct” does not include:

- Touching or other physical contact:
  - That is necessitated by the nature of the district employee’s job duties or by the services required to be provided by the contractor, agent, or volunteer; and
  - For which there is no sexual intent.
- Verbal, written or electronic communications that are provided as ~~part~~ ~~party~~ of an education program that meets the state educational standards or a policy approved by the Board
- Conduct or communications described in above if the district employee, contractor, agent or volunteer is also a student and the conduct or communications:
  - Arise out of a consensual relationship between students;
  - Do not create an intimidating or hostile educational environment; and
  - Are not prohibited by law, any policies of the district or any applicable employment agreements.

6. “Sexual harassment”: any unwelcome ~~conduct with an individual which includes but is not limited to~~ sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment.

7. “Teacher”: any person who holds a teacher’s license as provided in ORS 342.125.

8. “Student”: means any person who is:

- In any grade from kindergarten through grade 12; or
- Twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education; or
- Who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within ~~one calendar year~~ ~~90 days~~ prior to the sexual conduct.

## **The Competent Educator**

The teacher or administrator demonstrates a commitment to:

1. Recognize the worth and dignity of all persons and respect for each individual;
2. Encourage scholarship;
3. Promote democratic and inclusive citizenship;
4. Raise educational standards;
5. Use professional judgment; and
6. Promote equitable learning opportunities.

## **Curriculum and Instruction**

The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of goals as they are appropriate for each individual.

The competent teacher demonstrates:

1. Use of state- and district-adopted curriculum and goals;
2. Skill in setting instructional goals and objectives expressed as learning outcomes;
3. Use of current subject matter appropriate to the individual needs of students;
4. Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available; and
5. Skill in the selection and use of teaching techniques conducive to student learning.

The competent administrator demonstrates:

1. Skill in assisting individual staff members to become more competent educator by complying with federal, state and local law, rules and lawful and reasonable district policy and contracts;
2. Knowledge of curriculum and instruction appropriate to assignment;
3. Skill in implementing instructional programs through adequate communication with staff; and
4. Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

## **Supervision and Evaluation**

The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

The competent teacher demonstrates:

1. Multiple ways to assess the academic progress of individual students;
2. Skill in the application of assessment data to assist individual student growth;
3. Procedures for evaluating curriculum and instructional goals and practices;
4. Skill in the supervision of students; and
5. Skill in differentiating instruction.

The competent administrator demonstrates:

1. Skill in the use of assessment data to provide effective instructional programs;
2. Skill in the implementation of the district's student evaluation program;
3. Skill in providing equal opportunity for all students and staff; and
4. Skill in the use of employee and leadership techniques appropriate to the assignment and according to well-established standards which ensure due process for the staff for which the administrator is responsible for evaluating.

## **Management Skills**

The competent educator is a person who understands students and is able to relate to them in constructive and culturally competent ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.

The competent teacher demonstrates skills in:

1. Establishing and maintaining classroom management that is conducive to learning;
2. Using and maintaining district property, equipment and materials appropriately;
3. Using and maintaining student records as required by federal and state law and district policies and procedures;
4. Using district and school business and financial procedures; and
5. Using district lawful and reasonable rules and regulations.

The competent administrator demonstrates:

1. Leadership skills in managing the school, its students, staff and programs as required by lawful and reasonable district policies, rules and regulations, state and federal laws and regulations and other programs as assigned and assures that staff is informed of these requirements; and
2. Skills in planning and staff assignment.

### **Human Relations and Communications**

The competent educator works effectively with others — students, staff, parents and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity and judgment about educational matters, the school and the needs of students.

The competent teacher demonstrates:

1. Willingness to be flexible in cooperatively working with others; and
2. Skill in communicating with students, staff, parents and other patrons.

The competent administrator demonstrates:

1. Skill in helping students, staff, parents and other patrons to learn about the school, the district and its program;
2. Skill in communicating district and school goals to staff and the public;
3. Willingness to be flexible in cooperatively working with others; and
4. Skill in reconciling conflict.

### **The Ethical Educator**

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district and the profession.

The ethical educator, in fulfilling obligations to the student, will:

1. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family;
2. Refrain from exploiting professional relationships with any student for personal gain or in support of persons or issues; and
3. Maintain an appropriate professional student-educator relationship by:
  - a. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;

- b. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
- c. Reporting to the educator’s supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator; and
- d. Honoring appropriate adult boundaries with students in conduct and conversations at all times.

The ethical educator, in fulfilling obligations to the district, will:

1. Apply for, accept, offer or assign a position of responsibility only on the basis of professional qualifications and will adhere to the conditions of a contract or the terms of the appointment;
2. Conduct professional business, including grievances, through established lawful and reasonable procedures;
3. Strive for continued improvement and professional growth;
4. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and
5. Not use the district’s or school’s name, property or resources for noneducational benefit without approval of the educator’s supervisor or the appointing authority.

The ethical educator, in fulfilling obligations to the profession, will:

1. Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
2. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Respond to requests for evaluation of colleagues and to keep such information confidential as appropriate; and
4. Respond to requests from a TSPC representative for information, furnish documents to TSPC, and participate in interviews with a TSPC representative relating to a TSPC investigation, except subject to the exercise of any legal right or privilege.

END OF POLICY

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**Legal Reference(s):**

[OAR 584-020-0000 - 0035](#)

House Bill 4160 (2024).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GCAB  
Adopted: 3/06/17  
Revised/Readopted: 1/13/20  
Orig. Code(s): GCAB

## Personal Electronic Devices and Social Media - Staff\*\*

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent or designee. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students. While on district property and/or while on duty, staff will be required to comply with all guidelines contained in the District Internet Use Agreement.

A “personal electronic device” is a device, not issued by the district and that is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on district property or while a staff member is on duty at district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on-duty time.

The district will not be liable for loss or damage to personal electronic devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.<sup>1</sup> Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school.

Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding ~~nonschool~~ non-school-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff will use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students. Texting students during work hours is prohibited. Texting a-students while off duty is strongly discouraged.

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<sup>1</sup> Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which creates a substantial disruption to the school environment, are subject to disciplinary action up to and including dismissal. A disruption for the purposes of this policy, includes, but is not limited to, one or more parents threaten to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment.

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.

Licensed staff are subject at all times to the Standards for Competent and Ethical Performance of Oregon Educators. (See Board policy GCAA)

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

**Legal Reference(s):**

[ORS 163.432](#)  
[ORS 163.433](#)  
[ORS 163.684](#)  
[ORS 163.686](#)  
[ORS 163.687](#)  
[ORS 163.688](#)  
[ORS 163.689](#)

[ORS 163.693](#)  
[ORS 163.700](#)  
[ORS 167.057](#)  
[ORS 326.011](#)  
[ORS 326.051](#)  
[ORS 332.072](#)  
[ORS 332.107](#)

[ORS 336.840](#)  
[ORS 339.372](#)

[OAR 584-020-0000 – 020-0035](#)

Senate Bill 155 (2019)

18 U.S.C. § 1466A (2018).

18 U.S.C. § 1470 (2018).

20 U.S.C. § 7131 (2018).

20 U.S.C. § 7906 (2018).

Copyrights, Title 17, as amended, United States Code (2018); 19 C.F.R. Part 133 (2019).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GCBDA/GDBDA  
Adopted: 3/18/96  
Readopted: 10/09/06; 9/14/09; 3/06/17  
Orig. Code(s): GCBDA/GDBDA

## Family Medical Leave (Version 1)

The district will comply with all provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Military Family Leave Act as part of the National Defense Authorization Acts (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act, and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under federal law, he/she must have been employed by the district for at least 12 months over the previous seven years and have worked at least 1250 hours during the past 12-month period.

In order to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. For parental leave purposes, however, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave. Federal and state leave entitlements may run concurrently.

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

END OF POLICY

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### Legal Reference(s):

[ORS 332.507](#)

[ORS 657B.010](#)

[ORS 657B.025](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)

[OAR 839-009-0210 - 0460](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

Senate Bill 1515 (2024).

# Klamath Falls City Schools

Code: GCBDA/GDBDA  
Adopted:  
Orig. Code(s): GCBDA/GDBDA

## Family and Medical Leave

(Version 2)

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Oregon Military Family Leave Act (OMFLA), Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. Special requirements apply during public health emergencies.

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

PFMLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>1</sup>, contributed to the PFMLI fund in the alternate or base years and are otherwise eligible.<sup>2</sup> PFMLI can be taken for family leave, medical leave or safe leave.<sup>3</sup>

Leave taken under OFLA is in addition to leave taken under PFMLI and cannot be taken concurrently; however, OFLA leave or PFMLI may run concurrently with leave available under ORS 653.601 - 653.661, FMLA, and other types of leave if provided by the district. Any leave taken under PFMLI must be taken concurrently with any leave taken under FMLA when for the same purpose.

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<sup>1</sup> The wages are not required to have been earned for work in the district.

<sup>2</sup> See OAR 471-070-1010 for additional information.

<sup>3</sup> Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA. {See SB 1515 (2024) Sections 4, 13, 21 and 25.}

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

END OF POLICY

**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 657B.010](#)  
[ORS 657B.025](#)

R

[ORS 659A.090](#)  
[ORS 659A.093](#)  
[ORS 659A.096](#)

[ORS 659A.099](#)  
[ORS 659A.150 - 659A.186](#)  
[OAR 839-009-0210 - 0460](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

Senate Bill 1515 (2024).

Corrected 1/12/26

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# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(1)  
Adopted: 12/14/20  
Revised/Readopted: 3/14/22  
Orig. Code(s): GCBDA/GDBDA-AR(1)

## Family and Medical Leave

### Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken.

### Employee Eligibility

FMLA benefits are available applies to employees who have been employed by worked for the district for at least 12 months, have (not necessarily consecutive) and worked for at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles immediately preceding the start of the worksite leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must applies to employees who work an average of 25 hours or more per week during the 180 calendar days<sup>1</sup> or more immediately prior to the first day of the start of the requested leave.<sup>2 3</sup> For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee of a covered employer is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

<sup>1</sup> Thirty days during a declared public health emergency.

<sup>2</sup> The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

<sup>3</sup> The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

1. An employee who has worked for the ~~district covered employer~~ for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the ~~district covered employer~~ for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence. ~~An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:~~

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the ~~district covered employer~~, irrespective of any reason:
  - a. Is eligible to take leave OFLA at the time the employee separates; and
  - b. Is reemployed by the ~~district covered employer~~ within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
  - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
  - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the ~~district covered employer~~ prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the ~~district employer~~ within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period. In addition:

~~An employee who has previously qualified for and has taken some portion of FLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:~~

1. ~~A female employee who has taken~~ An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave ~~need not requalify leave in the same leave year~~ for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
2. ~~An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and~~

- 3.2. An employee unable to work because of ~~granted sick leave for a~~ **disabling compensable injury<sup>4</sup>** ~~serious health condition for the employee or a family member~~ need not requalify under OAR 839-009-0210 ~~if additional leave is taken in order to use OFLA leave following a period the employee is off work due to this leave year for the compensable injury same reason.~~

In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

~~In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.~~

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

## Qualifying Reason

Eligible employees may access FMLA leave **entitlements** for the following reasons:

- ~~1. — Serious health condition of the employee or the employee’s covered family member: Inpatient care; Inpatient care;~~
  - ~~a. — Continuing treatment;~~
  - ~~b. — Chronic conditions;~~
  - ~~c. — Permanent, long-term or terminal conditions;~~
  - ~~d. — Multiple treatments;~~
  - ~~e. — Pregnancy and prenatal care.~~

1. **Serious health condition of the employee or the employee’s covered family member. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care<sup>5</sup> or continuing treatment by a health care provider<sup>6</sup>.**
2. **Parental leave<sup>7</sup> (separate from eligible leave as a result of a child’s serious health condition):**

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<sup>4</sup> As defined in ORS 656.005.

<sup>5</sup> “Inpatient care” means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

<sup>6</sup> “Continuing treatment” includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

<sup>7</sup> Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- a. Bonding with and caring the care for the employee's newborn child (within 12 months following birth);
  - b. Bonding with and caring the care for a newly adopted child or newly placed child in foster care child under the age of 18 (within 12 months of placement);
  - c. Caring Care for a newly adopted child or newly placed child in foster care child over 18 years of age or older who is incapable of self-care because of a mental or physical disability or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care child or the adoption of a child.
3. Military caregiver leave Caregiver Leave: leave for the care for spouse, child son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
  4. Qualifying exigency leave Exigency Leave: leave arising out of the foreign deployment to a foreign country of the employee's spouse, child son, daughter or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
1. ~~Serious health condition of the employee or the employee's covered family member:~~
    - a. ~~Inpatient care;~~
    - b. ~~Continuing treatment;~~
    - c. ~~Chronic conditions;~~
    - d. ~~Permanent, long term or terminal conditions;~~
    - e. ~~Multiple treatments;~~
    - f. ~~Pregnancy and prenatal care.~~
  1. ~~Parental leave (separate from eligible leave as a result of the child's serious health condition):~~
    - a. ~~Bonding with and the care for the employee's newborn (within 12 months following birth);~~
    - b. ~~Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
    - c. ~~Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~
    - d. ~~Time to effectuate the legal process required for placement of a foster child or the adoption of a child.~~
  2. Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has been closed<sup>8</sup> in conjunction with a statewide public health emergency declared by a public health

<sup>8</sup> "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

official.<sup>9</sup> Sick child leave: leave taken to care for an employee’s child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee’s child whose school or child care provider has been closed<sup>10</sup> in conjunction with a statewide public health emergency declared by a public health official.<sup>11</sup>

3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.<sup>12</sup>

~~1. Bereavement Leave: leave related to the death of a covered family member.<sup>13</sup>~~

Eligible employees may also access OMFLA under OFLA for the purpose of spending time with a spouse or ~~same gender~~ domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

~~2. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave request.~~

## Definitions

1. Family member:

a. For the purposes of FMLA, “family member” means:

(1) Spouse<sup>14</sup>;

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<sup>9</sup> ~~The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:~~

~~1. The name of the child being cared for;~~

~~2. The name of the school or child care provider that has closed or become unavailable; and~~

~~3. A statement from the employee that no other family member of the child is willing and able to care for the child.~~

~~With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.~~

<sup>10</sup> “Closure” (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider as defined in OAR 839-009-0210(4).

<sup>11</sup> The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;

2. The name of the school or child care provider that has closed or become unavailable;

3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

<sup>12</sup> Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

~~<sup>13</sup> Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.~~

<sup>14</sup> “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. ~~For OFLA, spouse also includes same sex individuals with a Certificate of Registered Domestic Partnership.~~

- (2) Parent<sup>15</sup>;
- (3) Child; or
- (4) Persons who are “in loco parentis.”

b. For the purposes of OFLA, “family member” means an eligible employee’s:

- ~~(1) Spouse;~~
- ~~(2) Registered, same-gender domestic partner;~~
- ~~(3) Parent;~~
- ~~(4) Parent-in-law;~~
- ~~(5) Parent of employee’s registered, same-gender domestic partner;~~
- ~~(6) Child;~~
- ~~(7) Child of employee’s registered, same-gender domestic partner;~~
- ~~(8) Grandchild;~~
- ~~(9) Grandparent; or~~
- ~~(10) Persons who are “in loco parentis.”~~
- ~~(11)~~(1) Spouse or domestic partner;
- ~~(12)~~(2) Child or the child’s spouse or domestic partner;
- ~~(13)~~(3) Parent or the parent’s spouse or domestic partner;
- ~~(14)~~(4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- ~~(15)~~(5) Grandparent or the grandparent’s spouse or domestic partner;
- ~~(16)~~(6) Grandchild or the grandchild’s spouse or domestic partner; or
- ~~(17)~~(7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.<sup>16</sup>

## 2. Child:

- a. For the purposes of FMLA, “child” means the eligible employee’s a biological or, adopted or ~~foster~~ child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis,” who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability ~~impairment~~.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave ~~Leaver~~ under FMLA, “child” means the employee’s ~~childson or daughter~~ on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s a biological or, adopted, ~~foster~~ child, a child the employee is fostering, a ~~or~~ stepchild, the child of the ~~employee, the child~~

<sup>15</sup> “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

<sup>16</sup> “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

- 1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- 2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
- 3. The expectation to provide care because of the relationship or the prior provision of care;
- 4. Cohabitation and its duration and purpose;
- 5. Geographic proximity; and
- 6. Any other factor that demonstrates the existence of a family-like relationship.

of the employee's spouse or same-gender domestic partner, or a child with whom the employee is or was in a relationship of "in loco parentis."

d. ~~For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.~~

3. In loco parentis:

a. For the purposes of FMLA, "in loco parentis" means persons with day-to-day responsibility to care for ~~and~~ financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

b. For the purposes of OFLA, "in loco parentis" means ~~person~~ persons in the place of the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not ~~required~~ requested.

4. Next of kin:

For the purposes of FMLA and ~~Military Caregiver Leave under FMLA~~, "next of kin" means the nearest blood relative other than the covered servicemember's spouse, parent, ~~son or child~~ daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;

b. Siblings;

~~e.~~ Brothers or sisters;

~~d.~~ c. Grandparents;

~~e.~~ d. Siblings of parents, Aunts and their spouses, uncles; and

~~f.~~ e. First cousins.

5. Covered servicemembers:

For the purposes of ~~Military Caregiver Leave under FMLA~~, "covered servicemember" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is ~~undergoing~~ receiving medical treatment, recuperation or therapy, ~~or is otherwise in outpatient status,~~ or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of ~~Military Caregiver Leave under FMLA~~, "covered veteran" means ~~an individual a veteran who was~~ is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

a. A member of the Armed Forces (including a member of the National Guard or Reserves);

b. Discharged or released under conditions other than dishonorable; and

c. Discharged within the five-year period prior to the first date before the eligible employee first takes FMLA leave to care for the covered veteran, ~~Military Caregiver Leave~~.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

## Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use a “rolling” 12-month period measured backward from the date the employee uses any FMLA family and medical leave. ~~The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees.~~

For the purposes of calculating an employee’s leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.

~~The~~ However, in all instances, the leave period for the purposes of ~~OMFLA~~ and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated ~~12-month~~ leave period described above.

## Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)<sup>17</sup>. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for:

1. Birth ~~the birth~~ of a child or to care for a child after birth;
2. Placement, ~~placement~~ of an adopted or foster child or child in foster care, the care for an adopted child or child in foster care ~~child~~ after placement; or

Care of ~~to care for~~ the employee’s parent with a parent’s serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee’s leave entitlement within the district’s designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, ~~qualified leave~~ during the district’s designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each

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<sup>17</sup> An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

However, an eligible employee is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA-qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.<sup>18</sup> Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA-qualified leave.<sup>19</sup>

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA-qualified leave.<sup>20</sup>

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's designated leave period.

Qualified Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA will also run concurrently with leave taken under the sick leave law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of

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<sup>18</sup> Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

<sup>19</sup> Exceptions to the ability to require family members from taking OFLA-qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

<sup>20</sup> Exceptions to the ability to require family members to take OFLA-qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

hours the eligible employee normally works per week by 12.<sup>21</sup> If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months~~weeks~~ worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek.<sup>22</sup> If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.<sup>23</sup> However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

## Intermittent Leave

With the exception of parental leave under FMLA which must be taken in one continuous block of time, an eligible employee is permitted under FMLA ~~and~~ OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in ~~separate periods~~ ~~multiple blocks~~ of time (i.e., hours, days, weeks, etc.) rather than in one continuous ~~period~~ ~~block~~ of time, and/or requiring an altered ~~requires a modified~~ or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

~~When an employee is eligible for OFLA leave, but not FMLA leave, the employer:~~

- ~~1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but~~
- ~~1. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.~~

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

When OFLA leave is not covered by FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

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<sup>21</sup> For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

<sup>22</sup> For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

<sup>23</sup> See 29 CFR § 825.200(h).

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

~~Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.~~

### **Alternate Work Assignment**

~~The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:~~

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. ~~The transfer is compliant with state and federal law, including but not limited to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave protections provided for in FMLA and/or reduced work schedule OFLA;~~ and
5. The transfer is not used to discourage the employee from taking leave FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. ~~The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;~~
5. ~~The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and~~
- 6.4. The transfer is not used to discourage the employee from taking OFLA intermittent or reduced work schedule leave; or to create a hardship for the employee.

~~Under OFLA, if an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee worked was working in the original position, the employee's FMLA and/or OFLA leavetime is determined by calculating the difference between the number of hours the employee worked in the original position employee's normal work schedule and the number of hours the employee actually works in the alternative position during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.~~

~~When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.~~

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

### Special Rules for School Employees

For the purposes of FMLA, “instructional employee” means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters<sup>24</sup> for the hearing impaired, are included in this definition. This definition does not include apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as, counselors, psychologists, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

<sup>24</sup> 29 CFR 825.600(c) uses “signers.”

For the purposes of OFLA, “school employee” means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee’s FMLA leave entitlement. In any such situation, the eligible instructional school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

#### 1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible instructional school employee’s regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember with a serious medical condition or for because of the employee’s own serious medical condition, the district may require the eligible instructional school employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an available alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee’s regular original position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

#### 2. Limitation on Leave Near the End of the Term<sup>25</sup> School Year

When an eligible instructional school employee requests leave near the end of the term, school year the district may require the following:

- a. ~~When the qualified leave begins more than five weeks before the end of the school year:~~
- b.a. ~~For~~ When the qualified leave begins more than five weeks before the end of the term, the district may require purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the term if school year provided:
  - (1) The leave will last at least three weeks; and
  - (2) The employee would return to work during the three-week period before the end of the term.
  - (3) ~~For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee’s own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:~~

<sup>25</sup> “Academic term” means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

- (a) ~~The leave will last at least three weeks; and~~
- (b) ~~The employee's return to work would occur within three weeks of the end of the school year.~~

e.b. ~~For the purposes of FMLA and/or OFLA leave, when~~ When the qualified leave begins during ~~a~~ within five-week period before ~~weeks of the end of the term~~ school year and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for ~~the serious health condition of a covered~~ servicemember, the eligible ~~instructional~~ school employee may be required by the district to remain on leave until the end of the term ~~if~~ school year provided:

- (1) The leave will last more than two weeks; and
- (2) The employee would return to work during the two-week period before the end of the ~~term~~ school year.

d.c. ~~When the~~ For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the ~~term~~ school year and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for ~~the serious health condition of a covered~~ servicemember, the eligible ~~instructional~~ school employee may be required to remain on leave until the end of the term ~~if~~ school year provided the length of the leave will last more than five working days.

If the district requires an eligible ~~instructional~~ school employee to remain on leave until the end of the ~~term~~ school year as described above, additional leave required by the ~~district~~ employer until the end of the school term ~~year~~ shall not count against the eligible ~~instructional~~ school employee's leave entitlement.

For the purposes of OFLA leave, if an employee<sup>26</sup> begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

### **Paid/Unpaid Leave**

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect ~~Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to use any available accrued paid leave, including personal, and sick leave or available accrued vacation leave during the leave period. The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave. before taking FMLA and/or OFLA leave without pay during the leave period. The employee may select the order in which the available paid leave is used.~~

The district will notify the eligible employee ~~when~~ that the requested leave has been designated as FMLA and/or OFLA leave and ask, if required by the employee about the use of ~~district~~, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such

<sup>26</sup> Applies only to an employee who is employed principally in an instructional capacity by the district.

~~regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.~~

~~When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.~~

~~Eligible employees taking who request OMFLA leave are entitled shall not be required to use any available accrued paid timeoff during the OMFLA leave period.~~

## **Benefits and Insurance**

When an eligible employee returns to work following a FMLA, ~~or OFLA~~ or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.<sup>27</sup> The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.<sup>28</sup>

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

## **Fitness-for-Duty Verification Certification**

~~For purposes of FMLA, prior~~ ~~Prior~~ to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. ~~The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness for duty certification~~ If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such

<sup>27</sup> See also ORS 342.934(4)(d) in reduction force situations.

<sup>28</sup> See also ORS 342.934(4)(d) in reduction force situations

requirement when the leave is designated as FMLA and/or OFLA leave and that failure. Failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

~~For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness for duty certification shall be borne by the employee.~~

~~For the purposes of OFLA qualified leave, any out of pocket costs associated with obtaining the fitness for duty certification shall be borne by the district.~~

~~If the leave is qualified under both FMLA and OFLA, any out of pocket costs associated with obtaining the fitness for duty certification shall be borne by the district.~~

## Application

~~For purposes of FMLA Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.~~

~~For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice<sup>29</sup> to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.~~

~~The district may request additional information<sup>30</sup> to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the district's employer's known, reasonable and customary procedures for requesting any kind of leave.~~

~~For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual~~

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<sup>29</sup> Oral notice may be given by any other person on behalf of the employee taking the leave.

<sup>30</sup> Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. ~~the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances.~~ Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.<sup>31</sup>

For the purposes of OFLA, ~~if an eligible employee is taking leave in an unforeseeable situation, an employee must give required to provide oral or written notice<sup>32</sup> within 24 hours before or after of commencement of the leave. in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.~~

~~When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.~~

~~In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.~~

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

### **Medical Certification Verification**

~~The district~~ Under FMLA, the district may ~~shall~~ require an eligible employee to provide medical certification ~~documentation~~, when appropriate<sup>33</sup>, to support the stated reason for such leave. ~~In most cases, the~~ The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. ~~The~~ If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate<sup>34</sup>, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical

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<sup>31</sup> See 29 CFR § 825.304.

<sup>32</sup> Notice may be given by any other person on behalf of the employee taking the leave.

<sup>33</sup> Medical verification is not allowed in every situation. Review current laws and guidance for more information.

<sup>34</sup> Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district, or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

### **Posted Notice**

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.<sup>35</sup> The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.<sup>36</sup>

~~The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.~~

~~Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.~~

### **Second and Third Opinions**

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<sup>35</sup> [https://www.oregon.gov/boli/employers/Documents/BOLI\\_Printable\\_FamilyMedLv.pdf](https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf); electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

<sup>36</sup> <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

1. ~~For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.~~
2. ~~For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.~~

### **Notification**

~~Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the Director of Human Resources.~~

### **Record Keeping/Posted Notice**

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave. Medical documentation will be maintained separately from personnel files as confidential medical records. ~~The district will post notice of FMLA<sup>37</sup> and OFLA<sup>38</sup> leave requirements.~~

### **Federal vs. State Law**

Both federal and state law contain provisions ~~regarding leave for family and medical leave illness.~~ Federal regulations state an employer must comply with all leave ~~both laws;~~ that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and ~~that OFLA leave, the leave used counts against the employee's entitlement under both laws, and FMLA leave entitlements run concurrently.~~ State law requires that FMLA and OFLA ~~or other state leave entitlements run concurrently when for the same purpose possible.~~

~~For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.~~

Corrected 1/12/26

<sup>37</sup> ~~Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.~~

<sup>38</sup> ~~Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.~~

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(2)  
Revised/Reviewed: 8/09/10; 9/06/13; 11/19/13;  
3/06/17; 12/14/20  
Orig. Code(s): GCBDA/GDBDA-AR(2)

## Request for Family and/or Medical Leave

Employee Request for Family and Medical Leave (FMLA) and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and/or medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

### Employee Information

PLEASE PRINT

Employee Name: \_\_\_\_\_ Effective date of the leave \_\_\_\_\_

School/Department: \_\_\_\_\_ Position/Job Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

Supervisor name: \_\_\_\_\_

Status:  Full-time  Part-time  Temporary

Hire Date \_\_\_\_\_ Length of Service \_\_\_\_\_

Have you taken a family leave in the past 12 months?  Yes  No

If yes, how many work days? \_\_\_\_\_ Reason for leave \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I request family or medical leave for one or more of the following reasons:<sup>1</sup>

1.  Because of the birth of my child and in order to care for him or her my child. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form) Expected date of birth \_\_\_\_\_ Actual date of birth \_\_\_\_\_  
Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

2.  Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form) Age of child \_\_\_\_\_ Date of placement \_\_\_\_\_  
Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

<sup>1</sup> A physician's healthcare provider certification may be required to support a request for family and/or medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave for own health condition.

3.  In order to care for a family member<sup>2</sup> with a serious health condition. ~~(District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)~~ Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

Please check one:

- |                                                                                                                                 |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Spouse <sup>3</sup>                                                                                    | <input type="checkbox"/> Custodial parent                         |
| <input type="checkbox"/> Child <sup>4</sup>                                                                                     | <input type="checkbox"/> Noncustodial parent                      |
| <input type="checkbox"/> Parent                                                                                                 | <input type="checkbox"/> Adoptive parent                          |
| <input type="checkbox"/> Individual who was in <i>loco parentis</i> when the employee was a child                               | <input type="checkbox"/> Stepparent                               |
| <input type="checkbox"/> Parent-in-law or the parent of the employee's registered domestic partner <del>(OFLA leave only)</del> | <input type="checkbox"/> Foster parent                            |
| <del>(OFLA leave only).</del>                                                                                                   | <input type="checkbox"/> Grandparent <del>(OFLA leave only)</del> |
|                                                                                                                                 | <input type="checkbox"/> Grandchild                               |

Please state name and address of relation:

Name \_\_\_\_\_ Address \_\_\_\_\_

Does the condition render the family member unable to perform daily activities? \_\_\_\_\_

4.  Sick child leave due to the closure of child's school or child care provider

5.  For ~~any own~~ serious health condition ~~which prevents me from performing my job functions.~~ ~~(District: Use GCBDA GDBDA AR(3)(A) Certification Form)~~

Describe \_\_\_\_\_

Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

~~Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: \_\_\_\_\_~~

<sup>2</sup> "Family member," for purposes of FMLA ~~and OFLA~~ leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis."

~~Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents in law or the parents of the employee's registered domestic partner.~~ "Family member" for purposes of OFLA means the spouse or domestic partner, child or the child's spouse or domestic partner, parent or the parent's spouse or domestic partner, sibling or stepsibling, or the siblings or stepsiblings spouse or domestic partner, grandparent or the grandparent's spouse or domestic partner, grandchild or the grandchild's spouse or domestic partner, or any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.

<sup>3</sup> "Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

<sup>4</sup> For FMLA, the age of the son or daughter at the onset of disability is not relevant in determining a parent's entitlement to FMLA leave

6.  In order to care for a child with an ~~condition~~ illness, injury or condition requiring home care ~~which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).~~
7.  ~~For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)~~
- 8.7.  A qualifying exigency arising from an employee's spouse, ~~son, daughter~~ child, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. ~~(District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)~~
- 9.8.  To care for a spouse, ~~son, daughter~~ child, parent, or next of kin<sup>5</sup> who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the ~~a~~ Armed ~~F~~ Forces.

Has leave been taken for the same servicemember and the same injury?  Yes  No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days? \_\_\_\_\_

- 10.9.  For the death of a family member ~~(OFLA only).~~

### Anticipated Leave Information

Anticipated start date (if known): \_\_\_\_\_

Estimated duration (if known): \_\_\_\_\_

Continuous leave: \_\_\_\_\_

Intermittent leave (reduced schedule or periodic absences): \_\_\_\_\_

I understand that I am required to use any available accrued paid leave, including personal and sick leave or available accrued vacation leave before taking FMLA and/or OFLA leave without pay during the leave period. I may select the order in which the available paid leave is used.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment.

I understand this form provides notice of my intent to request FMLA leave. I may be required to submit medical certification within 15 calendar days of receiving the appropriate form from Human Resources. I understand that FMLA leave may run concurrently with available paid leave in accordance with district policy. ~~(A fitness for duty statement may be required. (GCBDA/GDBDA-AR(3)))~~

<sup>5</sup> "Next of kin" means the nearest blood relative of the eligible employee.

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the district's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act ~~leave request form~~.

Signature of Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Human Resources Use Only**

Date notice received: \_\_\_\_\_

Eligibility confirmed:  Yes  No

Eligibility notice issued (date) (WH-381): \_\_\_\_\_

Medical certification due date: \_\_\_\_\_

Designation notice issued date (WH-382): \_\_\_\_\_

Corrected 1/12/26; Corrected 3/10/26

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(3)(A)  
Revised/Reviewed: 8/09/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(3)(A)

## Certification of Health Care Provider

Employee's Serious Health Condition

*Updates coming*

### To be completed by the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications, or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

District contact person: \_\_\_\_\_

Employee's job title: \_\_\_\_\_ Regular work schedule: \_\_\_\_\_

Employee's essential job functions \_\_\_\_\_

Check if job description is attached:

### To be completed by the employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Return this completed form on \_\_\_\_\_ (must be at least 15 days after employee is notified of this requirement).

Employees name: \_\_\_\_\_  
First Middle Last

**To be completed by health care provider:**

Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: \_\_\_\_\_

Type of practice/Medical specialty: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_

**Medical Facts**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

Yes  No If yes, dates of admission: \_\_\_\_\_

Dates(s) you treated the patient for condition \_\_\_\_\_

Was medication, other than over-the-counter medication, prescribed?  Yes  No

Will the patient need to have treatment visits at least twice per year due to the condition?

Yes  No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

Yes  No

If yes, state the nature of such treatments and expected duration of treatment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is the medical condition pregnancy?  Yes  No

If yes, expected delivery date: \_\_\_\_\_

3. Use the information provided by the district in the “To be completed by the district” section to answer this question. If the district fails to provide a list of the employee’s essential functions or a job description, answer these questions based upon the employee’s own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:

Yes  No If yes, identify the job functions the employee is unable to perform:

- 
4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):
- 
- 

**Amount of leave needed**

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  Yes  No

If yes, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

---

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition?  Yes  No

If yes, are the treatments or the reduced number of hours of work medically necessary?

Yes  No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

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Estimate the part-time or reduced work schedule the employee needs, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  Yes  No

Is it medically necessary for the employee to be absent from work during the flare-ups?

Yes  No If yes, explain: \_\_\_\_\_

---

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

**Additional Information – Identify the question number with your additional answer:**

D

E

Signature of Health Care Provider

Date

L

E

T

F

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(3)(B)  
Revised/Reviewed: 8/09/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(3)(B)

## Certification of Health Care Provider

Family Member's Serious Health Condition

*Updates coming*

### To be completed by the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Contact person: \_\_\_\_\_

### To be completed by the employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Return this completed form on \_\_\_\_\_ (must be at least 15 days after employee is notified of this requirement).

Employees name: \_\_\_\_\_  
First Middle Last

Relationship and name of family member for whom employee will provide care: \_\_\_\_\_  
Relationship  
First Middle Last

If family member is your son or daughter, date of birth \_\_\_\_\_

Describe the care you will provide to your family member and estimate leave needed to provide care:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

**To be completed by health care provider:**

The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: \_\_\_\_\_

Type of practice/medical specialty: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_

**Medical Facts**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

Yes  No If yes, dates of admission: \_\_\_\_\_

Dates(s) you treated the patient for condition \_\_\_\_\_

Was medication, other than over-the-counter medication, prescribed?  Yes  No

Will the patient need to have treatment visits at least twice per year due to the condition?  Yes  No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

Yes  No If yes, state the nature of such treatments and expected duration of treatment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is the medical condition pregnancy?  Yes  No

If yes, expected delivery date: \_\_\_\_\_

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

\_\_\_\_\_  
\_\_\_\_\_

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**Amount of leave needed**

When answering these questions, keep in mind that your patient’s need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery?  Yes  No

If yes, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

\_\_\_\_\_

During this time, will the patient need care?  Yes  No

Explain the care needed by the patient and why such care is medically necessary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Will the patient require follow-up treatments, including any time for recovery?  Yes  No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: \_\_\_\_\_

\_\_\_\_\_

Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_

\_\_\_\_\_

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?  Yes  No

Estimate the hours the patient needs care on an intermittent basis, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_

\_\_\_\_\_

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities  Yes  No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

Does the patient need care during these flare-ups?  Yes  No

Explain the care needed by the patient, and why such care is medically necessary \_\_\_\_\_

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**Additional Information – Identify the question number with your additional answer:**

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Signature of Health Care Provider

Date

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(3)(C)  
Revised/Reviewed: 8/09/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(3)(C)

## Military Family Leave

Certification of Qualifying Exigency for Military Family Leave

*Updates coming*

### Section 1: To be completed by the district:

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provides that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

District: \_\_\_\_\_

Superintendent or designee information: \_\_\_\_\_

### Section 2: To be completed by the employee:

Complete the information below fully and completely. The FMLA or OMFLA permits the district to require that you submit a timely, complete and sufficient certification to support a request for FMLA OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as “lifetime,” “unknown” or “indeterminate” may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The district must give you at least 15 calendar days to return this form to the district.

Employee’s name: \_\_\_\_\_

First

Middle

Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation: \_\_\_\_\_

First

Middle

Last

Relationship of covered military member to you: \_\_\_\_\_

Period of covered military member’s active duty: \_\_\_\_\_

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member’s active duty or call to active duty status in support of a contingency operation. Please check one of the following:

- A copy of the covered military member's active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.
- I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

**Part A: Qualifying reason for leave**

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (including the specific reason you are requesting leave):

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2. Describe the reason you are requesting OMFLA (include specific reason below):

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3. A complete and sufficient certification to support a request for qualifying leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.  Yes  No  None available

**Part B: Amount of leave needed**

1. Approximate date exigency/deployment commenced or will commence \_\_\_\_\_

Probably duration of exigency \_\_\_\_\_

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency/deployment?  Yes  No

If yes, estimate the beginning and ending dates for the period of absence \_\_\_\_\_

3. Will you need to be absent from work periodically to address this qualifying exigency/deployment?  Yes  No If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

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4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e. One deployment-related meeting every month lasting four hours) (FMLA only):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per event

**Part C: Third party certification**

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member’s representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate (FMLA only).

Name of individual \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Email \_\_\_\_\_

Describe nature of meeting \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part D: Employee Signature**

I certify that the information I provided above is true and correct. For OMFLA purposes notice must be given by the employee within five business days of receiving official notice.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(3)(D)  
Revised/Reviewed: 8/09/10; 9/06/13; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(3)(D)

## Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

*Updates coming*

### Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

### Section 1

#### Part A: Employee information

Complete the employee and covered servicemember information below before giving this form to your family member or his/her medical provider.

\_\_\_\_\_  
District name and address

\_\_\_\_\_  
Name of employee requesting leave to care for covered servicemember:

\_\_\_\_\_  
First Middle Last

\_\_\_\_\_  
Name of covered servicemember for whom employee is requesting leave to care:

\_\_\_\_\_  
First Middle Last

Relationship of employee to covered servicemember requesting leave to care:

Spouse    Parent    Son    Daughter    Next of kin

**Part B: Covered servicemember information**

1. Is the covered servicemember a current member of the regular armed forces, the National Guard or Reserves, or a veteran?  Yes  No

If a current servicemember, please provide the covered servicemember’s military branch, rank and unit currently assigned to:

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If a veteran, when was the date of discharge? \_\_\_\_\_

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)?  Yes  No

If yes, provide the name of the medical facility or unit:

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2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)?  Yes  No

**Part C: Care to be provided to the covered servicemember**

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

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**Section 2:**

**To be completed by a health care provider as defined by FMLA regulations.**

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

**Part A: Health care provider information**

Health care provider’s name and business address:

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Type of practice/Medical speciality: \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

**Part B: Medical status**

1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
- (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
  - (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
  - Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.
  - None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition." If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)

2. Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the armed force?  Yes  No

If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty?  Yes  No

3. Appropriate date condition commenced: \_\_\_\_\_

4. Probable duration of condition and/or need for care: \_\_\_\_\_

5. Is the covered servicemember undergoing medical treatment, recuperation or therapy?  Yes  No  
If yes, please describe medical treatment, recuperation or therapy:

\_\_\_\_\_  
\_\_\_\_\_

**Part C: Covered servicemember's need for care by family member**

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery?  Yes  No

If yes, estimate the beginning and ending dates for this period of time: \_\_\_\_\_

2. Will the covered servicemember require periodic follow-up treatment appointments?  Yes  No

If yes, estimate the treatment schedule: \_\_\_\_\_

3. Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointment?  
 Yes  No

4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)?  Yes  No

If yes, estimate the frequency and duration of the periodic care.

\_\_\_\_\_

\_\_\_\_\_  
Signature of health care provider

\_\_\_\_\_  
Date

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(3)

Revised/Reviewed:

## Return-to-Work - Part 4

Medical leave for your own serious health condition ends on (date) \_\_\_\_\_.

Prior to returning to work you must provide a medical release verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this form to your healthcare provider for completion. The district will use this verification to determine if you are able to return to work after your leave.

**Return the completed Return-to-Work – Part 4 to the district prior to the end of your medical leave or by (date) \_\_\_\_\_.**

### Employee Information

Employee name: \_\_\_\_\_

Position: \_\_\_\_\_

School/Department: \_\_\_\_\_ Date of release: \_\_\_\_\_

### Physician's Release

Employee may return to **full duty** with no restrictions effective: \_\_\_\_\_ (date)

Employee may return to work with the following restrictions effective: \_\_\_\_\_ (date)

Lifting limit: \_\_\_\_\_ lbs.

Standing/Walking: \_\_\_\_\_ hours/day

Sitting: \_\_\_\_\_ hours/day

Climbing/Kneeling/Squatting: \_\_\_\_\_ hours/day

Other restrictions: \_\_\_\_\_

Temporary through: \_\_\_\_\_ (date)

Permanent restrictions.

Printed name of healthcare provider: \_\_\_\_\_

Physician signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

HR approval: \_\_\_\_\_ Date: \_\_\_\_\_

### Return to:

Klamath Falls City School District

Human Resources Department

Fax: 541-883-4725

Email: hr@kfalls.k12.or.us

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(4)  
Revised/Reviewed: 8/09/10; 9/06/13; 11/19/13;  
3/06/17; 12/14/20  
Orig. Code(s): GCBDA/GDBDA-AR(4)

## FMLA/OFLA Eligibility Notice to Employee

*Updates coming*

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
(Employee's name)

FROM: \_\_\_\_\_  
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On \_\_\_\_\_ you notified us of your need to take family/medical leave due to:  
(Date)

1.  The birth of your child, or the placement of a child with you for adoption or foster care;
2.  A serious health condition that makes you unable to perform the essential functions of your job;
3.  A serious health condition of your  spouse<sup>1</sup>,  child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of “in loco parentis”),  parent (biological parent of an employee or an individual who stood “in loco parentis” to an employee when the employee was a child),  grandparent (OFLA leave only),  parent-in-law or the parent of an employee’s registered domestic partner (OFLA leave only),  custodial parent,  noncustodial parent,  adoptive parent, foster parent for which you are needed to provide care;
4.  Sick child leave due to closure of a child’s school or childcare provider
5.  An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only).
6.  A qualifying exigency arising from a spouse, son, daughter, or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7.  Your spouse has been notified of an impending call to active duty, has been ordered to active duty, has been deployed or on leave from deployment;
8.  A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, son, daughter, parent or next of kin;
9.  For the death of a family member (OFLA only).

<sup>1</sup> “Spouse” means individuals in a marriage including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

You notified us that you need this leave beginning on \_\_\_\_\_ (date) and that you expect leave to continue until on or about \_\_\_\_\_ (date). The FMLA requires that you notify the district as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.<sup>2</sup> The district will use a "rolling" 12-month period measured backward from the date the employee uses any family and medical leave. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period.

Also, your health benefits under FMLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You **will** be reinstated to the same position, or in some cases, under state or federal law, to an equivalent position.

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the district for health insurance premiums paid on your behalf during your FMLA/OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are  eligible  not eligible for leave under the G FMLA, G OFLA or G both.
2. The requested leave may be counted against your annual  FMLA leave entitlement,  OFLA  both.
3. You  will  will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by \_\_\_\_\_ (date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We  will  will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used the following conditions will apply: (*Explain*)
  - 5a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA/OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: on or before the 1st day of each month.
  - 5b. If the district pays any part of your share of disability, life or other insurance benefits while on OFLA or FMLA leave the district may deduct up to 10 percent of your gross pay each pay period after your return to work until the amount is repaid (OFLA leave only).
  - 5c. You have a minimum  30-day  Other: \_\_\_\_\_ (*indicate longer period, if applicable*) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during FMLA/OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you

<sup>2</sup> Oregon Military Family Leave Act allows for 14 days of leave per deployment.

upon your return to work. We  will  will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.

- 5d. We  will  will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you  will  will not be expected to reimburse us for the payments made on your behalf.
- 5e. Except as noted above, in the event you do not return to work for the district after your FMLA and/or, OFLA leave and the district has paid your share of benefit premiums, you  will  will not be responsible for reimbursing the district the amount paid on your behalf, with the exceptions noted in Section 104 (c)(2)(B) of the FMLA.
6.  You will be required to present a fitness-for-duty certificate prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.
- You will not be required to present a fitness-for-duty certificate prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided.
- 7a. You  are  are not a “key employee” as described in Section 825.218 of the FMLA regulations. If you are a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. (FMLA leave only.)
- 7b. We  have  have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (*Explain (a) and/or (b) below.*)
8. While on FMLA and/or OFLA leave, you  will  will not be required to furnish us with periodic reports every (*indicate interval of periodic reports, as appropriate for the particular leave situation*) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you  will  will not be required to notify us at least two workdays prior to the date you intend to report for work.
9. You  will  will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (*Explain below, if necessary, including the interval between certifications as prescribed in Section 825.308 of the FMLA regulations.*)
10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(5)  
Revised/Reviewed: 8/09/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(5)

## Sample Designation Letter to Employee - FMLA/OFLA Leave

*Updates coming*

*The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice form GCBDA/GDBDA-AR(6), FMLA/OFLA or GCBDA/GDBDA-AR(4), OFLA only eligible, should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA.*

Dear Employee:

On \_\_\_\_ (date) \_\_\_\_ you advised the district that you were requesting a leave under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA). Under our policy, leaves of absence that qualify for family and medical leave under federal law (FMLA) run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. Leaves of absence that qualify for family and medical leave under state law (OFLA) can run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave but cannot run concurrently with leave for workers' compensatory injury or illness.

We understand the purpose of your requested leave qualifies as family medical leave under state and/or federal law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form entitled Designation Notice which contains other information for you regarding federal and state family medical leave rights.

Sincerely,

Superintendent

Enclosure (FMLA and/or OFLA Designation Notice form)

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(6)  
Revised/Reviewed: 8/09/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(6)

## Designation Notice – FMLA/OFLA

*Updates coming*

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected and the district must inform the employee of the amount of leave that will be counted against the employee’s FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient.

Employee \_\_\_\_\_

Date \_\_\_\_\_

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on: \_\_\_\_\_

and decided: \_\_\_\_\_

- Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement:  
\_\_\_\_\_
- Because the leave you will need will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right request this information once in a 30-day period (if leave was taken in the 30 day period).

Please be advised (check if applicable):

- You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.
- You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position  is  is not attached. If attached, the fitness-for-duty certifications must address your ability to perform these functions.

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- Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.
  - The certification you have provided is not complete and sufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than \_\_\_\_\_ (at least seven calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is:

- 
- We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

\*\*\*\*\*

- Your FMLA leave request is NOT APPROVED.
- The FMLA does not apply to your leave request.
- You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Family Leave is on a separate 12 month period.)
- Your OFLA leave request is NOT APPROVED.
- The OFLA does not apply to your leave request.
- You have exhausted your OFLA leave entitlement in the applicable 12-month period.

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(7)  
Revised/Reviewed: 12/13/10; 3/06/17  
Orig. Code(s): GCBDA/GDBDA-AR(7)

## Fitness-for-Duty Certification

To: \_\_\_\_\_ Date: \_\_\_\_\_

From: \_\_\_\_\_

Subject: Fitness-for-Duty Certification

Family and Medical Leave for your own serious health condition ends on (date) \_\_\_\_\_.  
Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your healthcare provider for completion. The district will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

**Return the completed Fitness-for-Duty Certification to the district prior to the end of your Family and Medical Leave or by (date) \_\_\_\_\_.**

## Fitness-for-Duty Certification

### Health Care Provider Completes this Section

**Instructions:** Please complete all sections in order for the district to determine if the employee is able to return to duty. The employee's position description or a list of essential duties (district specifies which) is attached to this form.

1. The employee is able to return to work full-time without restrictions:  Yes  No

a. If yes, list the effective date \_\_\_\_\_.

b. If no, complete the following:

(1) The employee will be able to return to work with no limitation on (date) \_\_\_\_\_.

(2) I certify that from (date) \_\_\_\_\_ to (date) \_\_\_\_\_  
the above named employee will be:

(a)  Unable to perform the physical requirements of their work; or

(b)  Is medically incapacitated:  Totally  Partially\*\*

\*\*If partially medically incapacitated, complete the following:

(c) Number of hours per day employee is able to work \_\_\_\_\_.

(d) Number of days per week employee is able to work \_\_\_\_\_.

(3) List any restrictions on the employee's work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D

\_\_\_\_\_  
Printed name of health care provider

\_\_\_\_\_  
Type of practice

\_\_\_\_\_  
Signature - health care provider

\_\_\_\_\_  
Date

**Health care provider: Please return the completed form to the employee/patient.**

Attached: Position description/description of essential duties (district specifies which).

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# Klamath Falls City Schools

Code: GCBDB/GDBDB  
Adopted: 3/06/17  
Readopted: 12/11/23  
Orig. Code(s): GCBDB/GDBDB

## Early Return to Work

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in their current position, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the district may provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The district will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The district will develop procedures as necessary to implement this policy.

END OF POLICY

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### Legal Reference(s):

[ORS 659A.043](#)

[ORS 659A.046](#)

[OAR 436-110-0003 - 0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).  
Americans with Disabilities Act Amendments Act of 2008.

Reviewed 1/12/26

# Klamath Falls City Schools

Code: GCBDC/GDBDC  
Adopted: 6/10/19  
Orig. Code(s): GCBDC/GDBDC

## Domestic Violence, Harassment, Sexual Assault, or Stalking Leave

*(Since employees use Paid Leave Oregon to manage Paid Family and Medical Leave Insurance (PFMLI); this policy is not needed. Policy GCBDF/GDBDF on PFMLI includes reference to Safe Leave and Paid Leave Oregon offers a Safe Leave Certification form for employees to use.)*

### Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave, if the employee's leave creates an undue hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of the employee's intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a report from law enforcement indicating the employee or child or dependent was a victim of domestic violence, harassment, sexual assault, or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency, or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking.
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a victim services provider that the employee,

employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the district regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use accrued paid leave, including personal, sick, or accrued vacation leave. The employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies and/or any collective bargaining agreement.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)

Corrected 2/09/26

# Klamath Falls City Schools

Code: GCBDD/GDBDD  
Adopted: 3/06/17  
Orig. Code(s): GCBDD/GDBDD

## Oregon Sick Time (ORS 653)

“Employee” means an individual who is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221 renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the first day of employment with the district and may use sick time as it is accrued.

A district employing 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year under Oregon Sick Time.

For substitutes, coaches receiving a stipend and student employees, paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

A substitute, a coach receiving a stipend or a student employee may carry unused sick time from one year to a subsequent year. A substitute, coach or student employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

For bargaining groups, paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.

An employee in a bargaining group may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly minimum increments not to exceed four hours and may be used for the employee’s or a family member’s<sup>1</sup> mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying the Family Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

<sup>1</sup> “Family member” is defined in OAR 839-007-0000 by the Oregon Family Leave Act (OFLA).

The district reserves the right, after an employee uses sick time for five consecutive scheduled workdays~~days of absence~~, to require verification~~proof of personal illness~~ or certification in accordance with law of the need for the sick time~~injury from an employee~~, including a medical verification or certification<sup>2</sup>~~examination by a physician chosen and paid for by the district~~. If an~~An~~ employee fails~~refusing~~ to provide verification or certification or fails~~submit to such an examination~~ or to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or ~~FOFLA~~ leave, ~~the sick time leave~~ and qualifying~~the FMLA, PFMLI or FOFLA~~ leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, ~~the sick time leave~~ and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district ~~requires an~~ ~~may require the~~ employee to provide advance notice of ~~their~~ intention to use sick time ~~within~~ 10 days prior to when~~of~~ the requested sick time is to begin, or as soon as otherwise practicable. When ~~an~~ the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district or at least 24 hours in advance, or when circumstances prevent the employee from providing notice as required, ~~or~~ as soon as practicable.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 342.545](#)

[ORS 342.610](#)  
[ORS 653.601 - 653.661](#)

[ORS 659A.150 - 659A.186](#)  
[OAR 839-007-0020 - 0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Corrected 1/12/26; Corrected 3/17/26; Corrected 4/09/26

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<sup>2</sup> In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

# Klamath Falls City Schools

Code: GCBDE/GDBDE  
Adopted: 3/10/03  
Readopted: 10/09/06; 3/06/17  
Orig. Code(s): GCBDE/GDBDE

## Military Leave of Absence

The district will grant military leave of absence to employees on duty<sup>1</sup> with a uniformed service<sup>2</sup> in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Such an employee may apply for military leave exceeding 15 of absence for up to 21 work days is unpaid leave in any one training year<sup>3</sup> and in accordance with ORS 408.290. Employees may use any accrued vacation or similar leave during the period of service exceeding 15-21 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions contribution to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the district of his/her intent to return to the district as follows:

1. If the period of service was less than 31 days, the employee must report to work not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service; and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of service to the person's residence; or as soon as

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<sup>1</sup> "Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time U.S. National Guard duty and absence to determine fitness for duty.

<sup>2</sup> "Uniformed service" means the U.S. Armed Forces, the U.S. National Guard (Army and Air), the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.

<sup>3</sup> "Training year" means the federal fiscal year for any particular unit of the National Guard or a reserve component.

possible after the expiration of the eight-hour period, if reporting within the period is impossible or unreasonable through no fault of the employee;

2. If the period of service was more than 30 days, but less than 181 days, by submitting an application for reemployment with the district not later than 14 days after the completion of the period of service or if submitting such application is impossible or unreasonable through no fault of the employee, the next first full calendar year when submission of the application becomes possible;
3. If the period of service was more than 180 days, by submitting an application for reemployment with the district not later than 90 days after the completion of service.
4. ~~(This says the same thing as #1 on page 1) The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;~~
5. ~~(This says the same thing as #2 on page 1) Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.~~

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable discharge, or a bad conduct discharge or under other than honorable conditions.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.505](#)

[ORS 408.290](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1-300bb-8 (2012).

I.R.C., U.S.C. 26 § 4980B(f)(4) (2012).

Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2012).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GCBDF/GDBDF  
Adopted: 7/10/23  
Orig. Code(s): GCBDF/GDBDF

## Paid Family and Medical Leave Insurance

The district participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon (PLO)<sup>1</sup>. This includes submitting employee and employer contributions to the Oregon Employment Department (“Department”) as required by state law.<sup>2</sup> The district does not administer PFMLI or Paid Leave Oregon. All applications and related questions should be directed to the Department.

### Definitions

1. “Family leave” means leave from work taken by a covered individual:
  - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
  - b. <sup>3</sup>To effectuate the legal process required for placement of a foster child or the adoption of a child; or
  - c. To care for a family member with a serious health condition.
  
2. “Family leave” does not mean:
  - a. ~~Leave described in Oregon Revised Statute (ORS) 659A.159 (1)(d) (non-serious health condition of child or school or child care provider closure due to public health emergency);~~
  - ~~b.a.~~ Leave described in Oregon Revised Statute (ORS) 659A.159(1)(a) (i.e., care for a child who is suffering from an illness, injury or condition that requires home care or who requires home care due to closure of the child’s school or child care provider as a result of a public health emergency) except for leave to care for a child who requires home care due to an illness, injury or condition that is a serious health condition;
  - ~~e.b.~~ Leave described in ORS 659A.159 (1)(be) (death of a family member); or
  - ~~d.c.~~ Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).
  
3. “Family member” means:
  - a. The spouse of a covered individual;
  - b. A child ~~of a covered individual~~ or the child’s spouse or domestic partner;
  - c. A parent ~~of a covered individual~~ or the parent’s spouse or domestic partner;

<sup>1</sup> Paid Leave Oregon is the program developed by the Oregon Department of Employment Department to administer Paid Family and Medical Leave Insurance.

<sup>2</sup> The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900.) The employer contribution is 40 percent and the employee contribution is 60 percent of this amount. The amount will be set annually by November 15. See ORS 657B.150.

<sup>3</sup> This provision becomes effective on January 1, 2025.

- d. A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner;
  - e. A grandparent of a covered individual or the grandparent's spouse or domestic partner;
  - f. A grandchild of a covered individual or the grandchild's spouse or domestic partner;
  - g. The domestic partner of a covered individual; or
  - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
4. "Medical leave" means leave from work taken by a covered individual that is made necessary by the individual's own serious health condition.
5. "Safe leave" means **leave** related to domestic violence, harassment, sexual assault, **bias, or** stalking and relocation for health and safety reasons as provided in ORS 659A.272.
- ~~6. "Serious health condition" means an illness, injury, impairment, or physical or mental condition of a claimant or their family member that:~~
- ~~a. Requires inpatient care in a medical care facility such as, but not limited to, a hospital, hospice, or residential facility such as, but not limited to, a nursing home or inpatient substance abuse treatment center;~~
  - ~~b. In the medical judgment of the treating health care provider poses an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;~~
  - ~~c. Requires constant or continuing care, including home care administered by a health care professional;~~
  - ~~d. Involves a period of incapacity. "Incapacity" is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days. A period of incapacity includes any subsequent required treatment or recovery period relating to the same condition. The incapacity must involve one of the following:
 
    - ~~(1) Two or more treatments by a health care provider; or~~
    - ~~(2) One treatment plus a regimen of continuing care.~~~~
  - ~~e. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as, but not limited to, asthma, diabetes, or epilepsy;~~
  - ~~f. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as, but not limited to, Alzheimer's Disease, a severe stroke, or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;~~
  - ~~g. Involves multiple treatments for restorative surgery or for a condition such as, but not limited to, chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three calendar days;~~
  - ~~h. Involves any period of disability due to pregnancy, childbirth, miscarriage or stillbirth, or period of absence for prenatal care; or~~
  - ~~i. Involves any period of absence from work for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.~~

**7.6. "Serious health condition" means:**

- a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility;
- b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
- c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
- d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

## Eligibility

1. To be eligible for Paid Leave Oregon PLO benefits, an individual must:
  - a. Be an employee of the district<sup>4</sup>;
  - b. Earn at least \$1,000 in the base or alternate base year<sup>5</sup>;
  - c. Contribute to Paid Leave Oregon the PLO in accordance with state law;
  - d. Experience an event qualifying the employee for:
    - (1) Family leave;
    - (2) Medical leave; or
    - (3) Safe leave.
  - e. Submit an application to Department;
  - f. Have not exceeded maximum paid leave infor the active benefit year; and
  - g. Have no current disqualifications<sup>6</sup>.

## Leave

Paid Leave Oregon PLO can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.<sup>7</sup> Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under Paid Leave Oregon PLO must be taken concurrently with any leave taken by an eligible employee under ORS 659A.150 – 659A.186 (OFLA) or under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes. Leave taken under Paid Leave Oregon is in addition to, and may not be taken concurrently with, any leave taken pursuant to ORS 659A.150 - 659A.186 (Oregon Family Leave Act (OFLA)).

<sup>4</sup> PFMLI is a state-wide benefit, and not unique to the district. An eligible individual does not need to be an employee of the district in order to be eligible for PFMLI, but this policy only applies to employees of the district.

<sup>5</sup> Pay could come from another Oregon employer.

<sup>6</sup> Disqualifications may include eligibility for Workers' Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

<sup>7</sup> In some pregnancy-related situations (e.g., pregnancy, childbirth, or a related medical condition), employees may be able to take two additional weeks, for a total for 14 weeks per benefit year.

The district will maintain an employee’s existing health benefits while the employee is using leave. The employee will be required to pay the employee’s contribution to premiums.

END OF POLICY

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**Legal Reference(s):**

[ORS 657B](#)

[ORS 659A.162](#)

[OAR 471-070](#)

[Senate Bill 1515](#) (2024).

Corrected 1/12/26

# Klamath Falls City Schools

Code: GCBDF/GDBDF-AR  
Revised/Reviewed: 7/10/23  
Orig. Code(s): GCBDF/GDBDF-AR

## Paid Family and Medical Leave Insurance (PFMLI)

### Application

Employees may submit applications for Paid Leave Oregon<sup>1</sup> (PLO) to the Oregon Employment Department (“Department”).<sup>2</sup> Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.<sup>3</sup> The Department may require verification from the employee.<sup>4</sup> The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.<sup>5</sup> The district cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.410040 and Oregon Administrative Rule (OAR) 471-070-80052220.

### Employee Notice to District

If the leave is foreseeable<sup>6</sup>, the employee must provide the district with written notice<sup>7</sup> at least 30 calendar days prior to the leave. If the leave is not foreseeable<sup>8</sup> the employee must give oral notice to the district

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<sup>1</sup> “Paid Leave Oregon” means the Paid Family and Medical Leave Insurance program described in ORS 657B.

<sup>2</sup> For application requirements see ~~ORS 657B.060~~ and Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at to the Employment Department through the Paid Leave Oregon program.

<sup>3</sup> Exceptions may be granted when the applicant can demonstrate good cause for late submission.

<sup>4</sup> See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

<sup>5</sup> The benefit may be less than the employee’s salary. See ORS 657B.050.

<sup>6</sup> Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310.(+).

<sup>7</sup> Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

<sup>8</sup> Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.<sup>9</sup> The district requests as much advanced notice as possible.

The notice must include:

1. The employee's first and last name;
  2. Type of leave;
  3. Explanation of the need for leave; and
1. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon PLO to satisfy the notice requirements. Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(9)-(10).

### **Concurrent Use of District-Provided Paid Leave**

The employee will be allowed to use available district-provided paid leave (e.g., sick, vacation or otherwise) for days that Paid Leave Oregon is received. The employee may use such leave to the extent that the total combined amount of accrued paid leave and Paid Leave Oregon benefits received by the employee may exceed an amount equal to the employee's full wage replacement during the period of leave.

~~The district allows employees to use employer provided paid leave in addition to receiving PLO benefits to replace an employee's wages up to 100 percent of the eligible employee's average weekly wage.~~  
Example:

An employee applies and is approved for PLO Paid Leave Oregon for a personal serious medical condition. The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise), subject to any applicable collective bargaining agreement or other agreement) for days Paid Leave Oregon benefits are that PLO is received, but is limited to only utilizing an amount that increases the employee paid leave to 100 percent of regular payment. In this example, the amount would be 25 percent. The employee may use such leave to the extent that the total combined amount of accrued paid leave and Paid Leave Oregon benefits received by the employee may exceed the employee's full wage replacement during the period of leave.

### **Return to Work**

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<sup>9</sup> An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual's intention to take safe leave, unless giving the advance notice is not feasible.<sup>8</sup> If other leave also applies, (OFLA, FMLA, etc.), notice requirements for those types of leave may also apply.

Upon completion of leave, the employee is entitled to return to the position held in the district prior to the leave, if that position still exists and if the employee had been employed in the district for 90 days prior to taking leave.<sup>10</sup> If the position no longer exists, the employee is entitled to **be restored to any available equivalent position with equivalent employment equal to their previous position, with equal benefits, pay and other terms and conditions of employment.**

### **Communications Between the District and the Department**

Upon receipt of an application or update in information from a district employee for **Paid Leave Oregon PLO**, the Department will notify the district. The district may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the district or verification of the employee's continued employment with the district. If the district does not report such information to the Department, the Department will proceed using available information. The district can provide additional information to the Department as it becomes available.

If the Department requests additional information from the district, the district will respond within 10 calendar days.

Once the Department has issued a decision regarding an application submitted by an employee of the district, the Department will notify the district regarding the approval or denial and any applicable dates and periods of leave. ~~The district cannot appeal a Department decision.~~

### **District Notice to Employees**

At the time of hire and each time the policy or procedure changes, the district must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the district before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or **Paid Leave Oregon** program, giving notification of leave under the program **PLO**, taking leave under the program or claiming PFMLI or **Paid Leave Oregon PLO** benefits are prohibited;

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<sup>10</sup> If the employee's leave also qualifies for ~~OFLA~~/FMLA protection, see also Board policy GCBDA/GDBDA - Family and Medical Leave and its accompanying administrative regulations.

7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.<sup>11</sup>

The district will display the Department's this notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The district will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

### **District Filings**

The district will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the district fails to submit required filings or report, or fails to pay all required contributions, the district may be penalized in accordance with OAR 471-070-8520.

### **Employee Protections**

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or Paid Leave Oregon PLO, giving notification of leave under Paid Leave Oregon PLO, taking such PLO leave or claiming such PLO benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

Any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

Corrected 1/12/26

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<sup>11</sup> Paid Leave Oregon has provided will provide a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>. This policy can also be used as the notice.

# Klamath Falls City Schools

Code: GCDA/GDDA  
Adopted: 8/11/97; 9/11/95  
Readopted: 10/09/06; 1/11/10; 12/10/12;  
4/11/16; 3/06/17; 10/14/19  
Orig. Code(s): GCDA/GDDA

## Criminal Records Checks and Fingerprinting

(Version 1)

*(See new policy (Version 2) that replaces this policy and its AR)*

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the district that will have direct, unsupervised contact with students shall submit to criminal records checks and fingerprinting as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, a criminal records check and fingerprint-based criminal records check shall be required of the following individuals:

1. All individuals employed as or by a contractor whether employed part-time or full-time and considered by the district to have direct, unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a K through 12 school site during the regular school day;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The procedure for processing fingerprint collections is further outlined in GCDA/GDDA- AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information only after the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due to the individual.

The district may begin the employment of an individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks upon approval by the superintendent or his designee.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual will not be employed or contracted with by the district, or if employed by the district may be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law may be employed or contracted with by the district.

The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

A volunteer who knowingly made a false statement or has a conviction of crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

## Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

END OF POLICY

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### Legal Reference(s):

[ORS 181A.180](#)  
[ORS 181A.230](#)  
[ORS 326.603](#)  
[ORS 326.607](#)  
[ORS 332.107](#)

[ORS 336.631](#)  
[ORS 342.143](#)  
[ORS 342.223](#)  
[OAR 414-061-0010 – 061-0030](#)  
[OAR 581-021-0510 – 021-0512](#)

[OAR 581-022-2430](#)  
[OAR 584-050-0012](#)  
[OAR 584-050-0100](#)

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

Corrected 1/12/26

# Klamath Falls City Schools

P  
Code:  
Adopted:

GCDA/GDDA

## Criminal Records Checks and Fingerprinting

(Version 2)

{Required policy. Requirement/Authority for policy comes from OAR 581-021-0510 - 021-0512 and ORS 326.603 - 326.607.}

R  
In a continuing effort to ensure the safety and welfare of students and staff, the district shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers and others.

### Requirements for Employees not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

O  
All newly hired employees<sup>1</sup> not identified under Oregon Revised Statutes (ORS) 342.223<sup>2</sup> are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district<sup>3</sup> or private school, and has not resided outside the state between the two periods of employment.

P  
An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the district. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the district and not requiring licensure shall be paid by the district.

O  
The district may<sup>4</sup> begin the employment of an individual on a probationary basis pending the return and disposition of the required criminal records checks.

S  
When the criminal records check indicates an individual has been convicted of any crimes<sup>5</sup> prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual will not be employed by the district, or if employed by the district may be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law will not be employed by the district.

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<sup>1</sup> Any individual hired within the last three months. This does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

<sup>2</sup> ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

<sup>3</sup> As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

<sup>4</sup> Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.

<sup>5</sup> See OAR 581-021-0511(8).

Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

### **Requirements for TSPC Licensed, Certified or Registered Individuals**

1. Any individual who is applying for a license as a teacher, administrator or personnel specialist is subject to a criminal records check and fingerprinting, unless the individual has submitted to such a check through the Teacher Standards and Practices Commission (TSPC) within the previous three years, or has remained continuously licensed by or registered with TSPC for a different license or registration for which the individual has already submitted to a criminal records check and fingerprinting.
2. Any individual who is applying for an initial certificate under ORS 342.475 as a school nurse shall submit to a criminal records check and fingerprinting with TSPC.
3. Any individual who is applying for a registration as a public charter school teacher or administrator with TSPC shall submit to a criminal records check and fingerprinting with TSPC.
4. Any individual applying for reinstatement of an Oregon license or registration as a teacher, administrator or personnel specialist, or a certificate as a school nurse with the TSPC, whose license, registration or certificate has lapsed for at least three years, shall submit to a criminal records check and fingerprinting with TSPC.
5. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual does not hold a current license issued by TSPC and has not submitted to a criminal records check by TSPC within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist, shall be required to submit to a criminal records check and fingerprinting with TSPC.

### **Requirements for Contractors**

All individuals employed as or by a contractor and considered by the district to have direct, unsupervised contact with students<sup>6</sup> or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The superintendent or designee will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the district upon:

1. Refusal to consent to a criminal records check and fingerprinting; or

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<sup>6</sup> “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

- Notification<sup>7</sup> from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual will be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

### Requirements for Volunteers

The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

- Head coach;
- Assistant coach;
- Overnight chaperone;
- Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity.

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

Volunteers allowed by the district into a position designated by the district to have direct, unsupervised contact with students shall at least submit to an in-state criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

A volunteer that is not likely to have direct, unsupervised contact with students, as determined by the district, will not be required to submit to an in-state criminal records check, but will submit to an alternate records check established by the district.

A volunteer who knowingly made a false statement on a district volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

Fees associated with the required **fingerprinting** for volunteers shall be paid by the district. Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the district.

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<sup>7</sup> Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the district.

## **Requirements for Others**

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Any individual who is an employee of a public charter school and not identified under ORS 342.223 is required to submit to a criminal records check and a fingerprint-based criminal records check.

## **Notification**

The district will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The district will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the district;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the district may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, or ODE forms (written or electronic) will result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district. The district will remove the volunteer from the position allowing direct, unsupervised contact with students.

## **Processing and Reporting Procedures**

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks

and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing district staff;
2. Contracted agent of employing district;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime or has a conviction of a crime prohibiting employment, contract or volunteering.

A copy of the fingerprinting results will be kept by the district. The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

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**Legal Reference(s):**

[ORS 181A.180](#)  
[ORS 181A.230](#)  
[ORS 326.603](#)  
[ORS 326.607](#)  
[ORS 332.107](#)

[ORS 336.631](#)  
[ORS 342.143](#)  
[ORS 342.223](#)  
[OAR 414-061-0010 – 061-0030](#)  
[OAR 581-021-0510 – 021-0512](#)

[OAR 581-022-2430](#)  
[OAR 584-050-0012](#)  
[OAR 584-050-0100](#)

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

Corrected 1/12/26; Corrected 3/17/26

# Klamath Falls City Schools

Code: GCDA/GDDA-AR  
Adopted: 1/10/94  
Readopted: 10/09/06; 1/11/10; 11/05/12;  
11/19/13; 3/06/17; 10/14/19;  
8/14/23  
Orig. Code(s): GCDA/GDDA-AR

## Criminal Records Checks/Fingerprinting

### Requirements

1. Any individual newly hired employee<sup>1</sup> whether full-time or part-time and not requiring licensure under Oregon Revised Statute (ORS) 342.223, such as a teacher, administrator, personnel specialist or school nurse shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo criminal records check and fingerprinting with TSPC.
3. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor<sup>2</sup>, whether part-time or full-time, having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.

The superintendent will identify district contractors who are subject to such requirements.

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day shall be required to undergo a criminal records check and fingerprinting.
6. An individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.
7. A volunteer allowed by the district for volunteer service into a position that has direct, unsupervised contact with students shall undergo an in state criminal records check.

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<sup>1</sup> Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if

<sup>2</sup> A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

8. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy<sup>3</sup> by the district requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.
9. A volunteer that is not likely to have direct, unsupervised contact with students will not be required to undergo an in-state criminal records check.

### Exceptions

A newly hired employee<sup>4</sup> is not subject to fingerprinting if:

1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
2. The Oregon Department of Education (ODE) determines the person:
  - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
  - a. Submitted to a criminal records check conducted by TSPC within the previous three years; or
  - b. Remained continuously licensed or registered with the TSPC.

### Notification

1. The district will provide notification to individuals subject to criminal records checks and/or fingerprinting:
  - a. Such criminal records checks are required by law or Board policy;
  - b. Any action resulting from such checks completed by the ODE that impact employment, contract or volunteering may be appealed as a contested case to ODE;
  - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
  - d. A refusal to consent to criminal records checks and/or shall result in immediate termination from employment, contract status or the ability to volunteer;
  - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts or ODE forms (written or electronic) will be immediately terminated from employment or contract status;
  - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
  - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

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<sup>3</sup> See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting

<sup>4</sup> Any individual hired within the last three months.

2. The district will provide notice through such means as staff handbooks, employment applications, contract forms or volunteer forms.

## **Processing/Reporting Procedures**

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
  - a. Employing district staff;
  - b. Contracted agent of employing district; or
  - c. Local or state law enforcement agency.
3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results, ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to the conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
5. A copy of the fingerprinting results will be kept by the district.

## **Fees**

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district including persons hired as or by contractors<sup>5</sup> shall be paid by the individual.
2. An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
3. Fees associated with required criminal records checks for volunteers shall be paid for by the district.

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<sup>5</sup> A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

## Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. Any subject individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the district upon:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification<sup>6</sup> from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143 or the substantial equivalent of any of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. Any subject individual will be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. A volunteer who refuses to submit to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form will be denied the ability to volunteer in the district.

### Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 - 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 - 183.470.

Corrected 1/12/26

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<sup>6</sup> Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

# Klamath Falls City Schools

Code: GCL/GDL  
Adopted: 1/13/14  
Readopted: 3/06/17  
Orig. Code(s): GCL/GDL

## Staff Development

In order to strengthen and refine professional skills of district personnel, the superintendent or his/her designee will develop a staff development program for all employees. The development of a program will consider improving the professional growth of a school's staff.

Requests for release time for attendance at professional development activities may be approved as deemed appropriate by the district with the following stipulations: (1) an employee must submit a request to the supervisor with sufficient advance notice for the supervisor to consider the request; and (2) if release time is granted, the employee will submit a written report, upon request after attending the meeting or conference.

Staff development programs, whether provided directly by the district or through district contracts with third parties, will provide appropriate, reasonable accommodations to ensure such programs are available to employees with disabilities.

~~Completion of continuing professional development (CPD) requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee.~~

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor, who will verify that the licensed employee has successfully completed the professional development requirements to the superintendent or designee, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

### Legal Reference(s):

[ORS 329.095](#)  
[ORS 329.125](#)  
[ORS 329.704](#)  
[ORS 342.138](#)

[ORS 342.856](#)  
[OAR 581-022-0606](#)  
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)  
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).  
Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/09/26

**Cross Reference(s):**

IFCA - 21st Century Schools Councils

# Klamath Falls City Schools

Code: GCN-AR  
Revised/Reviewed: 11/05/12; 3/06/17  
Orig. Code(s): GCN-AR

## Core Teaching Standards

*(Merged into GCN/GDN)*

The core teaching standards must:

1. Consider multiple measures of teacher effectiveness that encompass a range of appropriate teaching behaviors. These measures use multiple evaluation methods that utilize multiple measures to evaluate teacher performance which may include, but is not limited to:
  - a. Student performance;
  - b. Student assessment;
  - c. Classroom-based assessments, including observations, lesson plans and assignments;
  - d. Portfolios of evidence;
  - e. Supervisor reports; and
  - f. Self-reflections and assessments.
2. Consider evidence of student academic growth and learning based on multiple measures of student progress, including student performance data;
3. Be research based;
4. Be separately developed for each teacher; and
5. Be customized to the district, which may include individualized weighting and application of standards.

Local evaluation and support systems established by the district for teachers must be:

1. Designed with four performance level ratings of effectiveness as defined in the *Oregon Framework for Teacher and Administrator Evaluation and Support Systems*;
2. Based on significant consideration of student learning, which may include, but is not limited to:
  - a. Schoolwide academic growth, as determined by the statewide assessment system implemented by the Oregon Department of Education under ORS 329.485;
  - b. Formative and summative assessments; and
  - c. Classroom-level student learning goals set collaboratively between teachers and evaluators.
3. On a regular cycle.

Superintendents shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Corrected 2/09/26

# Klamath Falls City Schools

Code: GCN/GDN  
Adopted: 12/10/12  
Readopted: 3/06/17  
Orig. Code(s): GCN/GDN

## Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract ~~non-extension~~nonextension, contract renewal or ~~non-renewal~~nonrenewal, dismissal and discipline.

### Licensed Staff

~~The Evaluations of licensed staff shall be conducted to conform with applicable Oregon Revised Statutes and any applicable collective bargaining provisions based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.~~

~~Teachers' evaluations shall be customized based on collaborative efforts and include the core teaching standards adopted by the State Board of Education.~~

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
  - a. Classroom-based assessments including observations, lesson plans and assignments;
  - b. Portfolios of evidence;
  - c. Supervisor reports; and
  - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;

5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;
6. Customized by each district, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards Evaluations must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the district;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and-
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

### **Classified Staff**

All classified employees will be formally evaluated by their immediate supervisor at least ~~twice~~once during their first year of employment and at least once ~~each~~a year thereafter.

END OF POLICY

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#### **Legal Reference(s):**

[ORS 243.650](#)  
[ORS 332.505](#)  
[ORS 342.850](#)

[ORS 342.856](#)  
[OAR 581-022-2405](#)

[OAR 581-022-2410](#)  
[OAR 581-022-2415](#)

Corrected 2/09/26

# Klamath Falls City Schools

Code: GCPB/GDPB  
Adopted: 1/11/10  
Readopted: 3/06/17  
Orig. Code(s): GCPB/GDPB

## Resignation of Staff

All resignations from staff should give notice through the district's human resources department. ~~The superintendent shall have the authority to accept an employee's resignation.~~

A classified employee should provide at least two weeks prior notice to the ~~superintendent~~ human resources department. The superintendent or designee shall have the authority to accept a classified employee's resignation. A notice of acceptance will be issued by the department.

A licensed staff member who wishes to resign from ~~his/her~~ their position with the district ~~during the school year~~ must give written notice of at least 60 days prior to the date he/she wishes to leave district employment, unless the superintendent agrees to less than 60 days notice upon or at the time of resignation to the district's human resources department. ~~If the superintendent accepts the resignation, it will be final upon receipt, and all resignations accepted by the superintendent are irrevocable.~~ The superintendent or designee may either is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations upon mutual agreement, or inform the teacher that ~~he/she~~ they must continue teaching for part or all of the 60-day period, or they may risk ~~decertification for the remainder of the school year~~ sanction from the Teacher Standards and Practices Commission (TSPC). ~~Where~~ When less than a 60-day notice is given ~~and is not mutually agreed to~~, the Board may request the ~~Teacher Standards and Practices Commission~~ TSPC to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board. A notice will be issued by the department.

Resignations effective at the end of the school year will be accepted and finalized upon receipt by the superintendent or designee as above, but will be effective on the date designated by the employee.

All such resignations will be final upon receipt and are irrevocable.

END OF POLICY

### Legal Reference(s):

[ORS 342.545](#)  
[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-2405](#)  
[OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Corrected 2/09/26; Corrected 3/17/26

# Klamath Falls City Schools

Code:  
Adopted:

GCPC/GDPC

## Retirement of Staff

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

Retiring employees are encouraged to coordinate with PERS and the Human Resources Department to ensure that all requirements are met. The superintendent or designee will develop requirements, limitations and procedures for employment as a PERS-retiree. Classified staff are encouraged to give a 30-day notice to the district.

END OF POLICY

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### Legal Reference(s):

[ORS Chapter 237](#)  
[ORS Chapter 238](#)

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

[ORS 342.120](#)

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

Added 2/09/26

# Klamath Falls City Schools

Code: GCPD  
Adopted: 10/09/06  
Readopted: 3/06/17  
Orig. Code(s): GCPD

## Discipline and Dismissal of Licensed Staff

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing an employee.

END OF POLICY

### Legal Reference(s):

[ORS 243.672](#)  
[ORS 243.706](#)  
[ORS 243.756](#)

[ORS 342.835](#)  
[ORS 342.865 to -342.910](#)  
[ORS 342.934](#)

[ORS 652.140](#)  
[OAR 584-020-0040](#)

Corrected 2/09/26

# Klamath Falls City Schools

Code: GCQA/GDQA  
Adopted:

## Nonschool Employment

All employees are expected to accomplish those tasks required by the district.

Employees must avoid outside employment that interferes with the performance of their responsibilities and the maintenance of productive relationships with students, parents and other staff members. If outside employment interferes with job performance, the employee will be required to make a choice between district employment and outside employment.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

Added 2/09/26

# Klamath Falls City Schools

Code: GCQAB  
Adopted:

## Private Tutoring for Pay

No private tutoring for which a teacher receives a fee will be allowed in a school building on school time. District facilities, materials or equipment may be used under the same conditions as this property is made available to the general public.

END OF POLICY

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### Legal Reference(s):

[ORS 244.010](#)

[ORS 332.505](#)

Added 2/09/26

# Klamath Falls City Schools

Code: GCQB  
Adopted: 8/14/23  
Orig. Code(s): GCQB

## Research

District staff are encouraged to participate in research for the development and improvement of education. Staff who propose to engage in research, e.g., study toward advanced work or for use in classroom instruction, using district resources or students, will submit a proposal to the principal for approval prior to commencing such research. If approved, and the study results in material or practices which may be useful to other district staff, such will be reviewed by administration and may be made available for distribution throughout the district as determined by administration. For the protection of all concerned, privacy rights of students or other individuals involved in such research must be protected.

Research which is conducted by or for a nondistrict individual or organization must be approved by the superintendent or designee.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

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 (2022).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

Corrected 2/09/26

# Klamath Falls City Schools

Code: GCQBA  
Adopted: 9/13/93  
Readopted: 10/09/06; 3/06/17  
Orig. Code(s): GCQBA

## Copyrights and Patents

The Board asserts the district's proprietary rights to publications, instructional materials and other devices prepared by district employees during their paid work time. The Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research and other creative endeavors. Publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of an employee's job responsibilities remain the property of the district.

The district will apply for copyrights and patents when deemed appropriate by the superintendent. Employees will be expected to cooperate in the district's efforts.

In the event that an employee produces items described above partly on their ~~his/her~~ own time and partly on district time, the district reserves the right to claim full ownership. The employee, ~~however~~, may petition the district for assignment of copyright or patent rights. Employees will not attempt to copyright or patent such items without the knowledge and consent of the superintendent.

Employees who intend to make application to patent or copyright any item will furnish the superintendent with full, complete and prompt information and disclosure with respect to any such item.

END OF POLICY

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### Legal Reference(s):

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).  
Patents, 35 U.S.C. §§ 1-376 (2012).

Corrected 2/09/26

# Klamath Falls City Schools

Code: GD  
Adopted:

## Classified Staff/Classified Staff Positions

“Classified school employee” means any district employee not required to hold a professional license as a basis for employment in the district. The superintendent or designee will designate classified employee positions. The essential job functions, titles and examples of work performed are to be prescribed in a written job description for each position classification.

END OF POLICY

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### Legal Reference(s):

<a href="#">ORS 326.051</a>	<a href="#">ORS 659A.029</a>	<a href="#">ORS 659A.309</a>
<a href="#">ORS 332.107</a>	<a href="#">ORS 659A.030</a>	<a href="#">ORS 659A.409</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659A.142</a>	
<a href="#">ORS 659.805</a>	<a href="#">ORS 659A.145</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.233</a>	<a href="#">OAR 581-022-2405</a>
<a href="#">ORS 659A.009</a>	<a href="#">ORS 659A.236</a>	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 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.  
Americans with Disabilities Act Amendments Act of 2008.

Added 2/09/26

# Klamath Falls City Schools

Code: GDA  
Adopted:

## Instructional Assistants

Instructional assistants shall be hired by the superintendent or designee.

All instructional assistants<sup>1</sup> must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years of age or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Instructional assistants<sup>2</sup> who work in Title IA programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

The district will not require individuals newly hired as Title IA instructional assistants who have met another district's academic assessment to meet the district's academic assessment standards.

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<sup>1</sup> "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with the rules established by the TSPC.

<sup>2</sup> Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. Instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor or related service provider with instruction and/or support. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent and family involvement activities and media center or computer laboratory support.

Instructional assistants shall not be used by the district or teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)  
[ORS 332.505](#)

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[ORS 342.120](#)  
[OAR 581-022-2400\(2\)](#)

[OAR 581-037-0005 - 0025](#)  
[OAR 584-005-0005\(20\),\(28\)](#)

The Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212 (2018).  
Title II of the Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2022).  
Rehabilitation Act, 29 U.S.C. § 791, 793-794 (2018).

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Added 2/09/26

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# Klamath Falls City Schools

Code: GDC  
Adopted:

## Recruitment of Classified Staff

The superintendent or designee will develop and maintain a recruitment program designed to attract classified personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the district's personnel needs and to locate the most suitably qualified candidates to recommend for district employment.

The search for classified staff members may extend to a wide variety of educational institutions and geographical areas. Those factors considered will include, but not be limited to, the district's diverse characteristics.

Present employees are encouraged to apply for any position.

END OF POLICY

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### Legal Reference(s):

[ORS 326.051](#)  
[ORS 332.505](#)  
[ORS 659.805](#)  
[ORS 659.850](#)  
[ORS 659A.009](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[ORS 659A.109](#)  
[ORS 659A.142](#)  
[ORS 659A.145](#)  
[ORS 659A.233](#)  
[ORS 659A.236](#)

[ORS 659A.309](#)  
[ORS 659A.409](#)  
  
[OAR 581-021-0045](#)  
[OAR 581-022-2405](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).  
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.

Added 2/09/26

# Klamath Falls City Schools

Code: GDIA  
Adopted:

## Notice of Employment

The district shall give individual notices to classified school employees, in writing, by May 30 to all employees<sup>1</sup> for whom a teaching license is not required.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

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### Legal Reference(s):

[ORS 332.554](#)

[OAR 581-022-2405\(4\)](#)

Added 2/09/26

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<sup>1</sup> ORS 332.554 “(3) As used in this section, “classified school employee” includes all employees of a public school district except those for whom a teaching or administrative license is required as a basis for employment in a public school district.”

# Klamath Falls City Schools

Code: GCBDD/GDBDD  
Adopted: 3/06/17  
Orig. Code(s): GCBDD/GDBDD

## Oregon Sick Time (ORS 653)

“Employee” means an individual who ~~is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221~~ renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers, ~~or~~ independent contractors \*or others excluded by law.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the first day of employment with the district and may use sick time as it is accrued.

~~The~~A district employs ~~employing~~ 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year under Oregon Sick Time.

For substitutes, coaches receiving a stipend and student employees, paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

A substitute, a coach receiving a stipend or a student employee may carry unused sick time from one year to a subsequent year. A substitute, coach or student employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

For bargaining groups, paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.

~~The~~An employee in a bargaining group may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly ~~minimum~~ increments ~~not to exceed four hours~~ and may be used for the employee’s or a family member’s<sup>1</sup> mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive care, or for reasons consistent with qualifying the Family and Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA).

Sick time \*earned by an employee may also be used for the following reasons:

1. ~~in~~In the event of a public health emergency \*compliant with Oregon Revised Statute 653.616;

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<sup>1</sup> “Family member” is defined in OAR 839-007-0000 by the Oregon Family Leave Act (OFLA).

2. \*To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or
3. ~~for~~ For leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS Oregon Revised Statute 659A.272 (safe leave).

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, after an employee uses sick time for five consecutive scheduled workdays of absence, to require verification proof of personal illness or certification in accordance with law of the need for the sick time injury from an employee, including a medical verification or certification<sup>2</sup> examination by a physician chosen and paid for by the district. If an An employee fails refusing to provide verification or certification or fails submit to such an examination or to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or /OFLA leave, the sick time leave and qualifying the FMLA, PFMLI or /OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an may require the employee to provide advance notice of their intention to use sick time within 10 days prior to when of the requested sick time is to begin, or as soon as otherwise practicable. When an the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district or at least 24 hours in advance, or when circumstances prevent the employee from providing notice as required, or as soon as practicable.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 342.545](#)

[ORS 342.610](#)  
[ORS 653.601 - 653.661](#)

[ORS 659A.150 - 659A.186](#)  
[OAR 839-007-0020 – 007-0065](#)

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<sup>2</sup> In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2024); Family and Medical Leave Act, 29 C.F.R. Part 825 (2025).

Corrected 1/12/26; Corrected 3/17/26; Corrected 4/09/26; \*Corrected 5/13/26

# Klamath Falls City Schools

Code: GCBDA/GDBDA-AR(1)  
Adopted: 12/14/20  
Revised/Readopted: 3/14/22  
Orig. Code(s): GCBDA/GDBDA-AR(1)

## Family and Medical Leave

### Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken.

### Employee Eligibility

FMLA benefits are available applies to employees who have been employed by worked for the district for at least 12 months, have (not necessarily consecutive) and worked for at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles immediately preceding the start of the worksite leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. \*In such instances, the employee may not need to not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must applies to employees who work an average of 25 hours or more per week during the 180 calendar days<sup>1</sup> or more immediately prior to the first day of the start of the requested leave.<sup>2 3</sup> For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave. \*In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

An employee of a covered employer is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

<sup>1</sup> Thirty days during a declared public health emergency.

<sup>2</sup> The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

<sup>3</sup> The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA

1. An employee who has worked for the ~~district covered employer~~ for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the ~~district covered employer~~ for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence. ~~An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:~~

~~An employee of the district is eligible to take leave for purposes of OFLA if the employee:~~

- ~~1. Separates from employment with the ~~district covered employer~~, irrespective of any reason:
 
  - ~~a. Is eligible to take leave OFLA at the time the employee separates; and~~
  - ~~b. Is reemployed by the ~~district covered employer~~ within 180 days of separation from employment;~~

~~or~~~~
- ~~2. Is eligible to take OFLA leave:
 
  - ~~a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and~~
  - ~~b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.~~~~

~~\*An employee of the district who has separated and is reemployed within 180 days, or experiences a temporary cessation of schedule hours may be eligible for OFLA in accordance with ORS 659A.156.~~

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the ~~district covered employer~~ prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the ~~district employer~~ within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period.

~~An employee who has previously qualified for and has taken some portion of FLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:~~  
 In addition:

1. ~~A female employee who has taken~~ An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave ~~need not requalify leave in the same leave year~~ for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;

2. ~~An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and~~
- 3.2. An employee unable to work because of granted sick leave for a disabling compensable injury<sup>4</sup> serious health condition for the employee or a family member need not requalify under OAR 839-009-0210 if additional leave is taken in order to use OFLA leave following a period the employee is off work due to this leave year for the compensable injury same reason.

~~In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.~~

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

~~In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.~~

~~In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.~~

## Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

1. ~~Serious health condition of the employee or the employee's covered family member: Inpatient care; Inpatient care;~~
  - a. ~~Continuing treatment;~~
  - b. ~~Chronic conditions;~~
  - c. ~~Permanent, long-term or terminal conditions;~~
  - d. ~~Multiple treatments;~~
  - e. ~~Pregnancy and prenatal care.~~
1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care<sup>5</sup> or continuing treatment by a health care provider<sup>6</sup>.

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<sup>4</sup> As defined in ORS 656.005.

<sup>5</sup> "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

<sup>6</sup> "Continuing treatment" includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

2. Parental leave<sup>7</sup> (separate from eligible leave as a result of a child's serious health condition):
  - a. Bonding with and caring the care for the employee's newborn child (within 12 months following birth);
  - b. Bonding with and caring the care for a newly adopted child or newly placed child in foster care child under the age of 18 (within 12 months of placement);
  - c. Caring Care for a newly adopted child or newly placed child in foster care child over 18 years of age or older who is incapable of self-care because of a mental or physical disability or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care child or the adoption of a child.
3. Military caregiver leave Caregiver Leave: leave for the care for \*a covered servicemember if the eligible employee is the spouse, child son, daughter or next-of-kin who is a covered of the servicemember/veteran with a serious injury or illness;
4. Qualifying exigency leave Exigency Leave: leave arising out of the foreign deployment to a foreign country of the employee's spouse, child son, daughter or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
- ~~1. Serious health condition of the employee or the employee's covered family member:~~
  - a. ~~Inpatient care;~~
  - b. ~~Continuing treatment;~~
  - c. ~~Chronic conditions;~~
  - d. ~~Permanent, long-term or terminal conditions;~~
  - e. ~~Multiple treatments;~~
  - f. ~~Pregnancy and prenatal care.~~
- ~~2. Parental leave (separate from eligible leave as a result of the child's serious health condition):~~
  - a. ~~Bonding with and the care for the employee's newborn (within 12 months following birth);~~
  - b. ~~Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
  - c. ~~Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~
  - d. ~~Time to effectuate the legal process required for placement of a foster child or the adoption of a child.~~
- ~~3.2. Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has~~

<sup>7</sup> Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

been closed<sup>8</sup> in conjunction with a statewide public health emergency declared by a public health official.<sup>9</sup> Sick child leave: leave taken to care for an employee's child \*who is suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes; or leave taken to care for an employee's child whose school or child care provider has been closed<sup>10</sup> in conjunction with a statewide public health emergency declared by a public health official.<sup>11</sup>

4.3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.<sup>12</sup>

1. ~~Bereavement Leave: leave related to the death of a covered family member.~~<sup>13</sup>

Eligible employees may also access OMFLA under OFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

2. ~~The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave request.~~

## Definitions

1. Family member:

a. For the purposes of FMLA, "family member" means:

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<sup>8</sup> "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

<sup>9</sup> The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable; and
3. A statement from the employee that no other family member of the child is willing and able to care for the child. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

<sup>10</sup> "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

<sup>11</sup> The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

<sup>12</sup> Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

<sup>13</sup> Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

- (1) Spouse<sup>14</sup>;
- (2) Parent<sup>15</sup>; \*or
- (3) Child; or<sup>16</sup>.
- (4) Persons who are “in loco parentis.”

b. For the purposes of OFLA, “family member” means an eligible employee’s:

- (1) Spouse;
- (2) Registered, same-gender domestic partner;
- (3) Parent;
- (4) Parent in law;
- (5) Parent of employee’s registered, same-gender domestic partner;
- (6) Child;
- (7) Child of employee’s registered, same-gender domestic partner;
- (8) Grandchild;
- (9) Grandparent; or
- (10) Persons who are “in loco parentis.”
- (11)(1) Spouse or domestic partner;
- (12)(2) Child or the child’s spouse or domestic partner;
- (13)(3) Parent or the parent’s spouse or domestic partner;
- (14)(4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- (15)(5) Grandparent or the grandparent’s spouse or domestic partner;
- (16)(6) Grandchild or the grandchild’s spouse or domestic partner; or
- (17)(7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.<sup>17</sup>

## 2. Child:

a. For the purposes of FMLA, “child” means the eligible employee’s a biological or, adopted or foster child, a child the employee is fostering, a stepchild, a legal ward or a child of a person

<sup>14</sup> “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

<sup>15</sup> “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

<sup>16</sup> \* “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

<sup>17</sup> “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

standing “in loco parentis,” who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability impairment.

- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child or daughter on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s a biological or, adopted, foster child, a child the employee is fostering, a stepchild, the child of the employee, the child of the employee’s spouse or same-gender domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment \*as described in ORS 659A.104.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means persons in the place of the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA and Military Caregiver Leave under FMLA, “next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent, son or child daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Brothers or sisters;
- d. Grandparents;
- e. Siblings of parents, aunts and their spouses, uncles; and
- f. First cousins.

5. Covered servicemembers:

For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing receiving medical treatment, recuperation or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

\*For the purposes of FMLA, “covered servicemember” means:

- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:

- (1) Is undergoing medical treatment, recuperation or therapy;
- (2) Is otherwise in outpatient status; or
- (3) Is otherwise on the temporary disability retired list for a serious injury or illness; or

b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of ~~Military Caregiver Leave under FMLA~~, “covered veteran” means ~~an individual a veteran who was is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:~~

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date ~~before~~ the eligible employee first takes FMLA leave to care for the covered veteran, ~~Military Caregiver Leave~~.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

**Leave Period**

For the purposes of calculating an employee’s leave period for FMLA, the district will use a “rolling” 12-month period measured backward from the date the employee uses any FMLA family and medical leave. ~~The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees.~~

For the purposes of calculating an employee’s leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

~~The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.~~

~~However, in all instances, the leave period for the purposes of OFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.~~

**Leave Duration**

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)<sup>18</sup>. Spouses who work for the district

<sup>18</sup> An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave

and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for:

1. Birth ~~the birth~~ of a child or to care for a child after birth;
2. Placement, ~~placement~~ of an adopted or foster child or child in foster care, the care for an adopted child or child in foster care ~~child~~ after placement; or

Care of ~~to care for~~ the employee's parent with a parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the district's designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, ~~qualified leave~~ during the district's designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

~~However, an eligible employee is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.<sup>19</sup> Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.<sup>20</sup>~~

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period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

<sup>19</sup> ~~Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.~~

<sup>20</sup> ~~Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.~~

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.<sup>21</sup>

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's-designated leave period.

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's-designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA will also run concurrently with leave taken under the sick leave-time law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12.<sup>22</sup> If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months/weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek.<sup>23</sup> If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.<sup>24</sup> However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

### **Intermittent Leave**

With the exception of parental leave under FMLA which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

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<sup>21</sup> Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

<sup>22</sup> For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

<sup>23</sup> For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

<sup>24</sup> See 29 CFR § 825.200(h).

Intermittent leave is taken in separate periods, multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous period, block of time, and/or requiring an altered, requires a modified or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

~~When an employee is eligible for OFLA leave, but not FMLA leave, the employer:~~

- ~~1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but~~
- ~~2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.~~

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

~~When \*an exempt employee is eligible for OFLA leave is but not covered by FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.~~

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

~~Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.~~

### **Alternate Work Assignment**

~~The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:~~

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, son, or daughter\* or child, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer is compliant with state and federal law, including but not limited to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave protections provided for in FMLA and/or reduced work schedule OFLA; and
5. The transfer is not used to discourage the employee from taking leave FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
- 6.4. The transfer is not used to discourage the employee from taking OFLA intermittent or reduced work schedule leave, or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee worked was working in the original position, the employee's FMLA and/or OFLA leavetime is determined by calculating the difference between the number of hours the employee worked in the original position employee's normal work schedule and the number of hours the employee actually works in the alternative position during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

~~When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.~~

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

## Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as ~~interpreters~~<sup>25</sup>\*signers for the hearing impaired, are included in this definition. This definition does not include ~~apply to~~ teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as, counselors, psychologists~~psychologist~~, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

~~For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.~~

~~FMLA and/or OFLA~~ leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible ~~instructional school~~ employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

### 1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible ~~instructional school~~ employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember ~~with a serious medical condition or for~~ because of the employee's own serious medical condition, the district may require the eligible ~~instructional school~~ employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible ~~school~~ employee to an available alternate position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the employee's ~~regular original~~ position.

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<sup>25</sup> 29 CFR 825.600(e) uses "signers."

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

## 2. Limitation on Leave Near the End of the ~~Term~~<sup>26</sup>~~School Year~~

When an eligible ~~instructional school~~ employee requests leave near the end of the ~~term, school year~~ the district may require the following:

- a. ~~When the qualified leave begins more than five weeks before the end of the school year:~~
- b.a. ~~For~~ When the qualified leave begins more than five weeks before the end of the term, the district may require purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the ~~term if school year~~ provided:
- (1) The leave will last at least three weeks; and
  - (2) The employee would return to work during the three-week period before the end of the term.
  - (3) ~~For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:~~
    - (a) ~~The leave will last at least three weeks; and~~
    - (b) ~~The employee's return to work would occur within three weeks of the end of the school year.~~
- e.b. ~~For the purposes of FMLA and/or OFLA leave, when~~ When the qualified leave begins during ~~a~~ within five-week period before weeks of the end of the ~~term school year~~ and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for ~~the serious health condition of a covered servicemember~~, the eligible ~~instructional school~~ employee may be required by the district to remain on leave until the end of the ~~term if school year~~ provided:
- (1) The leave will last more than two weeks; and
  - (2) The employee would return to work during the two-week period before the end of the ~~term school year~~.
- d.c. ~~When the~~ For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the ~~term school year~~ and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for ~~the serious health condition of a covered~~ servicemember, the eligible ~~instructional school~~ employee may be required to remain on leave until the end of the ~~term if school year~~ provided the length of the leave will last more than five working days.

If the district requires an eligible ~~instructional school~~ employee to remain on leave until the end of the ~~term school year~~ as described above, additional leave required by the ~~district employer~~ until

<sup>26</sup> "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

the end of the school term<sup>27</sup> shall not count against the eligible instructional school employee's leave entitlement.

For the purposes of OFLA leave, if an employee<sup>27</sup> begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

## **Paid/Unpaid Leave**

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect ~~Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to use any available accrued paid leave, including personal, and sick leave or available accrued vacation leave during the leave period. The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave. before taking FMLA and/or OFLA leave without pay during the leave period. The employee may select the order in which the available paid leave is used.~~

The district will notify the eligible employee ~~when that the requested leave has been designated as FMLA and/or OFLA leave and ask, if required by the employee about the use of district, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.~~

~~When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.~~

Eligible employees ~~taking who request OMFLA leave are entitled shall not be required to use any available accrued paid timeoff during the OMFLA leave period.~~

## **Benefits and Insurance**

When an eligible employee returns to work following a FMLA~~, or OFLA-~~ or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.<sup>28</sup> The eligible employee is also subject to layoff to the

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<sup>27</sup> Applies only to an employee who is employed principally in an instructional capacity by the district.

<sup>28</sup> See also ORS 342.934(4)(d) in reduction force situations.

same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.<sup>29</sup>

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

### **Fitness-for-Duty Verification Certification**

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave and that failure. Failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

~~For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.~~

~~For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.~~

~~If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.~~

### **Application**

For purposes of FMLA ~~Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.~~

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<sup>29</sup> See also ORS 342.934(4)(d) in reduction force situations

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; \*the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice<sup>30</sup> to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information<sup>31</sup> to determine ~~that~~ the requested leave qualifies as FMLA and/or OFLA leave \*as provided by law. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the district's ~~employer's~~ known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. ~~the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances.~~ Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.<sup>32</sup>

For the purposes of OFLA, ~~if an eligible employee is taking leave in an unforeseeable situation, an employee must give required to provide oral or written notice<sup>33</sup> within 24 hours before or after of commencement of the leave. in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.~~

~~When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.~~

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<sup>30</sup> Oral notice may be given by any other person on behalf of the employee taking the leave.

<sup>31</sup> Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

<sup>32</sup> See 29 CFR § 825.304.

<sup>33</sup> Notice may be given by any other person on behalf of the employee taking the leave.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

### **Medical Certification Verification**

~~The district~~ Under FMLA, the district may~~shall~~ require an eligible employee to provide medical certification~~documentation~~, when appropriate<sup>34</sup>, to support the stated reason for such leave. In most cases, the~~The~~ district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. ~~The~~~~If the employee provides less than 30 days' notice,~~ the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate<sup>35</sup>, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district, or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

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<sup>34</sup> Medical verification is not allowed in every situation. Review current laws and guidance for more information.

<sup>35</sup> Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

## **Posted Notice**

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.<sup>36</sup> The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.<sup>37</sup>

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

## **Second and Third Opinions**

1. For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.
2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

## **Notification**

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the Director of Human Resources.

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<sup>36</sup> [https://www.oregon.gov/boli/employers/Documents/BOLI\\_Printable\\_FamilyMedLv.pdf](https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf); electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

<sup>37</sup> <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

## Record Keeping/~~Posted Notice~~

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records. ~~The district will post notice of FMLA<sup>38</sup> and OFLA<sup>39</sup> leave requirements.~~

## Federal vs. State Law

Both federal and state law contain provisions ~~regarding leave for family and medical leave illness~~. Federal regulations state an employer must comply with all leave ~~both~~ laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and ~~that~~ OFLA leave, the leave used counts against the employee's entitlement under both laws. ~~and FMLA leave entitlements run concurrently~~. State law requires that FMLA and OFLA or other state leave entitlements run concurrently when ~~for the same purpose possible~~.

~~For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.~~

Corrected 1/12/26; \*Corrected 5/13/26

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<sup>38</sup> ~~Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.~~

<sup>39</sup> ~~Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.~~

# Klamath Falls City Schools

Code: GBN/JBA  
Adopted: 6/29/20  
Revised/Readopted: 9/14/20  
Orig. Code(s): GBN/JBA

## Sexual Harassment

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

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

### General Procedures

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

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>2</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student's educational activity or program;
  - b. Interferes with a school or district staff member's ability to perform their job; or

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<sup>1</sup> Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

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

c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent<sup>3</sup>. 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 district 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):

Position \_\_\_\_\_ Phone \_\_\_\_\_

Renee Clark, Human Resources Director and Title IX Coordinator at 541-883-4700 or [hr@kfalls.k12.or.us](mailto:hr@kfalls.k12.or.us)

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

### Response

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

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

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the

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<sup>3</sup> "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.

student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

### **Investigation**

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

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

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

The district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

### **No Retaliation**

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

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

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

### **Notice**

When a person<sup>4</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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

The written notification must include<sup>5</sup>:

1. Name and contact information for all person designated by the district to receive complaints;

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<sup>4</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

<sup>5</sup> Remember confidentiality laws when providing any information.

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

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

The notice must:

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

**\*Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.\***

## Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

### FEDERAL DEFINITION AND PROCEDURES

#### Federal Definition

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

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

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

#### Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

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<sup>6</sup> "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 541-883-4700. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

## Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>7</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>8</sup> to the complainant and by following a grievance procedure<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

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<sup>7</sup> (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.

<sup>8</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>9</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

<sup>10</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

<sup>11</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

## Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary<sup>12</sup>, or both.

## No Retaliation

Neither the district or any person may retaliate<sup>13</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

## Publication

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

END OF POLICY

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### Legal Reference(s):

[ORS 243.706](#)  
[ORS 332.107](#)

[ORS 342.700](#)  
[ORS 342.704](#)

[ORS 342.708](#)  
[ORS 342.850](#)

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<sup>12</sup> Of the United States Department of Education.

<sup>13</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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

Corrected 12/08/25; \*Corrected 5/13/26

# Klamath Falls City Schools

Code: GBA-AR  
Revised/Reviewed: 3/14/22  
Orig. Code(s): GBA-AR

## Veterans' and State Servicemember Preference

Oregon law ~~Oregon's Veterans' Preference Law~~ requires the district to grant a preference to qualified and eligible veterans, ~~and disabled veterans,~~ state servicemembers and former state servicemembers at each stage ~~in~~ during the hiring ~~and~~ promotion process who claim a preference. To be qualified for veterans' preference, an applicant ~~a veteran or disabled veteran~~ must meet the minimum qualifications and any other special qualifications required for the position sought. To be eligible for veterans' preference<sup>1</sup> an applicant ~~a veteran or disabled veteran~~ must provide certification they are a veteran, ~~or disabled veteran,~~ state servicemember or former state servicemember as defined by Oregon law<sup>2</sup>.

The district is not obligated to hire or promote a qualified and eligible veteran, ~~or disabled veteran,~~ state servicemember or former state servicemember. The district is obligated to interview all minimally qualified veterans or disabled veterans, and is also obligated to hire or promote a qualified or eligible veteran, ~~or disabled veteran,~~ state servicemember or former state servicemember 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 district for an explanation of the reasons why they were not selected for the position. The district 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 qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide ~~a veterans and disabled veterans with~~ preference as required by Oregon law and the job posting will require applicants to provide certification<sup>3</sup> of eligibility for preference, in addition to other requested materials.

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<sup>1</sup> See Oregon Revised Statute (ORS) 408.235.

<sup>2</sup> See Oregon Revised Statute (ORS) 408.225 ~~and OAR 839-006-0440~~ for definitions of veteran, ~~and disabled veteran,~~ state servicemember and former state servicemember.

<sup>3</sup> ~~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. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

## Selection Procedures<sup>4</sup>

- Step 1: Before the review of any applications the human resources director will establish an evaluation, scoring guide based on the minimum qualifications and any special qualifications listed in the job posting.
- Step 2: The human resources 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 resources director shall evaluate whether the skill experience obtained in ~~servicethe military~~ are transferable skills 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 resources 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 resources director shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. ~~Preference~~ Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember 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 district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district 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. The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.~~

The district may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

~~A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested. In the event the district chooses not to appoint an applicant covered by this administrative regulation, the district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.~~

## Filing a Complaint

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

A veteran, ~~or disabled veteran~~, state servicemember or former state servicemember is encouraged to contact the human resources office if ~~there are~~ ~~they have~~ any concerns or questions concerning the application of or the process used for veterans' preference.

An applicant ~~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.

Corrected 12/10/25; Corrected 5/13/26

# Klamath Falls City Schools

Code: GBA  
Adopted: 1/13/20  
Revised/Readopted: 3/14/22  
Orig. Code(s): GBA

## Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race<sup>1</sup>, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition<sup>2</sup>, age, veterans' status<sup>3</sup>, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability<sup>4</sup> if the employee, with or without reasonable accommodations, is able to perform the essential functions of the position.

\*The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.\*

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAADA), 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\* communicated to all students, parents of students and employees through handbooks and will be published on the district website\*.

The superintendent \*or designee\* will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy. \*These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination[, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities].\*

END OF POLICY

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<sup>1</sup> 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).~~

<sup>2</sup> ~~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.~~

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

<sup>4</sup> ~~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).~~

**Legal Reference(s):**

[ORS 174.100](#)  
[ORS 243.305](#)~~317~~ – [243.323](#)  
[ORS 326.051](#)  
[ORS 332.505](#)  
~~[ORS 342.934](#)~~  
[ORS 408.225](#) – [408.237](#)  
~~[ORS 408.230](#)~~  
~~[ORS 408.235](#)~~  
[ORS 652.210](#) - [652.220](#)  
[ORS 659.850](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)

[ORS 659A.009](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)  
~~[ORS 659A.040](#)~~  
[ORS 659A.082](#)  
[ORS 659A.109](#)  
[ORS 659A.112](#)  
[ORS 659A.147](#)  
~~[ORS 659A.233](#)~~  
~~[ORS 659A.236](#)~~  
~~[ORS 659A.309](#)~~  
~~[ORS 659A.321](#)~~

~~[ORS 659A.409](#)~~  
[ORS 659A.820](#)  
[OAR 581-021-0045](#)  
[OAR 581-022-2405](#)  
~~[OAR 839-003-0000](#)~~  
[OAR 839-006-0435](#) - [0480](#)  
~~[OAR 839-006-0440](#)~~  
~~[OAR 839-006-0450](#)~~  
~~[OAR 839-006-0455](#)~~  
~~[OAR 839-006-0460](#)~~  
~~[OAR 839-006-0465](#)~~

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).  
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); 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/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).  
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).  
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).  
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

Corrected 12/08/25; \*Corrected 5/13/26

6. **BOARD MEMBER COMMENTS**
7. **CLOSING COMMENTS FROM THE CHAIR**
8. **ANNOUNCE EXECUTIVE SESSION AND RECESS PUBLIC MEETING**
9. **EXECUTIVE SESSION**
  1. Level III Grievance (Insubordination) ORS.192.660(2)(b)
  2. Level III Grievance (Danskin) ORS 192.660(2)(b)
10. **ADJOURNMENT OF EXECUTIVE SESSION**
11. **RETURN TO PUBLIC MEETING**
  1. Board Decision Regarding Level III Grievance (Insubordination)
  2. Board Decision Regarding Level III Grievance (Danskin)
12. **ADJOURNMENT**