

Regular Board Meeting

Thursday, July 20, 2023 7:00 PM

Umatilla School District, 1001 6th St, Umatilla, OR 97882

A. **Call Meeting to Order**

B. **Swear in Elected Board Members**

C. **Election of Board Officers**

D. **Public Input**

E. **Presentations**

F. **Approve Agenda**

G. **Action Items**

G.1. Consent Agenda: Minutes for June Regular Board Meeting and June Special Meeting, HR Report, Disbursements and Financial Statements

G.2. Adopt Updated Policy Manual

G.3. Approve Election Results

G.4. Adopt Umatilla School District Board & Staff Operating Principles

G.5. Adopt 2023-2024 Organization and Procedural Resolution

G.6. Approve Surplus

H. **Discussions**

I. **Other/Board Discussions**

J. **Staff Recognition**

K. **Public Input**

L. **Executive Session Real Property Transactions - ORS 192.660(2)(e) - to conduct deliberations with persons designated to negotiate real property transactions.**

M. **Open Session**

N. **Adjourn**

Umatilla School District 6

Code: BDDH
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 3/10/22
Orig. Code: BDDH

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment only on agenda items.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to help@umatillasd.org. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but will not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

[ORS 332.107](#)

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

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

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

Cross Reference(s):

BDDC - Board Meeting Agenda

KC - Community Involvement in Decision Making

UMATILLA SCHOOL DISTRICT #6R

July 20, 2023

Superintendent's Recommendation

Recommendations for Hire:

Rachel Blake - Social Studies Teacher - She received her BA from UC Santa Barbara in History. She obtained her Masters in History from Oregon State University. She was a stay at home mom with her two children until they were in school this past year. She completed her MAT in Education from WSU last June. This past school year, she worked as a substitute in the Tri-Cities schools. In January, she took over a long term substitute position at Kamiakin High School. Her references said she took over a very difficult situation. They were all impressed by how hard she worked and her ability to turn the classrooms around. They were all upset that she was not hired full time and said we are very lucky to have her on board.

Nathan Lind - MHES ESL Teacher -Nathan graduated from Eastern Washington University with a BA in Spanish and a minor in English. He's enrolled in the MAT program at EOU where he'll also be getting his ESOL endorsement. We're excited to have him join our ESL team!

Colette Gall - MHES Teacher- Coco has a BA in social studies from Northwest Nazarene University and a MA in Education from there as well. Last year she taught middle school in Richland on a temporary contract and liked middle school but really wanted to find a job at an elementary school. We're so glad her dad suggested she look in Umatilla!

Rosy Madrigal - MHES Dual Language Teacher -Umatilla alumni, Rosy has a BS in Psychology from Western Oregon. She's been subbing at MHES this year and been a huge help when we needed a bilingual teacher for the Dual Language classes. We're so excited to have her join the Dual Language program at MHES!

Taunya Daniel - Interim special education director-double fill during leave of absence- temporary assignment.

Paul Lindell - UHS Math: He has been teaching middle school math at Neil Armstrong Middle School in the Forest Grove School District for the past nine years. He and his wife are looking to get out of the metropolitan area and would like to find a smaller school district to teach at.

Nicole Gall - MHES Classified Roving Sub
Madison McClannahan - MHES Educational Assistant
Samantha Jacks - CBMS Educational Assistant
Justin Goucher - Educational Assistant
Kelli Crawford - Sped Assistant
Harley Rogers - MHES Educational Assistant
Leslie Resendiz - Daycare Educational Assistant
Alicia Lancaster - MHES Educational Assistant
Tyler Garrett - CBMS Classified Roving Substitute

Coaches:

Courtney Daniel (Trevino) - Co-Cheer Coach - Mrs. Trevino will be helping out with our cheer program this year. Courtney is an alumni of our cheer program and has experience at the collegiate level when she cheered at EOU. She looks forward to helping our cheerleaders develop their skills and building school spirit through the program. It is great to have Courtney giving back to the program that helped her during high school.

Megan Lorence - High School Girls Assistant Soccer Coach - She volunteered as a coach last year and looks forward to helping the team in this new capacity.

Umatilla School District #6R
Financial Update
June 2023

The following Financial Update highlights the significant transactions for the Umatilla School District for the month:

General Fund Highlights:

- The General Fund collected the following:
 - Property taxes: Current year, \$78,440, Prior year, \$9,110

- Special Revenue Funds collected:
 - Federal and State Grant reimbursements requested were mostly received prior to June 30.

- A copy of the check register is attached for your review. Current month obligation checks totaled **\$676,996.10**. Some of the larger expenditures include:

Alliance Management – Bond/Preschool project management
Armorzone – New football helmets and girdles
Banlin Construction – 1st installment on Preschool project
Camp Elkanah – Outdoor School services
Hubert Company,LLC – new milk coolers and carts (Grant funded)
InterMountain ESD – New Dell Server, 2nd semester Virtual Learning services
Mid Columbia Bus Co., Inc. – May and June transportation services
Stoel Rives LLP – Bond projects legal services

Other Notes:

Still processing and finalizing year-end transactions. The General Fund ending fund balance will land between \$4.4 – 4.6 million, depending on some additional reconciliations with other special revenue funds.

State legislative session ended with a passed 2023-2025 state budget, allocating \$10.2 billion to schools. The District's allocation is approximately \$13.6 million, slightly higher than the budgeted amount of \$13.5 million.

Beginning with the July report, I will include a Bond Project expenditure report.

UMATILLA SCHOOL DISTRICT 6R General Fund
Statement of 2022-2023 Anticipated Revenue

6/30/2023

Account	Budget	YTD Revenue	Anticipated	Total	+/(-) Budget
1111 Current Year's Levy*	\$ 4,300,000	\$ 4,505,301	(0)	\$ 4,505,301	\$ 205,301
1112 Prior Years' Levy*	75,000	80,648	-	80,648	5,648
1113-1190 County Sales Tax-Pyrm in Lieu	300	7,877	-	7,877	7,577
1500 Earnings on Investments	40,000	190,749	-	190,749	150,749
1710 Admissions	2,000	-	-	-	(2,000)
1920 Contributions & Donations	500	20,373	-	20,373	19,873
1941 Svc Oth Dist Within State	25,000	-	-	-	(25,000)
1990 Miscellaneous (Includes Recovery)	35,000	97,559	-	97,559	62,559
2101 County School Fund*	35,000	52,192	-	52,192	17,192
2199 Other Intermediate Sources	-	10,288	-	10,288	10,288
3101 State School Support Fund*	12,200,000	12,965,229	-	12,965,229	765,229
<i>BSSF - 2021-22 Adjustment</i>	-	(10,083)	-	(10,083)	(10,083)
3103 Common School Fund*	135,000	159,032	-	159,032	24,032
3299 Restricted State Other Grants	-	6,983	-	6,983	6,983
4500 Restricted Fed Govt thru State	-	17,626	-	17,626	17,626
4700 Federal Grants Thru Other Agencies	-	-	-	-	-
4801 Federal Forest Fees*	-	2,902	-	2,902	2,902
5000 Other Sources	-	-	-	-	-
Total Revenue	\$ 16,847,800	\$ 18,106,675	\$ (0)	\$ 18,106,675	\$ 1,258,875
5400 Beginning Fund Balance	4,734,300	4,628,603	-	4,628,603	(105,697)
TOTAL RESOURCES	\$ 21,582,100	\$ 22,735,278	\$ (0)	\$ 22,735,278	\$ 1,153,178

* Local Revenue included within state formula.

PROJECTED ENDING FUND BALANCE CALCULATION

Revenues	\$ 18,106,675
Expenditures Estimated	18,083,809
Revenues Over (Under) Expend.	22,867
Beginning Fund Balance - AUDITED	4,628,603
Projected Ending Fund Balance	4,651,470
Unappropriated Ending Fund Balance	\$ -

Basic School Support Estimate

2022-2023 BSSF Estimate as of May 19, 2022	
1,362 ADMr	12,376,401
2022-2023 BSSF Estimate as of Nov. 23, 2022	
1,344 ADMr	12,431,290
2022-2023 BSSF Estimate as of Mar. 21, 2023	
1,397 ADMr	12,988,991
2022-2023 BSSF Estimate as of April 28, 2023	
1,397 ADMr	12,972,726
2023-2024 BSSF Estimate as of June 26, 2023	
1,395 ADMr	13,644,963
23-2024 BUDGET	13,550,000

Historical Expenditure Review

Expenditures 2023	18,083,809	Estimated
Expenditures 2022	16,554,990	Audited

UMATILLA School District 6R
Statement of 2022-2023 Anticipated Expenditures

6/30/2023

Cost Center	Budget	Encumbrances	YTD Expenditures	Free Balance
1111 Elementary (MHES)	\$ 4,242,895	\$ -	\$ 4,420,665	\$ (177,770)
1121 CBMS Middle School	1,795,476	-	1,452,516	342,960
1122 CBMS Extra Curricular	79,185	-	57,372	21,813
1131 Umatilla High School	2,641,468	-	2,465,484	175,984
1132 Umatilla HS Extra Curricular	388,136	-	414,976	(26,840)
1210 TAG Program	9,430	-	6,620	2,810
1250-1259 Special Education/Spec. Ed. Life Skills	1,894,584	-	1,564,839	329,745
1271 Remediation	112,029	-	73,751	38,278
1291 ELL Program	1,365,550	-	914,305	451,245
1430 UHS Summer School	9,192	-	-	9,192
1460 Special Programs Summer	21,488	-	-	21,488
2114 Student Accounting	229,118	-	201,775	27,343
2115 Student Safety	6,225	-	2,474	3,751
2120 Guidance Counseling	556,923	-	469,051	87,872
2130 Health Services	500	-	1,384	(884)
2140 Psychological Services	30,000	-	-	30,000
2210 Improvement of Instruction	142,470	-	78,912	63,558
2220 Educational Media Services	282,066	-	186,630	95,436
2230 Assessment & Testing	157,390	-	137,946	19,444
2240 Staff Development	393,698	-	87,156	306,542
2310-2321 Board/Superintendent	723,215	-	714,054	9,161
2410 Office of Principal	1,327,748	-	1,170,687	157,061
2520 Fiscal Services	254,765	-	246,541	8,224
2540 Plant Operations & Maintenance	2,307,042	-	1,815,737	491,305
2550-2558 Student/ Spec Ed. Transportation	847,750	-	879,843	(32,093)
2630-2639 Volunteer Programs/Other Info. Services	157,050	-	126,977	30,073
2640 HR Staff Services	132,900	-	131,648	1,252
2645-2649 Health Services/Other Staff Services	10,000	-	9,203	797
2660 Technology Services	524,710	-	440,825	83,885
2680 Interpret/Translation Services	900	-	1,615	(715)
3300 Community Services	26,197	-	10,823	15,374
6000 Contingencies	662,000	-	-	662,000
Total Expenditures	21,332,100	-	18,083,809	3,248,291
Transfer of Funds	250,000	250,000	-	-
Unappropriated Ending Fund Balance	-	-	-	-
TOTAL	\$ 21,582,100	\$ 250,000	\$ 18,083,809	\$ 3,248,291

FUNCTION	Budget	Encumbrances	YTD Expenditures	Free Balance
1000 Instructional Services	\$ 12,559,433	-	\$ 11,370,527	\$ 1,188,906
2000 Support Services	8,084,470	-	6,702,459	1,382,011
3000 Community Services	26,197	-	10,823	15,374
5000 Transfer of Funds	250,000	250,000	-	-
6000 Contingency	662,000	-	-	662,000
Total Expenditures	21,582,100	250,000	18,083,809	3,248,291
7000 Fund Balance	-	-	-	-
TOTAL	\$ 21,582,100	\$ 250,000	\$ 18,083,809	\$ 3,248,291

OBJECTS	Budget	Encumbrances	YTD Expenditures	Free Balance
100 Salaries	\$ 9,629,342	\$ -	\$ 8,846,912	\$ 782,430
200 Payroll Taxes & Benefits	6,842,055	-	5,631,746	1,210,309
300 Purchased Services	2,388,095	-	2,097,798	290,297
400 Supplies and Materials	1,399,493	-	1,060,555	338,938
500 Capital Outlay	136,500	-	192,335	(55,835)
600 Other Objects	274,615	-	254,463	20,152
700 Interfund Transfers	250,000	250,000	-	-
800 Contingency	662,000	-	-	662,000
Total Expenditures	21,582,100	250,000	18,083,809	3,248,291
Unappropriated Ending Fund Balance	-	-	-	-
TOTAL	\$ 21,582,100	\$ 250,000	\$ 18,083,809	\$ 3,248,291

Umatilla SD Other Funds - 2022-2023

EXPENDITURES

Fund	Description	Budget	Encumbrances	YTD Expenditures	Free Balance
203	CTE Career Pathways	\$ 22,000	\$ -	27,779	\$ (5,779)
204	Umatilla Sports Complex	32,610	-	-	32,610
205	ORTOP	10,000	-	-	10,000
206	Medicaid Claiming	123,440	-	-	123,440
207	SB 1149	40,500	-	-	40,500
210	ECIA Title I	574,950	-	430,550	144,400
211	Title IA ESSA	145,750	-	143,722	2,028
212	ECIA Title IIA	71,065	-	54,694	16,371
214	ECIA Title III	63,954	-	58,746	5,208
216	Title IVA Safe & Drug Free Schools	60,000	-	26,599	33,401
217	21st CCLC	559,276	-	523,000	36,276
218	Outdoor School	55,000	-	28,518	26,482
219	Title VIB REAP	42,000	-	18,340	23,660
221	Title 1C Migrant Ed	46,315	-	42,591	3,724
223	Children's Reading Foundation	3,201	-	-	3,201
224	IDEA	102,375	-	104,330	(1,955)
225	IDEA Enhancement Grant	3,125	-	-	3,125
230	CARES Act (ESSER I/CDL)	5,000	-	-	5,000
235	ESSER II Funds	830,200	-	556,559	273,641
236	ESSER III Funds	1,726,500	-	621,734	1,104,766
239	HS Success Grant	421,071	-	411,213	9,858
243	OR First Robotics Grant	20,000	-	-	20,000
250	Child Nutrition Fund	1,494,520	-	1,259,367	235,153
251	Farm to School Grant	40,000	-	36,709	3,291
255	Student Investment Acct (SIA)	1,298,700	-	1,064,446	234,254
258	Youth Transition Program Grant	126,995	-	76,673	50,322
259	Summer Academic Support Grant	295,675	-	248,966	46,709
261	Education Project Grant	18,500	-	-	18,500
267	OR Healthy Schools Grant	35,000	-	38,725	(3,725)
284	Daycare Center	83,650	-	73,267	10,383
285	MHES ASB	50,000	-	-	50,000
290	CBMS ASB	50,000	-	-	50,000
295	UHS ASB	235,000	-	-	235,000
299	Miscellaneous Grants	304,000	-	308,122	(4,122)
302	Debt Service	1,195,000	-	1,175,100	19,900
303	PERS UAL Debt Service	1,122,000	(0)	1,030,818	91,183
451	Capital Projects Fund	250,050	-	40,082	209,968
452	2016 GO Bond Capital Projects Fund	155,500	-	33,679	121,821
453	Construction Excise Tax	300,000	-	-	300,000
455	Capital Projects 2022 GO	48,650,000	-	523,194	48,126,806
	Total Expenditures	\$ 60,662,922	\$ (0)	\$ 8,957,523	\$ 51,705,399

RECAP

Fund	Description	Beginning Balance	YTD Receipts	Expenditures	Ending Balance
203	CTE Career Pathways	\$ -	\$ 23,410	27,779	\$ (4,369)
204	Umatilla Sports Complex	3,308	-	-	3,308
205	ORTOP	-	3,850	-	3,850
206	Medicaid Claiming	3,420	120,000	-	123,420
207	SB 1149	6,204	41,664	-	47,868
210	ECIA Title I	-	430,550	430,550	-
211	Title IA ESSA	-	138,415	143,722	(5,307)
212	ECIA Title IIA	-	54,694	54,694	-
214	ECIA Title III	-	58,746	58,746	-
216	Title IVA Safe & Drug Free Schools	-	19,135	26,599	(7,464)
217	21st CCLC	(153,158)	675,418	523,000	(740)
218	Outdoor School	(24,199)	25,099	28,518	(27,619)
219	Title VIB REAP	-	-	18,340	(18,340)
221	Title 1C Migrant Ed	-	42,591	42,591	-
223	Children's Reading Foundation	3,200	-	-	3,200
224	IDEA	-	104,330	104,330	-
225	IDEA Enhancement Grant	-	-	-	-
230	CARES Act (ESSER/CDL)	-	-	-	-
235	ESSER II Funds	(9,794)	566,158	556,559	(195)
236	ESSER III Funds	(248,824)	864,678	621,734	(5,879)
239	HS Success Grant	6	402,912	411,213	(8,295)
243	OR First Robotics Grant	-	-	-	-
250	Child Nutrition Fund	614,666	1,298,659	1,259,367	653,958
251	Farm to School Grant	(8,800)	45,200	36,709	(309)
255	Student Investment Acct (SIA)	190,073	1,269,084	1,064,446	394,711
258	Youth Transition Program Grant	9,383	46,657	76,673	(20,632)
259	Summer Academic Support Grant	-	248,966	248,966	-
261	Education Project Grant	18,040	621	-	18,661
267	OR Healthy Schools Grant	(3,139)	23,863	38,725	(18,001)
284	Daycare Center	59,591	93,189	73,267	79,513
285	MHES ASB	24,726	-	-	24,726
290	CBMS ASB	15,408	-	-	15,408
295	UHS ASB	169,879	-	-	169,879
299	Miscellaneous Grants	3,684	291,934	308,122	(12,504)
302	Debt Service	143,195	1,144,238	1,175,100	112,333
303	PERS UAL Debt Service	89,796	1,028,361	1,030,818	87,340
451	Capital Projects Fund	(21,624)	74,880	40,082	13,174
452	2016 GO Bond Capital Projects Fund	67,542	50,023	33,679	83,885
453	Construction Excise Tax	97,973	296,841	-	394,814
455	Capital Projects 2022 GO	-	47,648,839	523,194	47,125,645
	Total Resources	\$ 1,050,557	\$ 57,133,004	\$ 8,957,523	\$ 49,226,037

* Balances are Audited.

UMATILLA SCHOOL DISTRICT 6R
Monthly Revenue and Expenditure Summary

GENERAL FUND

2022-2023

ACCT #	SOURCE	BUDGET	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL	Over/(Under)
RESOURCES																
1111	Current Year Taxes	4,300,000	-	-	-	-	3,560,357	652,684	60,041	33,965	92,440	18,271	9,102	78,440	4,505,301	205,301
1112	Prior Year Taxes	75,000	-	15,401	13,329	3,870	14,494	1,282	5,003	5,934	3,640	3,898	4,686	9,110	80,648	5,648
113-119	County Sales Tax-Pymt in Lieu	300	-	-	-	-	-	-	233	-	-	-	-	7,644	7,877	7,577
1500	Interest on Investments	40,000	6,392	9,284	9,589	10,701	16,205	23,354	24,561	23,903	25,792	25,194	9,177	6,595	190,748	150,748
1710	Admissions	2,000	-	-	-	-	-	-	-	-	-	-	-	-	-	(2,000)
1920	Contributions	500	465	9,708	-	-	-	-	6,000	-	275	-	3,925	-	20,373	19,873
1941	Svc Oth Dist Within State	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	(25,000)
1990	Miscellaneous	35,000	1,823	4,116	204	7,418	217	17,682	266	32,537	1,804	3,384	17,928	10,180	97,559	62,559
2101	County School Funds	35,000	-	-	-	-	-	-	52,192	-	-	-	-	-	52,192	17,192
2199	Other Intermediate Sources	-	-	-	2,178	-	2,901	-	-	-	2,248	-	-	2,960	10,288	10,288
3101	State School Support	12,200,000	2,063,146	1,030,954	1,030,954	1,030,954	1,030,954	1,035,526	1,035,526	1,035,526	1,035,526	1,329,962	1,313,911	(7,710)	12,965,229	765,229
	2021-22 BSSF Reconciliation												(10,083)		(10,083)	(10,083)
3103	Common School Fund	135,000	76,199	-	-	-	-	-	-	82,833	-	-	-	-	159,032	24,032
3299	Other Restricted Grants-in-Aid	-	-	-	6,983	-	-	-	-	-	-	-	-	-	6,983	6,983
4500	Restricted Fed thru State	-	8,546	-	9,080	-	-	-	-	-	-	-	-	-	17,626	17,626
4700	Federal Grants thru Other Agencies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4801	Federal Forest Fees	-	-	-	-	-	-	-	2,902	-	-	-	-	-	2,902	2,902
5000	Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Total Revenue	16,847,800	2,156,571	1,069,463	1,072,316	1,052,943	4,625,129	1,730,529	1,186,725	1,214,698	1,161,725	1,380,709	1,348,646	107,221	18,106,675	1,258,875
5400	Beginning Fund Balance	4,734,300	4,628,603	-	-	-	-	-	-	-	-	-	-	-	4,628,603	(105,697)
	Total Resources	21,582,100	6,785,174	1,069,463	1,072,316	1,052,943	4,625,129	1,730,529	1,186,725	1,214,698	1,161,725	1,380,709	1,348,646	107,221	22,735,278	1,153,178
REQUIREMENTS																
100	Salaries	9,629,342	146,709	179,607	727,573	767,626	761,400	756,902	736,870	753,460	750,613	755,059	832,465	1,678,628	8,846,912	782,430
200	Benefits	6,842,055	118,440	121,029	459,083	477,375	441,693	475,423	472,482	484,548	486,084	477,393	505,960	1,112,236	5,631,746	1,210,309
300	Purchased Services	2,388,095	66,187	213,285	75,886	106,625	172,711	197,882	301,237	87,911	302,802	162,253	65,156	345,861	2,097,798	290,297
400	Supplies & Materials	1,399,493	64,057	400,546	86,606	121,412	63,616	18,506	35,633	22,762	141,319	28,697	27,560	49,840	1,060,555	338,938
500	Capital Outlay	136,500	-	7,019	16,914	25,058	-	-	12,269	33,783	9,130	25,865	49,883	12,415	192,335	(55,835)
600	Other Objects	274,615	193,124	4,011	4,303	34,470	1,631	1,611	1,198	470	6,707	1,841	4,001	1,098	254,463	20,152
720	Transfers	250,000	-	-	-	-	-	-	-	-	-	-	-	250,000	250,000	-
800	Contingency	662,000	-	-	-	-	-	-	-	-	-	-	-	-	-	662,000
	Total Expenditures	21,582,100	588,517	925,496	1,370,366	1,532,565	1,441,052	1,450,324	1,559,688	1,382,935	1,696,656	1,451,108	1,485,025	3,450,079	18,333,809	3,248,291
Monthly Fund Balance		0	6,196,656	143,967	(298,050)	(479,622)	3,184,077	280,205	(372,963)	(168,236)	(534,930)	(70,398)	(136,379)	(3,342,858)	4,401,469	
Accumulated Fund Balance		0	6,196,656	6,340,624	6,042,574	5,562,952	8,747,029	9,027,234	8,654,271	8,486,034	7,951,104	7,880,706	7,744,327	4,401,469	4,401,469	
% of Budgeted Resources			31.44%	4.96%	4.97%	4.88%	21.43%	8.02%	5.50%	5.63%	5.38%	6.40%	6.25%	0.50%	105.34%	
% of Budgeted Requirements			2.73%	4.29%	6.35%	7.10%	6.68%	6.72%	7.23%	6.41%	7.86%	6.72%	6.88%	15.99%	84.95%	

Umatilla School District 6R

Board Report

June-2023

Vendor		Detail	Amount	Fund
1	1st Class Office Solution	Ink postage	\$ 212.50	
2	3rd Generation Farms	Produce	\$ 329.00	251
3	ACT INC	Workeys testing	\$ 125.00	
4	Aichele Farms	Produce/berries	\$ 1,600.00	251
5	Aj's Printed Apparel	T-shirt	\$ 1,073.00	
6	Alliance Management	Bond Projects/Preschool Replacement	\$ 17,500.00	236; 455
7	Allstream	Long Distance (May and June)	\$ 515.70	
8	Amazon	Office & Kitchen supplies, Outdoor school supplies, FRC Robotics, Classroom Supplies	\$ 20,822.94	267; 218; 239; 235;
9	Armozone	Football Helmets, Girdles	\$ 7,169.40	
10	Natalie Aufdermauer	Tuition reimbursement	\$ 2,720.00	299
11	Banlin Construction	Preschool Project	\$ 41,715.70	236
12	Banner Bank	COSA, Adobe Cloud, travel expenses, NETFLIX, PTO expenses, Classroom supplies	\$ 9,536.49	216; 217; 236; 267
13	Blue Mountain Community College	Early college credits, k-12 heart E-cards	\$ 2,326.00	
14	Blue Mountain Baseball/softball	Baseball/softball	\$ 1,053.46	
15	Bonney's AG & Auto Repair	Oil Filter	\$ 1,225.00	
16	Scott Bow	Mileage Reimbursement (Baker)	\$ 178.16	
17	Bruce Heating & Air	Heating & Air Maintenance	\$ 3,505.00	
18	BSN Sports	Backpacks	\$ 1,546.60	
19	Camp Elkanah	Outdoor School Services	\$ 21,165.00	218
20	Cardenas, Ramona	Mileage Reimbursement(MHES-DO)	\$ 59.08	
21	Cart and Can, LLC	Dairy/Milk Purchases	\$ 13,431.52	250
22	Cascade Natural Gas	Utilities-Gas (May and June)	\$ 856.54	250
23	Century Link	Maintenance/Telephone	\$ 1,243.77	
24	Chem-Aqua Inc.	Water Treatment	\$ 333.89	
25	City of Umatilla	Water, Sewer, Garbage	\$ 8,430.30	250
26	Coleman Oil Company	Gas/Diesel	\$ 996.15	
27	Columbia Harvest Foods	Food and Supply, Misc. supplies, After school Supplies, secondary life skills	\$ 708.49	250; 217; 235
28	Comm Tech Inc.	Portable	\$ 2,440.00	
29	COSA	June Conference registration for Sipe, Young, Daniel, Portorff	\$ 1,901.00	
30	Cotterell, Richard	Mileage, Supplies for outdoor, 8th grade ceremony	\$ 1,329.22	218
31	Cranston, Toby	Luggage/Travel	\$ 288.87	
32	Crown Paper & Janitorial	Janitorial Supplies	\$ 4,840.80	
33	CRS MINI STORAGE	STEM Rental Storage	\$ 130.00	217
34	Dahlin, Lisa	Dig in supplies	\$ 72.04	217
35	Desert Sprint Bottled	5 gallon bottle, RENT	\$ 119.05	
36	Dough Cookies	Kinder Graduation	\$ 100.00	
37	Dry Box Inc.	Rental Containers	\$ 150.00	
38	Duke's Auto Plus	Vehicle Repairs	\$ 685.00	
39	Eastern Oregon University	Early college credits	\$ 300.00	
40	EO Media Group	RFP Proposal Advertising, Budget Hearing	\$ 1,125.60	455
41	Estrella, Christine	Summer curriculum	\$ 96.54	235
42	Follett School Solutions	Book processing, Library books	\$ 3,632.08	
43	Garcia Coria, David	Meals Spanish class	\$ 255.44	
44	Garrett Hemann Roberts	Legal Fees	\$ 5,946.00	
45	Gebers, Keith	Pendleton CTE Mileage	\$ 56.33	
46	Gertsch, Catherine R	Track State meals, mileage/lodging	\$ 1,392.15	
47	Griffin, Courtney	Applebaum Training	\$ 34.00	210
48	Haro Robles, Oscar	Construction mileage	\$ 441.08	
49	Herff Jones LLC	Diploma Covers	\$ 266.45	
50	Hermiston Auto Parts	Maintenance supplies	\$ 144.38	
51	Home depot	FRC Robotics, maintenance	\$ 1,277.39	239
52	Hubert Company, LLC	Milk coolers, carts accessories	\$ 10,709.47	250
53	Intermountain ESD	Copier paper, Dell Server, Health supplies, 75-inch Television, 2nd semester Virtual Learning services	\$ 26,746.30	
54	Inland Development	Telecommunications	\$ 237.21	
55	Jiffy Lube Oil Express	Oil Change	\$ 55.78	
56	Jimmy Johns Portable	Porta Potty Rentals	\$ 240.00	
57	Journot, Lauryn	Tuition reimbursement	\$ 2,200.00	299
58	Keeler, Courtney	Pizza for 5th grade	\$ 314.55	
59	Kelly Connect	staples	\$ 59.00	
60	KIE supply corporation	Irrigation Supplies	\$ 788.86	
61	Klucas, Austin	Supplies for Dig in	\$ 69.21	235
62	Leaf Capital Funding	Copier Lease & copies	\$ 4,057.63	
63	Ledbetter's Refrigeration	HS Freezer repair	\$ 331.75	
64	Janice Levy	Counseling sessions	\$ 100.00	255
65	Lorence, Eunice	Mileage to IMESD	\$ 54.36	
66	Lougee, David	ESL Prizes, Spanish program	\$ 1,949.99	

06-June 2023 Check Register

Vendor	Detail	Amount	Fund
67 Lougee, Shelly	Spanish Program MX	\$ 1,784.99	
68 McKinstry	McNary Heights DDC	\$ 4,961.00	
69 McMillan, Katie	Tuition reimbursement, reading prizes	\$ 1,038.95	299
70 Meza, Jorge	DJ 8th Grade Recognition	\$ 250.00	
71 Mid Columbia Bus Company	May & June transportation	\$ 237,277.64	
72 NW Regional Education	Background Checks	\$ 996.00	
73 Nygren, Holly	FCCLA Travel expenses, Tuition Reimbursement	\$ 2,327.01	235;299
74 OSBA	Registration	\$ 1,280.00	
75 Pacific Power	Electricity	\$ 45,375.04	
76 Pacific Power	Removal service wire/replacement (PreSchool Bldg)	\$ 3,254.00	236
77 Pan n Tams Beef	Beef farm to school	\$ 2,033.32	250; 251
78 Prepared Performance	Football Clinic	\$ 6,500.00	299
79 RDO Equipment Co.	Equipment service parts	\$ 665.54	
80 Riddell	Helmet Recertification	\$ 1,023.27	
81 Riding, Kristina	Supplies, Outdoor school survival	\$ 152.34	217
82 Sanitary Disposal Inc	Waste Disposal	\$ 310.28	
83 Shelco Electricity Inc	Electrical Services, Repair Shot Clock	\$ 3,462.95	
84 Sipe, Kyle	DC Trip Lodging/Food/Travel Expenses, Supplies, clothing	\$ 12,284.64	216; 219; 239; 299
85 Sipe, Caden	Pathways Supplies	\$ 4,388.22	203; 219
86 Smith Security	Service For old daycare	\$ 125.00	236
87 Smitty's Ace Hardware	Maintenance Supplies	\$ 1,470.25	
88 Stoeel Rives LLP	2022 BOND PROJECTS	\$ 6,912.00	455
89 Ted Brown	Band Supplies Music	\$ 30.99	
90 Tesch, Deborah	Mileage/Lodging	\$ 638.18	
91 Tovey, Trista	National Nursing Conference Registration	\$ 327.75	267
92 Umatilla Child Nutrition	Outdoor School, REN dinner, Meals, Volunteer meals, snacks, MAP testing, Conference Dinner, class celebration	\$ 5,926.73	217; 218
93 Umatilla County Election	Apportioned cost	\$ 1,111.80	
94 Umatilla High School Robotics ASB	2022 Bond Advertising (Nov Ballot)	\$ 1,019.52	
95 Umatilla Morrow Head Start	Grant 123	\$ 106.58	
96 United Salad	Food Supplies/produce	\$ 2,304.40	250
97 US. Foods	Food/supply purchase	\$ 65,995.88	250
98 Valdez, Carolina	Track Meals	\$ 179.67	
99 Vargas Ortega, Adriana	Swell Summer YTP	\$ 56.79	258
100 Verizon Wireless	Telephone	\$ 233.80	
101 Viesca, Rory	Summer School Supplies	\$ 12.14	235
102 Viking Production	Hoodies, Outdoor school shirts	\$ 1,825.00	218
103 Wagner, Tammy	Day Care supplies	\$ 423.78	239
104 Welch, Sara	Supplies Summer school	\$ 45.35	235
105 West Extension Irrigation	2023 second half fee	\$ 235.95	
106 Westfall Septic	Grease Interceptor	\$ 1,288.16	
107 Wicklander, Hannah	Mileage to IMESD	\$ 54.37	
108 Windsor Plywood	Festool Equipment, Lumber	\$ 11,895.86	203
109 Wortman, Kristen	Swell Summer YTP	\$ 397.74	258
110 Zeptive	Vape Sensing Unit	\$ 9,697.00	267

TOTAL: \$ 676,996.10

Fund 203-Career Pathways Grant	Fund 236-ESSER III Funds
Fund 204-Umatilla Sports Comp/Imp	Fund 239 - Measure 98
Fund 205-ORTOP	Fund 243-Oregon FIRST Robotics Program
Fund 206-Medicaid Administration	Fund 250-Food Service
Fund 207-SB-1149	Fund 251-Farm to School
Fund 210-Title IA Improving Basic Pr	Fund 255-Student Investment Account
Fund 211-Title IA - ESSA	Fund 258-Youth Transition (YTP)
Fund 212-Title IIA-PTR Teachers/Prin	Fund 259-Summer Academic Support Grant
Fund 214-Limited English Prof. Stude	Fund 261-State Education Project (Lottery)
Fund 216-Title IVA - Safe & Drug Free	Fund 267-OR Healthy Schools Grant
Fund 217-21st CCLC	Fund 284-Daycare Center
Fund 218 - Outdoor School Educator	Fund 285-Elementary A S B (MHES)
Fund 219-Title VIB - Rural Low Incom	Fund 290-Middle A S B (CBMS)
Fund 221-Title 1C Migrant	Fund 295-High A S B (UHS)
Fund 223-Children's Reading Founda	Fund 299-Miscellaneous
Fund 224-I.D.E.A.	Fund 302-Debt Service - High School
Fund 225-Special Ed. I.D.E.A.	Fund 303-Debt Service - PERS UAL
Fund 227-Gear Up!	Fund 451-Capital Projects
Fund 230-Cares (ESSER I/CDL)	Fund 452-2016 GO Bond Capital Projects
Fund 235-ESSER II Funds	Fund 453-Construction Excise Tax
	Fund 455-2022 GO Bond Capital Projects

Umatilla School District 6

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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.

Umatilla School District 6

Code: AB
Adopted: 2/11/04
Orig. Code: AB

The People and Their School District

The Board believes:

1. The public schools belong to the people who created them by consent and who support them by taxation;
2. The schools are only as strong as the support received from an informed public; and
3. The support of the people must be based on knowledge and understanding of the aims and efforts of public schools.

The Board, therefore, reaffirms and declares its intent to:

1. Keep district citizens regularly and thoroughly informed through communication of school system policies, programs, concerns and planning and to carry out this policy through the efforts of the Board and district staff;
2. Invite the advice and counsel of people in the district, especially at open Board meetings;
3. Support citizen advisory committees to consider concerns which affect the district.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 2/23/23

Umatilla School District 6

Code: AC
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 4/09/09; 11/18/10;
11/16/17; 11/21/19; 3/10/22
Orig. Code: AC

Nondiscrimination

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

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

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

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

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

END OF POLICY

Legal Reference(s):

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

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 408.230](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 - 659.860](#)
[ORS 659.865](#)
[ORS 659A.001](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.103 - 659A.145](#)
[ORS 659A.230 - 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)

[ORS 659A.409](#)
[OAR 581-002-0001 – 002-0005](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0047](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 839-003](#)

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

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

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).

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

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

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

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

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

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

House Bill 2935 (2021).

House Bill 3041 (2021).

Corrected 2/23/23

Umatilla School District 6

Code: AC-AR
Adopted: 2/11/04
Revised/Readopted: 11/21/19; 3/10/22
Orig. Code: AC-AR

Discrimination Complaint Procedure

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

Step 1: ⁺Complaints may be oral or in writing and must be filed with the principal Any staff member that receives an oral or written complaint shall report the complaint to the principal

The principal shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within 20 school days of receipt of the complaint.

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

The superintendent shall review the principal's decision within ~~15-10~~ school days and may meet with all parties involved. The superintendent will review the merits of the complaint and the principal's decision. The superintendent will respond in writing to the complainant within ~~20-10~~ school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within ~~10-30~~ days of ~~this meeting~~ receipt of the appeal.

If the principal is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair.

⁺ ~~[For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)]~~

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

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing, but will not be longer than 30 days from the date of the submission of the complaint at any step. The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district, or a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the ~~initial~~^{initialing} filing of the complaint, may appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint _____ Date _____ School or Activity _____

Student/Parent ☐ Employee ☐ Job applicant ☐ Other ☐ _____

Type of discrimination:

☐ Race	☐ Mental or physical disability	☐ Age
☐ Color	☐ Marital status	☐ Sexual orientation
☐ Religion	☐ Familial status	☐ Pregnancy
☐ Sex	☐ Economic status	☐ Discriminatory use of a Native American mascot
☐ National or ethnic origin	☐ Veterans' status	☐ Other _____
☐ Gender identity		

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

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

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the principal.

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

Corrected 2/23/23

Umatilla School District 6

Code: ACA
Adopted: 4/09/09
Revised/Readopted: 11/18/10
Orig. Code: ACA

Americans with Disabilities Act

The district is committed to maintaining equitable employment practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

The Board directs the superintendent to develop and implement an appropriate plan that provides for district compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA).

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2010).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2010).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/23/23

Umatilla School District 6

Code: ACA-AR(1)
Revised/Reviewed: 4/09/09
Orig. Code: ACA-AR(1)

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures shall be followed:

Compliance Officer

1. The superintendent shall be designated as the district's ADA compliance officer. The compliance officer will:
 - a. Coordinate the district's ADA responsibilities and compliance efforts;
 - b. Make available to all interested individuals the name, office address and telephone number of the district ADA compliance officer;
 - c. Investigate any complaint alleging noncompliance or actions prohibited under the ADA;
 - d. Administer the district's ADA grievance procedure to provide for the prompt investigation and equitable resolution of complaints.

Self Evaluation

2. A self-evaluation study¹ shall be completed by the district to include:
 - a. An evaluation of all current Board policies and practices to ensure district compliance with the requirements of the ADA;
 - b. A description of areas examined and identification of any barriers to accessibility and usability by qualified individuals with disabilities;
 - c. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the self-evaluation study by submitting comments;
 - d. A plan(s) for the removal of any identified barrier and/or modification of Board policies and practices necessary to ensure ADA compliance;
 - e. A description of any modification made.

Self-evaluation records will be maintained and available for public inspection at the district office. The records will include a list of interested persons consulted, a description of the areas examined and the problems identified and a description of any modifications made.

¹ If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed, these requirements apply only to the employment practices, services, programs and activities not included in the previous self-evaluation and/or transition plan. It is recommended that districts review their self-evaluation study and transition plan periodically for progress and continue to maintain and make available each document to interested individuals, organizations or agencies for verification purposes, as needed.

Transition Plan

3. A transition plan¹ shall be developed by the district to address any structural changes required to achieve employment practices, services, programs and activities; the accessibility to include:
 - a. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the development of the transition plan by submitting comments;
 - b. An identification of physical obstacles in facilities that limit accessibility to individuals with disabilities;
 - c. A description in detail of the methods that will be used in removing barriers and making facilities accessible and/or steps and schedule necessary to complete the identified changes;
 - d. An identification of the official responsible for implementation of the plan;
 - e. An identification of steps that will be taken during each year of the transition period if longer than one year.

Services, Programs, Activities Accessibility

4. All district services, programs and activities shall be readily accessible to and usable by individuals with disabilities. In order to achieve accessibility, structural and nonstructural methods such as the acquisition or redesign of equipment, assignment of aides to beneficiaries and the provision of services at alternate accessible sites will be considered. Final decision of an appropriate method of providing program accessibility will be determined by the district in accordance with the provisions of the ADA:
 - a. Physical changes to an existing building, acquisition or construction of additional facilities will be required only when there is no other feasible way to make the services, programs or activities accessible;
 - b. Priority will be given to the method that results in the most integrated setting to encourage interaction among all users of the services, programs or activities, including individuals with disabilities;
 - c. No action will be taken that would fundamentally alter the services, programs or activities or result in undue financial or administrative burden to the district. Any such determination will take place as follows:
 - (1) The decision will be made by the superintendent or his/her designee;
 - (2) All resources available for use in the funding and operation of the services, programs or activities will be considered;
 - (3) A written statement of the reasons for reaching such decision will be maintained on file;
 - (4) The district will take other action appropriate to ensure that individuals with disabilities receive the benefits of such services, programs and activities that would not result in such alteration or burden as determined by the district.

Job Descriptions

5. Job descriptions shall be maintained and provided in oral, written and/or recorded/videotaped form, reviewed and revised annually as needed to include:
 - a. All essential job functions. "Essential job functions" are those job duties that include, but are not limited to, the following:

- (1) The function is essential because the reason the position exists is to perform that function;
 - (2) The function is essential because of the limited number of employees available among whom the performance of that job function can be distributed;
 - (3) The function is so specialized that the incumbent is hired for his/her/their expertise or ability to perform the particular function.
- b. Physical, mental and emotional skills for each position as appropriate, and only to the extent such skills are in fact required and in practice;
 - c. Vocational and/or educational preparation requirements;
 - d. Attendance standards;
 - e. A statement that new job descriptions supersede prior descriptions for the position. All past and present job descriptions that do not reflect current requirements of the position are rescinded;
 - f. A statement on job descriptions, "I have read this job description and agree with its contents";
 - g. A provision for the current employee's employee signature and the date the job description was signed.

Job Posting

6. Job postings shall be reviewed to ensure:

- a. All postings contain appropriate notice of the district's responsibilities under the ADA. For example:

"The Umatilla School District, in support of employment practices free of barriers to individuals with disabilities and in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), provides reasonable accommodations necessary upon request and appropriate notice. For further information or assistance, contact the District Office at 541-922-6500. Speech/Hearing impaired persons may reach the district through the Oregon Telecommunications Relay Service by dialing 1-800-735-2900 or 711."

OR

"Reasonable accommodations for the application and interview process will be provided upon request and as required in accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). Individuals with disabilities may contact the District office at 541-922-6500 for additional information or assistance. Speech/Hearing impaired persons may contact the district for assistance through the Oregon Telecommunication Relay Service at 1-800-735-2900 or 711."

- b. All postings eliminate any discriminatory references;
- c. All job advertisements provide, in addition to a telephone number to which applicants may apply for additional information, an address and/or TDD (telecommunications device for the deaf) or Oregon Telecommunication Relay Service phone number for the hearing impaired.

Job Application Forms

7. Job application forms shall be reviewed and revised as appropriate to include:
 - a. Notice of the district's responsibilities under the ADA (see job posting notice);
 - b. A statement asking applicant whether he/she/they requires any reasonable accommodation for the hiring process. The hiring process may include, e.g., for example, an interview, a timed written test or job demonstration;
 - c. A request for applicant to provide documentation verifying the need for a reasonable accommodation, if deemed necessary by the district;
 - d. The elimination of any health questions such as:
 - (1) Have you ever had or been treated for any of the following conditions or diseases (followed by a checklist)?
 - (2) Please list any conditions or diseases for which you have been treated in the past three years.
 - (3) Have you ever been hospitalized? If so, for what condition?
 - (4) Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition?
 - (5) Have you ever been treated for any mental or emotional condition?
 - (6) Is there any health-related reason that may prevent you from performing the job for which you are applying?
 - (7) Have you had a major illness in the past five years?
 - (8) Do you have any physical defects which prevent you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
 - (9) Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?
 - (10) Are you taking any prescribed drugs?
 - (11) Have you ever been treated for drug addiction or alcoholism?
 - (12) Have you ever filed for workers' compensation benefits or had a work-related injury?

Reasonable Accommodations - General

8. The district will provide reasonable accommodations to qualified individuals with disabilities who are part-time, full-time or probationary employees or applicants for employment, unless to do so would cause undue hardship. Reasonable accommodations include:
 - a. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
 - b. Modifications or adjustments to the work environment or to the manner or circumstances under which the position held is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
 - c. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated district employees without disabilities.

Reasonable Accommodations - Requests

9. A qualified individual with a disability should request a reasonable accommodation when he/she/they knows there is a workplace barrier that is preventing him/her/the individual, due to a disability, from

effectively competing for a position, performing a job or gaining equal access to a benefit of employment. Reasonable accommodation requests will be guided by the following provisions:

- a. To request a reasonable accommodation, an individual may use “plain English” and need not mention the ADA or use the phrase “reasonable accommodation”;
- b. A request for a reasonable accommodation may be made on behalf of an individual with a disability by a family member, friend, health-care professional or other representative;
- c. Requests will not be required to be in writing;
- d. When the disability and/or the need for an accommodation is not obvious, the district may request reasonable documentation from a health-care or rehabilitation professional. The documentation requested shall be related to the particular disability for which an accommodation is requested. In requesting documentation, the district will specify what types of information it is seeking regarding the disability, its functional limitations and the need for reasonable accommodation. The district recognizes it may not request an individual’s complete medical record;
- e. Documentation shall not be requested when both the disability and the need for the accommodation are obvious or the individual has already provided the district with sufficient information to substantiate that ~~he/she~~ the individual has an ADA disability and needs the reasonable accommodation requested;
- f. The district may send an individual to a health-care professional of the district’s choosing, at district expense, for the purpose of documenting a disability and/or the need for accommodation, only if the individual has provided insufficient information from ~~his/her~~ the individual’s treating provider to substantiate that the disability exists or an accommodation is needed.

Job Interview Procedures

10. Job interview procedures shall be reviewed to ensure:

- a. Physical and/or other barriers in the interview setting have been eliminated. The availability of accessible locations and accessible formats, such as a reader, Braille, audio recordings, written materials, sign language and interpreters for individuals with vision and hearing impairments and personal assistance for individuals with manual impairments have been considered as appropriate;
- b. Questions relating to the health of the applicant, the applicant’s disabilities and work-related injuries and benefits have been eliminated;
- c. Applicant’s previous work history will be ascertained without reference to the applicant’s disability. The specifics of prior job functions and the applicant’s ability to perform those specific functions may be discussed;
- d. Requirements that an applicant describe or demonstrate how ~~he/she~~ they would perform any or all job functions are required for all applicants in that job category. A particular applicant may be asked to describe or demonstrate how ~~he/she~~ they would perform the job only when the district reasonably believes the applicant will not be able to perform a job function because of a known disability. The applicant’s disability would be “known” either because it is obvious or because the applicant has voluntarily disclosed that ~~he/she has~~ they have a hidden disability;
- e. Questions related to the applicant’s need to leave work to receive treatment or how often leave may be necessary as a result of a disability have been eliminated. Regular work hours, leave policies and attendance requirements may be explained and applicant asked if ~~he/she~~ they will be able to meet those requirements. The district may ask about an applicant’s prior attendance

record (e.g., “How ~~for example, how~~ many days the applicant was absent from ~~his/her~~ their last job?”). The district may also ask questions designed to detect whether an applicant abused ~~his/her~~ their leave (e.g., ~~for example,~~ “How many Mondays or Fridays were you absent last year on leave other than approved vacation leave?”) At the preoffer stage, the district may not ask how many days an applicant was sick;

- f. Questions relating to applicant’s current illegal use of drugs are not likely to elicit information about an applicant’s lawful drug use, unless the district administers a test for illegal use of drugs and the applicant tests positive for illegal drug use. In such cases, the district may validate the test results by asking about lawful drug use or possible explanations for the positive result other than the illegal use of drugs;
- g. Questions relating to an applicant’s prior illegal drug use are not likely to elicit information about a disability. The district may ask, e.g., ~~for example,~~ whether the applicant has ever used illegal drugs, when was the last time ~~he/she~~ they used illegal drugs or if ~~he/she~~ ~~has~~ they have used illegal drugs in the last six months. The district will not ask questions about whether the applicant was a past drug addict. These questions are impermissible at the preoffer stage;
- h. Questions relating to an applicant’s drinking habits are not likely to elicit information related to how much alcohol an applicant drinks or whether ~~he/she~~ ~~has~~ they have participated in an alcohol rehabilitation program. The district may ask, e.g., ~~for example,~~ whether the applicant drinks alcohol or whether ~~he/she~~ ~~has~~ they have been arrested for driving under the influence;
- i. Questions relating to an applicant’s arrest or conviction record have been included;
- j. Selection and administration of employment tests will take place in a manner that leads to test results that accurately reflect the skills, aptitudes and whatever factors the tests purport to measure, rather than the impaired sensory, manual or speaking skills of the test subjects. Performance of any nonessential skills during any testing will not be allowed;
- k. Physical agility/Physical fitness tests if required, will be specifically job related and administered to all applicants in a job category selected for interviews;
- l. Applicant provides medical certification that ~~he/she~~ they can safely perform a physical agility or physical fitness test when required by the district;
- m. Applicant assumes responsibility and releases the district of liability for injuries incurred in performing physical agility/physical fitness test required by the district;
- n. Applicant requests for reasonable accommodations in testing will be allowed for qualified individuals with a disability:
 - (1) Tests or exercises will be postponed as needed so that a reasonable accommodation can be provided;
 - (2) Modified tests or exercises will be provided unless such accommodation would change the measurement of the essential job function being tested (i.e., provide reader to assist with written test unless ~~the~~ ability to read is ~~an~~ essential job skill).
- o. Drug screening tests, if required, will be administered to **all** applicants in a job category selected for interviews;
- p. Preemployment offer medical examinations shall not be conducted.

Reference Check Procedures

11. Reference check procedures shall be reviewed to ensure:
 - a. Reference checks will be conducted on all applicants in a job category who meet the job requirements and are selected for interviews. Careful and complete notes will be taken and maintained. District officials conducting reference checks:
 - (1) Before making a conditional offer of employment, may not ask previous employers or other sources about an applicant's:
 - (a) Disability;
 - (b) Illness;
 - (c) Workers' compensation history;
 - (d) Other questions that the district itself may not ask of the applicant.
 - (2) May ask a previous employer or other sources about the applicant's:
 - (a) Job functions and tasks performed;
 - (b) The quality and quantity of work performed;
 - (c) How the job functions were performed;
 - (d) Other job-related issues that do not relate to disability.

Job Offers

12. The process for all job offers shall be reviewed to ensure:
 - a. Job offers will be made to the most qualified applicant who with or without a reasonable accommodation can perform the essential functions of the job. The district will adhere to the following job offer procedures:
 - (1) After a conditional offer of employment is extended, the district may inquire as to whether the successful applicant will need a reasonable accommodation related to anything connected with the job (i.e., job performance or access to benefits/privileges of the job, etc.). If the district makes such an inquiry, it will consistently seek similar information from all other successful applicants in the same job category;
 - (2) The successful applicant will be informed of medical examination and/or medical history requirements after an offer of employment has been made and before the applicant begins ~~his/her~~ employment duties. All entering employees in the same job category will be subjected to such medical examination and/or medical history requirements. An individual's workers' compensation history will be included in all such medical history inquiries;
 - (3) The successful applicant will be informed that the job offer may be contingent upon disability-related questions, medical examination and/or medical history inquiries;
 - (4) A completed medical history form and release for medical records with the successful applicant's signature and date may be required;
 - (5) Information obtained from medical examinations and/or medical history inquiries may be used for such purposes as:
 - (a) The verification of employment history;

- (b) To screen out applicants with a history of fraudulent workers' compensation claims;
 - (c) To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds;
 - (d) To screen out individuals who would pose a direct threat to the health and safety of self or others in the workplace which could not be reduced to an acceptable level or eliminated by a reasonable accommodation.
- (6) Reasonable accommodations will be provided if the medical examination or medical history inquiry discloses the successful applicant is a qualified individual with a disability as defined by the ADA. Reasonable accommodations will be provided by the district if such accommodation would enable the individual with a disability to perform the essential functions of the job or otherwise meet eligibility requirements. The reasonable accommodation will be established by the district. In determining the appropriate reasonable accommodation the district will:
- (a) Determine the essential functions of the job;
 - (b) Consult with the individual who has the disability to determine his/her the individual's precise limitations and how they may be overcome;
 - (c) Identify, with assistance of the individual with the disability, potential reasonable accommodations and assess their effectiveness;
 - (d) Consider the preference of the individual with the disability, and then implement the reasonable accommodation that is most appropriate for the employee and the employer. (In order to be reasonable, an accommodation must be effective. It is not required that the best accommodation be selected as long as the selected accommodation provides an equal opportunity to perform the job.).
- (7) Reasonable accommodations considered may include:
- (a) Job restructuring;
 - (b) Modified work schedules;
 - (c) Job reassignment;
 - (d) Making existing facilities used by employees accessible to and usable by individuals with disabilities;
 - (e) Acquisitions and/or modification of work policies including:
 - (i) Modification of leave or attendance procedures or other such policies related to working conditions (i.e., modification of a policy prohibiting employees from eating or drinking for an employee with insulin-dependent diabetes, etc.);
 - (ii) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - (iii) Qualified readers, taped texts, audio recordings, Brailled Braille materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments;

- (iv) Acquisition or modification of equipment or devices;
 - (v) Other similar services and actions for individuals with hearing, visual and/or manual impairments.
- (8) A determination will be made whether an accommodation is reasonable or an undue burden by considering:
 - (a) Nature and cost of accommodation;
 - (b) Overall financial resources of facility;
 - (c) Number of persons employed;
 - (d) Impact on operation of facility;
 - (e) Effect on expenses and resources;
 - (f) Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.
- (9) The successful applicant who has been offered employment contingent on medical examination results and/or medical history inquiries will be rejected if the medical condition poses a direct threat to the health or safety of others in the workplace. The district shall consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:
 - (a) The nature and severity of the potential harm to applicant or others in the workplace;
 - (b) The likelihood that the potential harm will occur;
 - (c) Specific risk is identified and documented;
 - (d) Risk is current and not speculative or remote;
 - (e) Assessment of risk is based on objective medical or factual evidence;
 - (f) Medical condition is a direct threat.
- (10) Should an offer of employment be withdrawn because of medical examination or medical history inquiry results, the exclusionary criteria must be job related and consistent with business necessity;
- (11) Documentation will also include any determination that no reasonable accommodation was available that would enable the individual to perform the essential job functions or that accommodation would impose an undue hardship on the district;
- (12) Medical information will be kept confidential:
 - (a) Medical information must not be maintained in personnel file;
 - (b) Medical information will be released only to those with “need to know” and/or “need to reach in emergency situations” (i.e., immediate supervisors, etc.);
 - (c) Medical information records will be maintained a minimum of one year.

Public Notice, Communications

13. Notice of the district’s compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA) shall be displayed at each district facility and provided, as necessary, in appropriate accessible formats to applicants, participants, beneficiaries, professional organizations and other interested persons to include:

- a. Pertinent provisions, duties and requirements of the ADA and its applicability to the district's employment practices, services, programs and activities, including the duty to reasonably accommodate upon request and with advance notice. In its effort to provide communications with individuals with disabilities that are as effective as communications with others, the district will also provide the following:
- (1) Individual to contact for services or questions, including office location and phone number;
 - (2) Notice of Equal Employment Opportunity Commission (EEOC) requirements displayed in conspicuous places for all job applicants and employees;
 - (3) Signage displayed at all inaccessible entrances to each of the district's facilities directing users to accessible entrances or to location at which information can be obtained about accessible facilities;
 - (4) Signage displayed at all accessible entrances to the district's facilities. The international symbol for accessibility shall be used;
 - (5) Appropriate auxiliary aids and services that may include:
 - (a) Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDD's), videotext displays and/or exchange of written notes for individuals with hearing impairments;
 - (b) TDD's, computer terminals and/or communications boards for individuals with speech impairments;
 - (c) Qualified readers, taped texts, audio recordings, ~~Brailled~~ Braille materials, large print materials and assistance in locating items for individuals with vision impairments;
 - (d) Telephone accessibility to enable individuals to seek immediate assistance from police, fire, ambulance and other emergency services;
 - (e) Other equally effective communications devices, services and actions.
 - (6) Consultation with the individual with a disability to determine the most appropriate auxiliary aid or service. Priority will be given to the auxiliary aid or service that results in the most integrated setting to encourage interaction among all users, including those with disabilities. Primary consideration will be given to the expressed request of the individual with a disability. The district may select an alternative auxiliary aid or service should it determine that another equally effective means of communication is available or that the means chosen by the individual with a disability would result in a fundamental alteration in the services, programs or activities or in undue financial and administrative burden to the district;
 - (7) Training to employees as needed on the acceptance and handling of telephone relay services for individuals with disabilities;
 - (8) Information to employees through different means, including computers, bulletin boards, mailboxes, posters and public address systems. The district will ensure that employees with disabilities have access to information that is provided to other similarly situated employees without disabilities, regardless of whether they need such information to perform their jobs.

New Construction/Alterations

14. All facilities designed, constructed or altered after January 26, 1992 shall be readily accessible and usable by individuals with disabilities. The district will ensure:
- a. Alterations to existing facilities will take place in a manner that results in the altered portion of the facility being readily accessible to persons with disabilities. Alterations must not decrease accessibility;
 - b. Alterations deemed necessary to the path of travel in existing facilities requiring extensive restructuring or burdensome expense will be made in a timely fashion. Priority will be given to the following (in order):
 - (1) Entrances and routes to the altered area;
 - (2) One accessible restroom;
 - (3) Accessible drinking fountains;
 - (4) Additional, accessible parking.
 - c. Appropriate requirements of either the Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be met, including accessibility requirements related to work areas, parking, signs, entrances, water fountains, storage and shelves, telephones, assembly areas, bathrooms, detectable warnings, carpet and carpet tile, curb ramps and visual alarms.

Posthires/Current Employees

15. All posthire and current employee Board policies and practices shall be reviewed to ensure:
- a. Medical examinations and/or medical history inquiries required by the district will be job related and consistent with business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave. Medical examinations and/or medical history inquiries may be administered by the district when:
 - (1) An employee is having difficulty performing his/her/their job effectively. The medical examination may be necessary to determine if the employee can perform essential job functions with or without a reasonable accommodation;
 - (2) An employee becomes disabled. An employee injured on or off the job, who becomes ill or otherwise suffers any other condition that meets the requirements of a disability as defined by the ADA is protected by the Act if he/she/they can perform the essential functions of the job with or without a reasonable accommodation. Such an examination or inquiry may also be required when the employee wishes to return to work after an illness or injury. The district will:
 - (a) Determine if the employee meets the ADA definition of an individual with a disability if a reasonable accommodation has been requested;
 - (b) Determine if the employee can perform the essential functions of the job currently held (or held before the injury or illness), with or without reasonable accommodation, and without posing a direct threat to the health or safety of others which could not be reduced or eliminated by a reasonable accommodation;

- (c) Identify an effective accommodation that would enable the employee to perform the essential job functions in the current (previous) job or in a vacant job for which the person is qualified with or without a reasonable accommodation.
 - (3) An employee requests a reasonable accommodation on the basis of disability;
 - (4) Administered as part of a voluntary employee “wellness” and health screening program.
- b. Procedures for reporting and investigating employee on-the-job injury or illness will be implemented. The district will:
 - (1) Require employees complete workers’ compensation form;
 - (2) Investigate, as necessary, documenting circumstances that led to injury and review all employee work-related injury or illness on a case-by-case basis.
- c. Procedures for communicating with health-care providers regarding employees off-work due to any injury or illness will be implemented. The district, as necessary, and at its discretion will:
 - (1) Provide health-care provider with detailed description of regular job activities, physical movement, duration of physical exertions and job description;
 - (2) Write detailed questions for the health-care provider to answer that may assist the district in determining any reasonable accommodation that may be necessary;
 - (3) Ask for employee written release authorizing district representative to consult with the employee’s own health-care provider.
- d. Procedures for employees not able to perform essential job functions completely after illness or injury will be implemented. The district will:
 - (1) Determine whether temporary light duty assignment is possible. In accordance with the ADA, the district is not required to create a “light duty” position unless the “heavy duty” tasks an injured employee can no longer perform are marginal job functions which may be reallocated to co-workers as part of a reasonable accommodation;
 - (2) Determine whether job can be restructured, shifting or trading duties with other workers. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of the job, altering when and/or how an essential or marginal function is performed. Marginal functions of a job that cannot be performed by an individual with a disability may be exchanged for marginal job functions performed by one or more other employees. The district is not required to reallocate essential functions of a job as a reasonable accommodation. The district may switch the marginal functions of two or more employees in order to restructure a job as a reasonable accommodation;
 - (3) Determine whether a modified or part-time work schedule may be selected as a reasonable accommodation unless modifications would cause an undue hardship. A modified schedule may involve adjusting arrival or departure times, providing periodic breaks, altering the time when certain functions are performed, allowing the employee to use accrued paid leave or providing additional unpaid leave. If modifying an employee’s work schedule poses an undue hardship, the district shall consider reassignment to a vacant position that would enable the employee to work the hours requested. Requests for modified or part-time work schedules for an employee covered under both the ADA and Oregon Family Leave Act (OFLA) or Family Medical Leave Act (FMLA) will be

considered separately. The district will determine the employee's rights under each statute to determine the appropriate actions to take;

- (4) Determine whether reassignment to a vacant position is possible. "Vacant" means that the position is available after the employee asks for a reasonable accommodation or that the district knows that it will become available within a reasonable amount of time. Reassignment is the reasonable accommodation of last resort and required only after it has been determined that there are no effective accommodations that will enable the employee to perform the essential functions of ~~his/her~~ their current position or all other reasonable accommodations would impose undue hardship.
 - (a) The employee must be qualified for the position — satisfy the requisite skill, experience, education and other job-related requirements of the position — but need not be the best qualified person to fill the position.
 - (b) The employee must be able to perform the essential functions of the position with or without a reasonable accommodation.
 - (c) The district is not required to bump an employee from a job in order to create a vacancy, nor does it have to create a new position.
 - (5) Gather information from employee, health-care provider(s), consultants, etc. as to needed modifications in policies, facilities, equipment, special aids and services that may be provided as a reasonable accommodation;
 - (6) Document all district efforts to provide reasonable accommodations.
- e. Qualified individuals with a disability not fully recovered from injury will not be returned to work when:
- (1) The employee cannot perform the essential functions of the job ~~he/she~~ they holds or desires with or without a reasonable accommodation;
 - (2) The return of the employee to work would pose a significant risk of substantial harm to self or others in the workplace and that could not be reduced to an acceptable level with a reasonable accommodation;
 - (3) The return of the employee to a light duty position involves a totally different job from the job that the employee performed before the injury. A vacant light duty position already available for which an injured employee is qualified may be a reasonable accommodation;
 - (4) It is demonstrated that the accommodation will cause an undue hardship or result in excessive financial and administrative burden as defined by the ADA, and as evidenced by the district.
- f. Unpaid leaves will be provided to qualified individuals with a disability when a reasonable accommodation cannot be made in the employee's current job. The district will comply with all workers' compensation reinstatement rights to available and suitable employment;
- g. Leave of absence or attendance policies will not discriminate against qualified individuals with disabilities. (Uniformly applied leave policies are not subject to challenge because they have a more severe effect on individuals due to their disability. "No leave" policies, such as those forbidding leave during the first six months of employment are also not subject to challenge because they may have a more severe impact upon individuals with disabilities. An employer with a "no-leave" policy, however, may have to consider providing leave as a reasonable accommodation unless doing so would impose an undue hardship on its operation.) The

- district will not provide additional paid leave, but accommodations may include leave flexibility and unpaid leave;
- h. Drug and alcohol policies will meet the requirements of the ADA. Policies will state:
- (1) Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employees;
 - (2) Employees will be required to behave in conformance with the requirements of the Drug-Free Workplace Act of 1988;
 - (3) Employees who engage in the illegal use of drugs or alcohol will be held to the same qualification standards for employment or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee's drug use or alcoholism;
 - (4) Employees taking drugs under the supervision of licensed health-care professionals will be protected by the provisions of the ADA;
 - (5) Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance programs, professionally recognized self-help programs, such as Narcotics Anonymous, or other programs that provide professional assistance and counseling for individuals).
- i. Health, life insurance, pension plans and other benefit plans offered by the district will not discriminate against qualified individuals with a disability (The ADA does not affect preexisting condition clauses in health insurance plans as long as the clauses are not used as a means to avoid complying with the ADA, and such clauses do not require that additional coverage be purchased to cover expenses related to a disability.). Employees will not be denied coverage for illness or injuries unrelated to the preexisting condition;
- j. Contractual or other business arrangements and relationships entered into by the district will not discriminate against qualified individuals with a disability. The district will:
- (1) Not do indirectly what it is prohibited by the ADA from doing directly;
 - (2) Provide reasonable accommodations to enable access by employees with disabilities to training programs provided by the district and/or third parties, on district premises or elsewhere;
 - (3) Specify in contracts with outside entities providing training on behalf of the district, who have responsibility to fulfill the obligations of providing reasonable accommodations, as needed.

Corrected 2/23/23

Umatilla School District 6

Code: ACA-AR(2)
Revised/Reviewed: 4/09/09
Orig. Code: ACA-AR(2)

ADA Grievance Procedure

The compliance officer is responsible for coordinating the district's efforts to comply with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). The compliance officer shall be a neutral party having had no involvement in the complaint presented.

- Step ~~I~~ **I** Any complaint shall be presented in writing to the compliance officer within 180 days from date of alleged discrimination. It must include the following:
- Name and address of the individual or the representative filing the complaint;
 - Description of the alleged discriminatory action in sufficient detail to inform the district of the nature and date of the alleged violation;
 - Signature by the complainant or by someone authorized to do so on his/her behalf;
 - Identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.
- Step ~~2~~ **II** The compliance officer shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The compliance officer shall give a written answer to the complainant within 15 working days after receipt of the written complaint.
- Step ~~3~~ **III** If the complainant is not satisfied with the answer of the compliance officer, he/she may submit a written appeal to the superintendent or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within 10 working days after receipt of the compliance officer's answer. The superintendent or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The superintendent or designee shall give a written answer to the complainant's appeal within 10 working days.
- Step ~~4~~ **IV** If the complainant is not satisfied with the answer, an appeal to the Board may be filed within 10 working days after receipt of the Step ~~3~~ **III** answer. The Board shall, within 20 working days, conduct a hearing at which the complainant shall be given an opportunity to present the complaint. The Board shall give a written answer to the complainant within 10 working days following completion of the hearing.

Step 5~~V~~ If the complainant is not satisfied with the decision of the Board, a complaint may be filed with the Coordination and Review Section, Civil Rights Division, U.S. Department of Justice (student complaints) or the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries (employment complaints).

Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.

Corrected 2/23/23

Umatilla School District 6

Code: ACB
Adopted: 12/10/20
Revised/Readopted: 9/08/22
Orig. Code: ACB

Every Student Belongs

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

“Symbol of hate” means nooses¹, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The district prohibits the use or display of any symbols of hate on school property² or in an education program³ except where used in teaching curriculum that is aligned with state standards of education for public schools.

In responding to the use of any symbols of hate or bias incidents, the district will use non-disciplinary remedial action whenever appropriate.

The district prohibits retaliation against an individual⁴ because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

¹ The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).

² “School property” means any property under the control of the district.

³ “Education program” includes any program, service, school or activity sponsored by the district.

⁴ ~~{ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation.}~~

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)

[ORS 339.347](#)

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).

Corrected 2/23/23

Umatilla School District 6

Code: ACB-AR
Adopted: 12/10/20
Revised/Readopted: 9/08/22
Orig. Code: ACB-AR

Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.¹

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the building or program administrator.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- Address the history and impact of bias and hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm; and
- Promote transformation of the conditions that perpetuated the harm.²

The administrator or designee must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly³.

The administrator or designee will determine responsibility within 10 days of receiving the complaint.

All persons impacted by the act will be provided with information⁴ relating to the investigation and outcome of the investigation, including:

- Notice that an investigation has been initiated;
- Notice when an investigation has been completed;

¹ The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

² ~~{Additional guidance from ODE can be found [here](#).}~~

³ The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education.

⁴ For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

- Findings of the investigation and the final determination based on those findings;
- Actions taken to remedy a person's behavior and prevent reoccurrence; and
- When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within five school days after receipt of the administrator or designee's response to the complaint.

The superintendent or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the administrator or designee's decision. The superintendent or designee will respond in writing to the complainant within 10 school days.

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at a Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (i.e., redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district, or a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁵ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁶

⁵ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

⁶ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

District administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

Corrected 2/23/23

Umatilla School District 6

Code: AD
Adopted: 1/12/12
Orig. Code: AD

Educational Philosophy

The Board believes education should be shaped by purposes rather than by forces.

This district's education system, while maintaining flexibility in adapting to an ever-changing society, is dedicated to the personal development of each student to his/her potential through a sequentially-coordinated curriculum that allows for individual differences, becoming proficient in the knowledge and skills of the student's current grade level and the opportunity to succeed.

As students develop abilities, they are expected to attain efficient and satisfying work habits, grow and develop physically and cognitively, acquire wholesome interests, responsibly direct their lives, develop desirable social attitudes, assume citizenship responsibilities, learn their heritage and their place in a global society and cultivate intellectual interests.

The district supports academic growth beyond proficiency in the knowledge and skills of the student's current grade level and encourages students to attain aspirational goals that are individually challenging.

To this end, staff members will strive to aid each student's intellectual, physical, character, emotional and social growth so that he/she may become a responsible community member and lead a personally rewarding life.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
~~ORS 329.035~~repealed

[ORS 329.485](#)
[ORS 332.107](#)

~~OSR 581-022-1020~~repealed

Corrected 2/23/23

Umatilla School District 6

Code: AE
Adopted: 3/19/98
Revised/Readopted: 2/11/04; 11/19/09; 1/12/12;
9/13/12
Orig. Code: AE

District Goals

(Version 1)

(These are duplicated in policy IA, which is where this language fits for OSBA model. There is an alternate version of this policy; see version 2.)

The goal of the district, working in cooperation with staff, parents and community members, is to provide a district that, through the following characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture geographic location, race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
5. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
6. Provides for acquiring the knowledge and skills of the student's current grade level and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages;
7. Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
8. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
9. Provides students with the knowledge, skills and positive attitude that lead to an active, healthy lifestyle;
10. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
11. Provides opportunities for students to learn through a variety of teaching strategies;
12. Emphasizes the involvement of parents and the community in the total education of students;

13. Transports students safely to and from school;
14. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;
15. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
16. Provides for a safe, educational environment;
17. Supports students' academic growth beyond proficiency in academic content standards and encourages their attainment of individual goals;
18. Supports the physical and cognitive growth and development of students;
19. Provides for increased learning time; and
20. Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 329.015](#)
[ORS 329.025](#)

[ORS 329.485](#)
[ORS 332.107](#)
[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.030](#)
[OAR 839-003](#)

Corrected 2/23/23

Umatilla School District 6

Code: AE
Adopted:

District Goals (Version 2)

The district shall maintain a coordinated K-12 program designed to improve student achievement, support students' academic growth beyond proficiency in the knowledge and skills of the student's current grade level, encourage their attainment of individual goals and successfully prepare students to function effectively in a rapidly changing world and for the futures they choose to pursue.

The district will work with staff, parents and community members to develop district goals that support the physical and cognitive growth and development of students. Goals will be adopted by the Board consistent with the goals adopted by the State Board of Education, and will be reviewed and revised as needed.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 329.015](#)
[ORS 329.025](#)

[ORS 329.485](#)
[ORS 332.107](#)
[ORS 659.850](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.030](#)
[OAR 839-003](#)

Added 2/23/23

Umatilla School District 6

Code: BBA
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BBA

Board Powers and Duties

The Legislature of the state of Oregon delegates to the Board responsibility for the conduct and governance of ~~programs and services in the district schools.~~ The general powers granted to the Board are:

1. Legislative or Rule-Making Authority

In regular or special public meetings, after open discussion and after members' votes are recorded, the Board will establish rules or policy to govern the conduct of its members and the proceedings of the Board.

The Board shall establish policies for governing ~~the programs and services of the district schools and students~~ consistent with State Board of Education rules and with local, state and federal laws.

The Board is responsible for providing adequate and direct means for keeping informed about the needs and wishes of the public and for keeping local ~~community members~~ ~~citizens~~ informed about the schools.

2. Judicial Authority

As provided by law, policy or contract, the Board acts as a fact-finding body or a court of appeal for staff members, students and the public when issues involve Board policies or agreements and their implementation, and when the Board must determine the rights, duties or obligations of those who address the Board.

3. Executive/Administrative Authority

The Board will appoint a superintendent delegated to establish administrative regulations to implement Board policy and goals. The Board will evaluate the superintendent's performance.

The Board may establish academic and financial goals for the district and evaluate the superintendent's implementation of those goals.

The Board will oversee the district's financial affairs by authorizing, appropriating and adopting budgets and by proposing local option or bond elections, when appropriate and as allowed by law, to provide for program operation and maintenance or acquisition of district property.

The Board will authorize the superintendent to approve payment on all contracts and business transactions of the district in accordance with Board policies on purchasing and budget requirements. The Board will provide for an annual audit of the district's assets.

The Board will employ the staff necessary to carry out the educational program and will provide for regular evaluation of staff.

The Board will direct the collective bargaining process to establish collective bargaining agreements with the district's personnel. The Board will establish, through the collective bargaining process where appropriate, salaries and salary schedules, other terms and conditions of employment, and personnel policies for districtwide application.

The Board will establish the days of the year and the hours of the day when school will be in session.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 243.656](#)

[ORS Chapters 279A, 279B](#) and [279C](#)

[ORS 294.305](#) to -294.565

[ORS 328.205](#) to -328.304

[ORS 332.072](#)

[ORS 332.075](#)

[ORS 332.105](#)

[ORS 332.107](#)

[ORS Chapter 339](#)

[ORS 342.805](#) to -342.937

[ORS Chapter 343](#)

Corrected 2/23/23

Umatilla School District 6

Code: BBAA
Adopted: 10/11/95
Revised/Readopted: 2/11/04, 1/08/09
Orig. Code: BBAA

Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of ~~their~~his/her position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to ~~without~~ subsequent approval by the Board.

~~When expressing~~ A Board member has the right to express personal opinions. ~~When expressing such opinions~~ in public, the Board member ~~should~~must clearly identify the opinions as ~~their~~his/her own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, and gained through attendance at district activities and through professional Board ~~activities~~Activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

2. Requests for Legal Opinions

~~Any Board member may request a legal opinion. Such request, however, shall be made through the Board chairman to the superintendent. If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the Board chairman. Legal counsel is responsible to the Board.~~ Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the

appropriate complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent for action.

4. Board Member's Relationship to Administration

Individual Board members will be informed about the district's educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements Made By Individual Board Members

~~Contracts or agreements made by individual Board members without the Board's authority are invalid.~~ All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

Corrected 2/23/23

Umatilla School District 6

Code: BBB
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BBB

Board Elections

1. Number of Directors

The Board will consist of seven members elected at large and will be known as the district school board. The term of office shall be four years. Each newly elected or appointed member must take the oath of office before assuming the duties of the office. The term of office shall begin the first day of July following the election.

2. Designation of Board Positions

Board members' positions and their respective successors in office will be designated by numbers as Position No. 1, No. 2, No. 3, No. 4, No. 5, No. 6 and No. 7. In all proceedings for the nomination or election of candidates for or to the office of Board member, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election will state the position number to which the candidate aspires.

Individuals may seek more than one elected position such as school board and education service district board. However, individuals may not seek more than one elected position in the same election. ~~An exception would be if one of the districts has less than 10,000 registered voters.~~

Reelections for Board positions will occur as follows:

Position No. 1: Spring 20052025, and every four years thereafter;
Position No. 2: Spring 20032023, and every four years thereafter;
Position No. 3: Spring 20032023, and every four years thereafter;
Position No. 4: Spring 20032023, and every four years thereafter;
Position No. 5: Spring 20032023, and every four years thereafter;
Position No. 6: Spring 20052025, and every four years thereafter;
Position No. 7: Spring 20052025, and every four years thereafter.

END OF POLICY

Legal Reference(s):

[ORS 249.013](#)
[ORS 255.235](#)

[ORS 255.245](#)
[ORS 332.011](#)
[ORS 332.018](#)

[ORS 332.118 to -332.138](#)

Corrected 2/23/23

Umatilla School District 6

Code: BBBA
Adopted: 10/13/22
Orig. Code: BBBA

Board Member Qualifications

A person is eligible to serve as a Board member if the person is a qualified elector¹ of the district and has been a resident within the district for one year immediately preceding the election or appointment. If the district and the position sought is one elected or nominated by zone, the person must also reside in the zone from which the person is nominated except as authorized by law.

A person who is an employee of the district is not eligible to serve as a Board member while so employed. A person who is an employee of a public charter school may not serve as a member of the Board of the district in which the public charter school that employs the person is located.

END OF POLICY

Legal Reference(s):

[ORS 247.002](#)
[ORS 247.035](#)
[ORS 249.013](#)

[ORS 332.016](#)
[ORS 332.018](#)
[ORS 332.030](#)

[ORS 332.124](#)
[ORS 332.126](#)

OREGON CONSTITUTION, ARTICLE II, Section 2.

Reviewed 2/23/23

¹ “Elector” means an individual qualified to vote under Article II, section 2, [Oregon Constitution](#).

Umatilla School District 6

Code: BBC
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BBC

Board Member Resignation

The Board believes that any citizen who files and seeks election or appointment to the Board should do so with full knowledge of and appreciation for the investment in time, effort and dedication expected of all Board members, and that the citizen's intent ~~is to serve~~ reflects intention to serve a full term of office.

When a member decides to terminate service, the Board requests earliest possible notification of intent to resign so the Board may plan for the continuity of Board business. Resignations must be made in writing. Board members can resign the office effective at a future date.

The Board will announce the resignation and declare the vacancy at a Board ~~its next regular~~ meeting.

The Board will determine the procedures to be used in filling the vacancy. The Board may begin a replacement process and select a successor prior to the effective date of resignation; ~~however~~. However, the actual appointment shall not be made before the resignation date.

END OF POLICY

Legal Reference(s):

[ORS 236.320](#)

[ORS 236.325](#)

[ORS 332.030](#)

Corrected 2/23/23

Umatilla School District 6

Code: BBD
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BBD

Board Member Removal from Office

The Board shall declare the office of a director vacant upon any of the following:

1. The death or resignation of an incumbent;
2. When ~~The~~an incumbent is removed from office by judgment or of ~~decree~~ of any competent court;
3. When ~~The~~an incumbent ceases to be a resident of the district;
4. When ~~The~~an incumbent ceases to discharge the duties of the office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause;
5. When an incumbent ceases to discharge the duties of office for four consecutive months for any reason;
6. When an incumbent has been recalled from office by district voters.

Vacancies will be filled through appointment by the Board unless a majority of the positions are vacant at the same time. In that case, vacancies will be filled by the Umatilla-Morrow Education Service District.

END OF POLICY

Legal Reference(s):

[ORS 249.865 to -249.877](#)

[ORS 332.030](#)

[ORS 408.240](#)

Reviewed 2/23/23

Umatilla School District 6

Code: BBE
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BBE

Vacancies on the Board

Vacancies will be filled through Board appointment. The Board appointee must be a legally registered voter and a resident within the district for one year immediately preceding the appointment.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated immediately.

If the offices of a majority of Board members are vacant at the same time, the directors of the InterMountain Education Service District shall appoint persons to fill the vacancies from qualified district voters.

Board elections are held every odd-numbered year, which for the purposes of this policy, are termed “election” years. The appointee will:

1. ~~Serve~~Will serve until June 30 following the next “election,” at which time the individual elected in May of that year will fill the remaining portion of an unexpired term or serve a full four-year term; or
2. ~~Serve~~Will serve until June 30 of a subsequent “election” year if the vacancy occurs after the filing date in an “election” year.

A Board member so elected as a replacement will serve the remaining year(s) of the term of office of the Board member being replaced.

~~In the event of multiple vacancies, the position vacated first will be filled first.~~

~~Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated immediately.~~

~~If the offices of a majority of Board members are vacant at the same time, the Directors of the Umatilla-Morrow Education Service District shall appoint persons to fill the vacancies from qualified school district voters.~~

END OF POLICY

Legal Reference(s):

[ORS 249.865 to -249.877](#)
[ORS 255.245](#)

[ORS 255.335](#)
[ORS 332.030](#)

[ORS 332.122](#)
[ORS 332.124](#)

Corrected 2/23/23

Umatilla School District 6

Code: BBF
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 11/19/09
Orig. Code: BBF

Board Member Standards of Conduct

A Board member should:

1. Comply with ~~ethics laws~~the Code of Ethics for public officials ~~provided in state law~~;
2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;
3. Understand that the Board makes decisions ~~by~~as a ~~quorum vote of the Board~~team. Individual Board members may not commit the Board to any action;
4. Respect the right of other Board members to have opinions and ideas which differ;
5. ~~Recognize that decisions are made by a quorum majority vote~~ are the final decisions of the Board. ~~Such decisions~~and should be supported by all Board members;
6. Make decisions only after the facts are presented and discussed;
7. Understand the chain of command and refer problems or complaints to the proper administrative office;
8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at ~~properly noticed official~~ Board meetings;
9. Insist that all Board and district business is ethical and honest;
10. Be open, fair and honest — no hidden agendas;
11. Understand that ~~Board members~~you will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's ~~employee and designated as the chief executive officer of the district~~advisor;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give ~~district~~the staff the respect and consideration due ~~to~~ skilled, professional employees;
16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;

17. Respect the right of the public to attend and observe Board meetings;
18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;
19. Remember that content discussed in executive session is confidential;
20. Use social media, websites, or other electronic communication ~~Web sites~~ judiciously, respectfully, and in a manner that does not violate Oregon's Public Meetings Laws;
21. When posting online or ~~using~~ social media ~~Web sites~~, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about students, staff or district business;
22. ~~Never post confidential information about students, staff or district business on any Web sites.~~

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)

[ORS 244.040](#)
[ORS Chapter 244](#)
[ORS 332.055](#)

[ORS 419B.005](#)
[ORS 419B.010](#)
[ORS 419B.015](#)

Corrected 2/23/23

Umatilla School District 6

Code: BBFA
Adopted: 8/12/10
Revised/Readopted: 4/12/16
Orig. Code: BBFA

Board Member Ethics and Conflicts of Interest

No Board member will use their^{his/her} official position or office to obtain personal financial benefit or to avoid financial detriment for them^{him or herself}, relatives or household members, or for any business with which the Board member, a household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by Oregon Revised Statute (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 annual \$50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

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

¹ The term spouse includes domestic partner.

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

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

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member’s vote, official action or judgment would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through their/this/her official position or association with the district. A Board member will respect individuals’ privacy rights when dealing with confidential information gained through association with the district.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the ethics laws for public officials as stated in Oregon law.

Potential Conflict of Interest

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

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring this/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

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

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member’s action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged. For example, if a Board member’s spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member’s spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential

for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

II. Gifts

Board members 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 Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The \$50 gift limit applies separately to the Board member and to the Board member's relatives or members of household, meaning that the Board member, each member of their household and relative can accept up to \$50 each from the same source/gift giver. "Gift" means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

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

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

Determining the Source of Gifts

Board members 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 Board member'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 Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member 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 decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative or administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

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

³ Ibid. p. 1

⁴ Ibid. p. 1

“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 Board member 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 Board member’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 Board member is \$25. This example requires that the Board member 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 Board member’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 Board member.
3. Upon request by the Board member, 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

Board members 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

Board members 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 or vote of the Board member 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 Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member 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:

1. Campaign contributions are not considered gifts under the ethics rules;
2. Gifts from “relatives” and “members of the household” to the Board member are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
3. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
4. Contributions made to a legal expense trust fund if certain requirements are met;
5. 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.* Board members are permitted to accept payment for travel conducted in the Board member’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 Board member 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:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Nonprofit corporation.
 - (b) The Board member 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 Board.*
 - (2) The purpose of this exception is to allow Board members 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.

6. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion.

“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;

7. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
8. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement;
9. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

Honoraria

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

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 Board member or candidate.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)

[ORS 244.010 - 244.400](#)
[ORS 332.055](#)

[OAR 199-005-0001 - 199-010-0150](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

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

Corrected 2/23/23

Umatilla School District 6

Code: BBFB
Adopted: 8/12/10
Revised/Readopted: 11/18/14; 4/12/16
Orig. Code: BBF

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244.

This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position).

2. A Board member 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 member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy:

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

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

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board

¹ The term spouse includes domestic partner.

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

member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400

[ORS 659A.309](#)

[OAR 199-005-0001](#) to -199-010-0150

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

Reviewed 2/23/23

Umatilla School District 6

Code:
Adopted:

BBFC

Reporting of Suspected Abuse of a Child

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

The report shall contain, if known: the names and addresses of the child and the parents of the child or other persons responsible for the care of the child; the child's age; the nature and extent of the abuse, including any evidence of previous abuse; the explanation given for the abuse; and any other information that the Board member making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 419B.005](#)

[ORS 419B.010](#)
[ORS 419B.015](#)

Added 2/23/23

Umatilla School District 6

Code: BC/BCA
Adopted: 2/11/04
Orig. Code: BC/BCA

Board Organization/Board Organizational Meeting

No later than the next regular meeting following July 1, the Board will organize itself for the year. In a Board election year, the Board organizational meeting must be no later than July 31st.

~~The organizational meeting will consist of, but not be limited to, the following actions:~~

- ~~1. Election of a Board chairman;~~
- ~~2. Election of a vice chairman;~~
- ~~3. Provision for a time and place for regular meetings;~~
- ~~4. Other organizational actions prescribed by law or by Board practice.~~

The incumbent Board ~~chair~~chairman will preside until a successor is elected, whereupon the successor will assume the chair. In the event no incumbent ~~chair~~chairman or vice ~~chair~~chairman remains on the Board, or neither is able to continue to serve as an officer, the Board will select a temporary ~~chair~~chairman to conduct the election.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)

[ORS 332.040 to -332.045](#)

[ORS 332.057](#)

Corrected 2/23/23

Umatilla School District 6

Code: BCB
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BCB

Board Officers

At its first scheduled meeting after July 1, the Board will elect one of its members to serve as ~~chair~~~~chairman~~ and one to serve as vice ~~chair~~~~chairman~~. No member of the Board may serve as ~~chair~~~~chairman~~ more than four years in succession. If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.

The Board ~~chair~~~~chairman~~ will:

1. Assist the superintendent ~~in establishing~~ the agenda for regular Board meetings;
2. Call special meetings when required;
3. Preside at all meetings of the Board and enforce the rules of order;
4. Sign the minutes and other official documents that require the signature of the ~~chair~~~~chairman~~;
5. Represent the district and the Board at official functions, unless this duty is delegated by the ~~chairman of the Board~~ ~~chair~~ to another Board member;
6. Appoint all committees ~~and will be an ex-officio member of all such committees~~ unless otherwise ordered by the Board;
7. Have the right to discuss issues and vote.

In the absence, incapacitation or death of the ~~chair~~~~chairman~~, the vice ~~chair~~~~chairman~~ will perform the duties of ~~chair~~~~chairman~~ and, when so acting, will have the ~~chair's~~~~chairman's~~ powers. The vice ~~chair~~~~chairman~~ will perform other functions as designated by the Board.

The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. ~~In absence of the designated Board secretary, the Board may name anyone present to serve as secretary for that meeting.~~ The secretary to the Board will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board ~~chair~~~~chairman~~. These duties will include, but not be limited to, the following:

1. Record the disposition of all matters on which the Board considered action;
2. Prepare and distribute minutes in advance for approval at the next Board meeting;
3. Maintain properly authenticated official copies of the minutes;
4. Maintain the official record of Board policies;

5. Properly post all Board meetings.

Board or District ~~Spokesperson~~Spokesman

The Board may appoint one of its members, usually the ~~chair~~chairman, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The ~~spokespersons~~spokesman serves at the Board's direction and may be removed or replaced at any time by action of a majority of the Board.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)
[ORS 332.040](#)

[ORS 332.045](#)
[ORS 332.057](#)

[OAR 166-400-0010\(9\)](#)

Corrected 2/23/23

Umatilla School District 6

Code:
Adopted:

BCD

Board-Superintendent Relationship

The superintendent shall be the chief executive officer and shall be responsible for the professional leadership necessary to translate the will of the Board into administrative action.

The superintendent shall be responsible for all aspects of district operation and for such duties and powers pertaining thereto as directed or delegated by the Board, and to develop such procedures and regulations as he/she considers necessary to ensure efficient operation of the district.

The Board expects that the superintendent is professionally able and possesses outstanding qualities of leadership, vision and administrative skill and will implement all Board policies in good faith.

The superintendent can expect the Board will respect the superintendent's professional competence and extend to him/her full responsibility for implementation of Board policy decisions.

The Board holds the superintendent responsible for carrying out its policies within established guidelines and for keeping the Board informed about district operations.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.505](#)

[ORS 332.515](#)

Added 2/23/23

Umatilla School District 6

Code: BCF
Adopted: 10/13/22
Orig. Code: BCF

Advisory Committees to the Board

In an ongoing effort to increase communication with the public and to provide for community involvement, the Board may appoint advisory committees which include community members to consider matters of districtwide importance.

Recommendations of such committees will be given careful consideration by the Board, but such recommendations will not relieve the Board of its legal responsibility to make final decisions about such matters.

All meetings of advisory committees shall follow the Public Meetings Law. The press may attend and report proceedings. Visitors shall sit apart from the committee members and shall speak only when invited to do so by the committee chair.

The composition of advisory committees to the Board will be broadly representative and will take into consideration the specific tasks assigned to the committee. The process for the appointment of community members to an advisory committee will be determined by the Board. When requested and approved by the Board, appointment of staff members, when appropriate, will be made by the superintendent.

The Board will adopt guidelines for each committee as appropriate, which will include, but not be limited to, the following:

1. The committee's written charge which shall include, but not be limited to, a statement of purpose and responsibility;
2. The resources the Board will provide;
3. The length of time the committee is asked to serve and the approximate date(s) on which the Board wishes to receive the committee report(s).

Except as specifically provided by the Board, advisory committees will cease to function when their reports have been received by the Board or when the purposes for which they were established have been accomplished.

The Board may be represented on lay and professional committees that serve the Board in an advisory capacity, with specific Board members appointed by the chair, but normally such Board members will function as ex-officio members of the committees.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#)
[ORS 192.630](#)

[ORS 294.414](#)
[ORS 329.704](#)

[ORS 329.711](#)
[ORS 332.107](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

Reviewed 2/23/23

Umatilla School District 6

Code: BCG
Adopted: 10/11/95
Readopted: 2/11/04
Orig. Code: BCG

District's Attorney

Legal counsel will be employed when deemed advisable by the Board and/or the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 332.505](#)

Corrected 2/23/23

Umatilla School District 6

Code: BD/BDA
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 11/19/09
Orig. Code: BD/BDA

Board Meetings/~~Regular Board Meetings~~

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the district’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of the majority of members of the Board is required to transact any business. ~~The Board has the authority to act only when a quorum is present at a duly called regular or special meeting. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Public Meetings Law.~~

~~1. Regular Meetings~~

All regular, ~~and~~ special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings¹ and/or posted on the district’s website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law². The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects

¹ When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting[, at the designated portion of the agenda, by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

² ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. ~~Communications with all qualified individuals with disabilities shall be as effective as communications with others.~~

If requested to do so at least 72 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.

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

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

1. Regular, Special and Emergency Meetings

No later than ~~the~~ the first regular meeting after July 1 of each year, the Board will ~~be hold~~ an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings.

Generally, ~~One~~ regular Board meeting will be held each month. The meeting schedule will be established at the annual organizational meeting ~~in July but~~ and may be changed by the Board with proper notice. The purpose of each monthly meeting will be to conduct the regular Board business. The Board chair will conduct the meeting, or in ~~his/her~~ the chair's absence, the vice chair will conduct the meeting. If both are absent; the person with the longest period of service on the Board will conduct the meeting.

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

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

2. ~~Electronic~~ Communications Outside Board Meetings

~~E-mail~~ Communications, to, by, and among a quorum of Board members outside a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic communication. Electronic communications ~~E-mail~~ among Board members shall be limited to: ~~(1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making or gathering of information on which to deliberate.~~

Electronic communications. ~~E-mail~~ may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates, and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

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

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

3. Private or Social Meetings

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

4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. [The Board may make official decisions during a work session.]

5. Executive Sessions

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

6. Adjourned Meetings

A Board meeting may be adjourned to another time if a quorum is not present or if additional business needs to be conducted at the regular time of adjournment. The time, date and place of the adjourned meeting will be specified and appropriate notice given.

~~All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.~~

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

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 174.104](#)
[ORS Chapter 192](#)

[ORS Chapter 193](#)
[ORS 255.335](#)
[ORS 332.040 - 332.061](#)

[ORS 433.835 - 433.875](#)

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

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

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

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

Corrected 2/23/23

Umatilla School District 6

Code:
Adopted:

BDC

Executive Sessions

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

An executive session may be convened by order of the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent. (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
9. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))

10. To discuss matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

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

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

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

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.045](#)

[ORS 332.061](#)

Added 2/23/23

Umatilla School District 6

Code: BDD
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BDD

Board Meeting Procedures

1. Quorum

A quorum will consist of the majority of the Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

3. Board Member Voting

Each member's vote on all motions will be recorded in the minutes.

4. Abstaining from Vote

If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board member will state the reason for the abstention and such abstention will be recorded.

5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards" as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chairperson will decide all questions relative to points of order, subject to an appeal to the entire Board.

END OF POLICY

Legal Reference(s):

[ORS 192.650](#)
[ORS 244.120\(2\)](#)

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.107](#)

38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)

Corrected 2/23/23

Umatilla School District 6

Code: BDDC
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BDDC

Board Meeting Agenda

The Board chair, with the assistance of ~~chairman~~ and the superintendent, will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or ~~patron~~ citizen of the district by notifying the superintendent at least five working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard ~~may~~ will be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least two full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted on the district website ~~in each district facility~~ on the day of the meeting. Members of the public may request a copy of the agenda ~~throughout the superintendent's district office~~.

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the ~~request~~ requests of the person with a disability in the selection of the appropriate auxiliary aids and/or service. ~~services.~~

Should the Board demonstrate such a ~~request~~ requests would result in a fundamental alteration in the service, program or activity or ~~an~~ undue financial and administrative burden, an ~~burden~~, alternate, equally effective ~~communication~~ communications will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2015); 28 C.F.R. Part 35 (2015).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/23/23

Umatilla School District 6

Code: BDDC-AR
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BDDC-AR

Board Meeting Agenda

The agenda shall be prepared by the superintendent and the Board chairman. The order of business, unless altered by consent of the Board members, shall be as follows. An exception may be made for a special item if necessary.

1. Call Meeting to Order;
2. Public Input;
3. Presentations;
4. Approve Agenda;
5. Consent Agenda;
6. Action Items;
7. Discussion Items;
8. Reports;
9. Public Input;
10. Correspondence;
11. Executive Session;
12. Adjourn.

Copies of the agenda will be available for visitors at each meeting. If a visitor desires to address any item on the agenda, it shall be done during the public input segment of the agenda.

If a district patron wishes to have Board consideration of an issue, the request will be made, in writing, to the superintendent at least five working days prior to the next regularly scheduled Board meeting.

Following consideration, the superintendent will determine the final items to be placed on the official agenda.

Corrected 2/23/23

Umatilla School District 6

Code:
Adopted:

BDDG

Minutes of Board Meetings

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;
2. All motions, proposals, resolutions, orders and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name;
4. The substance of any discussion on any matter;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of minutes from the administration office. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain a hard copy¹ of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

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

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) - 192.710

[ORS 332.061](#)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

Added 2/23/23

¹ Oregon Administrative Rule 166-400-0010(9)

Umatilla School District 6

Code: BDDH
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 3/10/22
Orig. Code: BDDH

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment only on agenda items.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.
6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date.

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to help@umatillasd.org. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but will not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

[ORS 332.107](#)

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

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

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

Reviewed 2/23/23

Umatilla School District 6

Code: BDDH-AR
Revised/Reviewed: 3/10/22
Orig. Code: BDDH-AR

Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please complete and submit the Intent to Speak card to the Board secretary prior to the meeting. Those attending virtually and want to provide public comment should notify the Board secretary by submitting an email to help@umatillasd.org prior to the start of the meeting.

A person speaking during the public comment portion of the meeting may comment only on agenda items. A person providing public comment will be allowed three minutes. Signing up to provide public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name, whether they are a resident of the district and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee’s rights will be followed. A commendation involving a staff member should be sent to the superintendent.

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior the start of the meeting.

Name: _____ Phone: _____

Name of organization (if applicable): _____

Address: _____

Email (optional): _____

Topic or comment to be presented (brief description): _____

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure. A hearing conducted by the Board regarding personnel may take place in an executive session.

The Board requests that a topic or comment is limited to three minutes or less.

Reviewed 2/23/23

Umatilla School District 6

Code: BF
Adopted: 2/11/04
Orig. Code: BF

Policy Development

The Board has the authority and responsibility to establish policy. The Board accepts the definition of policy set forth by the National School Boards Association:

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

The formulation and adoption of policies, recorded in writing, will constitute the basic method by which the Board will exercise its leadership in the operation of the school system.

The policies shall be consistent with Oregon Revised Statutes, Oregon Administrative Rules and all federal laws and regulations.

The basic responsibility for initiating, reviewing and recommending new policies or policy modification will rest with the superintendent. ~~New~~ However, new policies or changes in existing policy may be proposed by any Board member, group or organization, staff member, parent, student or other member of the community to the superintendent for the Board to consider. The superintendent, in developing these policies, may be guided by the recommendations of the staff and may seek parent and community input during the preparation and subsequent review of policy statements. Advice from legal counsel may be appropriate. The superintendent will furnish necessary background information to the Board.

~~The superintendent will furnish necessary background information and make all final authority and responsibility for Board policy lies with recommendations to the Board.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[ORS 339.240](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 2/23/23

Umatilla School District 6

Code: BFC
Adopted: 2/11/04
Orig. Code: BFC

Adoption and Revision of Policies

Adopting new policies and changing or repealing existing policies ~~is~~ are solely the Board's responsibility~~responsibilities~~. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the Board members. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.

To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as a Board agenda item in the following sequence:

- ~~1. Distribution with agenda as an information item. This announces that a policy is being developed in a particular area and that interested parties may submit suggestions;~~
- ~~2.1. First reading of a proposed policy (or policies): This is an information item and no action is required by the; response from the superintendent; report from any Board. A first reading announces that a new policy, a revision or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting. During discussion of an existing policy or consideration to rescind a policy, is being proposal, the views of the public and staff will be considered by the Board. Comments, questions, concerns and recommended edits should be forwarded to the superintendent for consideration prior to the meeting in which the policy is recommended for a second reading and/or adoption. If a Board member wishes to discuss a . Amendments may be proposed policy or administrative regulation listed as an information item, the policy must be moved to the agenda for discussion with a [consensus] [majority vote] of the Board. Any organization which represents employees of the district shall be furnished a copy of personnel policies and revisions as they are made.~~
- ~~3.2. Second reading/Adoption of a proposed policy (or policies): This is an action by the Board and may be placed on the consent agenda. Any revisions to a policy from the first reading by Board members. An amendment will not require the policy go through an additional reading, except as the Board determines that the revision(s) need(s) amendment needs further study and an additional reading would be advantageous;~~
- ~~4. Second reading of proposed policy or policies; response from the superintendent; report from any Board or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting. During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by Board members. An amendment will not require the policy go through an additional reading except as the Board determines that the amendment needs further study and an additional reading would be advantageous.~~

| When, in the best ~~interest~~ interests of the district, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the district's board policy manual.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.505](#)

[OAR 581-022-2305](#)

[OAR 581-022-2405](#)

Corrected 2/23/23

Umatilla School District 6

Code: BFCA
Adopted: 10/11/95
Readopted: 2/11/04
Orig. Code: BFCA

Administrative Regulations

Administrative regulations are detailed directions governing the operation of the district.

The superintendent is authorized to formulate such administrative regulations appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the district.

When approved by the superintendent, administrative regulations shall be distributed.

The Board may review any administrative regulation and may direct its revision if, in the Board's judgment, such regulation is not consistent with adopted board policies.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)

[OAR 581-022-2405](#)

Corrected 2/23/23

Umatilla School District 6

Code: BFD
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 4/03/14
Orig. Code: BFD

Board Policy Implementation

Effective Date of Policies

All new or amended policies will become effective on the day after adoption by the Board, unless a specific date is included in the motion for adoption.

Policy Implementation

The superintendent and administrative staff will implement board policies. The superintendent may formulate administrative regulations and procedures to assist policy implementation.

It will be the Board's duty to evaluate the effectiveness of the policy and the effectiveness of the administration's implementation of the policy.

Policy Dissemination

The written board policies that govern the district will be maintained in a policy manual to be updated by district staff as new policies are developed or existing policies are revised or repealed.

Each Board member will be informed how to access the provided with a current board policy manual.

Each district employee will be notified of the existence and availability of personnel policies.

The districtEach school shall make a copy of the Board's policy manual available for inspection to the public and district employees. , copies of the Board's policy manual and personnel policies.

The Board's policy manual will be considered a public record and will be open for inspection at the district office during regular working hours.

The superintendent will provide channels for disseminating appropriate policies to the community.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 2/23/23

Umatilla School District 6

Code: BFG
Adopted: 2/11/04
Orig. Code: BFG

Board Policy Review

To keep written policies current and relevant, the Board will ~~annually~~ review and update its board policies. The Board ~~also~~ will evaluate the implementation and effect of such policies. The superintendent has continuing responsibility to alert the Board of ~~all~~ policies that may need revision.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)

[OAR 581-022-2405](#)

Corrected 2/23/23

Umatilla School District 6

Code: BG
Adopted: 4/09/09
Orig. Code: BG

Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the district staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board, or any Board committee, from staff members will 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. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to Board meetings, which provide an opportunity to observe the Board's deliberations on matters of district operation staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will provide appropriate communication to keep staff fully informed of the Board's policies, priorities, concerns and actions.

Visits to Schools

Visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors. School visits by Board members will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. ~~Official visits by Board members will be carried on only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[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 2/23/23

Umatilla School District 6

Code: BH/BHA
Adopted: 10/11/95
Revised/Readopted: 2/11/04
Orig. Code: BH/BHA

Orientation of New Board Members

The Board and designated ~~A new member is to be given the Board's and staff's fullest measure of courtesy and cooperation. Board and staff will make every effort to assist the new member to become fully informed about the Board's functions, policies, procedures and issues. In the interim between election and assuming office or following an appointment, the new Board member(s) will be assisted in the following ways:~~

1. The newly elected or appointed Board member will be given materials related to ~~on~~ the role of a Board ~~board~~ member;
2. The newly elected ~~or appointed~~ Board member will be invited to attend Board meetings to observe the operation of the Board until ~~he/she~~ the new member assumes office ~~July 1;~~
3. The newly elected or appointed Board member will be given a copy of Board policies, Board priorities, ~~any~~ long-range plans and the adopted district ~~adopted~~ budget;
4. The members of the Board will serve as mentors to ~~a~~ newly elected or appointed Board ~~member~~ members;
5. The superintendent will supply material pertinent to meetings and will explain its content;
6. The newly elected or appointed Board member ~~will~~ ~~may~~ be invited to meet with the superintendent ~~or~~ and other administrative personnel, by arrangement with the superintendent, to discuss services they perform for the district;
7. The newly elected or appointed Board member will be encouraged to attend the Summer Board Conference and the ~~Board training conferences planned~~ Leadership Academy sponsored by the Oregon School Boards Association;
8. The newly elected ~~or appointed~~ Board ~~member~~ members will receive all materials, reports and communications normally sent to Board members.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 2/23/23

Umatilla School District 6

Code: BHD
Adopted: 10/11/95
Readopted: 2/11/04; 1/08/09
Orig. Code: BHD

Board Member Compensation and Expense Reimbursement

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on district business. Such expenses may include the cost of attendance at meetings, conferences or visitations when such attendance has been approved by the Board.

~~When Board members may be reimbursed, when paid admission is required of the general public, Board members may be reimbursed for attending district athletic events and other activities when as part of their attendance is consistent with board responsibilities and of being informed about district operations. (See Board policy DFEA - Admission to District Events)~~ The district will establish accounting procedures consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS 244.020](#)

[ORS 244.040](#)

[ORS 332.018\(3\)](#)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, STAFF OPINION 02S-015 (May 20, 2002).

OR. GOV'T STANDARDS AND PRACTICES COMM'N, STAFF OPINION 03S-015 (Sept. 11, 2003).

Corrected 2/23/23

Umatilla School District 6

Code:
Adopted:

BHE

Board Member Liability Insurance

The district will purchase liability insurance and errors-and-omissions insurance to protect its school board members individually and collectively from claims made against them as a result of official Board actions taken in the course of official duties.

END OF POLICY

Legal Reference(s):

[ORS 30.260 to -30.300](#)

[ORS 332.072](#)

[ORS 332.435](#)

Added 2/23/23

Umatilla School District 6

Code: BI
Adopted: 2/11/04
Orig. Code: BI

Board Legislative Program

The Board will represent the district's interests in legislative action to promote the welfare of public education in the state of Oregon or will direct those interests to be represented through the superintendent or designee.

The Board will periodically study, discuss and weigh the merits of pending legislation for the purpose of determining its official position through Board action.

Board members, individually or as members of professional organizations, will not seek to represent any other positions on legislative matters unless it is made clear that such representation is not the official stand of the district.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Reviewed 2/23/23

Umatilla School District 6

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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.

Umatilla School District 6

Code: CA
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: CA

Administration Goals

(Consider that goal setting is more regular and policy is not needed to guide the discussion.)

The purpose of administration is to help create and foster an environment in which students can learn most effectively. All administrative duties and functions will be appraised in terms of the contributions they make to improved instruction and to higher student motivation and achievement.

Major district administration goals will be to:

1. Implement the management function so as to ensure the best and most effective learning programs through achieving such subgoals as:
 - a. Providing leadership in current educational developments;
 - b. Supporting staff development necessary for establishing and operating learning programs that better meet learner needs;
 - c. Coordinating cooperative efforts for improving learning programs, facilities, equipment and materials; and
 - d. Providing opportunities for staff, students, parents and others to access the decision-making process.
2. Effectively manage the district's various facilities, funds and programs;
3. Provide professional advice and counsel to the Board and to any committees established by Board action.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[ORS 332.515](#)

[OAR 581-022-1720](#)

Corrected 5/15/23

Umatilla School District 6

Code: CB
Adopted: 12/14/95
Readopted: 2/11/04; 10/13/22
Orig. Code: CB

Superintendent

The superintendent¹ is designated as the district's chief executive officer. Under the Board's direction, the superintendent exercises general supervision of all district schools, personnel and departments. The superintendent is responsible for managing the schools under the Board's policies and is accountable to the Board for that management. The Board may not direct the superintendent to take any action that conflicts with a local, state or federal law² that applies to school districts³.

The superintendent may delegate to other district personnel any powers and duties imposed upon the superintendent by Board policies or by vote of the Board. Delegation of power or duty will not relieve the superintendent of responsibility for action taken under such delegation.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 332.515](#)

[OAR 581](#)-022-2405
[OAR 584](#)-005-0005(51)

Senate Bill 1521 (2022)

Corrected 5/15/23

¹ The term "superintendent" includes an interim superintendent.

² "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

³ Also includes taking any action that conflicts with law that applies to education service districts.

Umatilla School District 6

Code: CBA
Adopted: 2/11/04
Orig. Code: CBA

Qualifications and Duties of the Superintendent

POSITION: ~~Superintendent of Schools~~

QUALIFICATIONS: ~~1. A current Oregon administrative license with a superintendent's endorsement or a transitional superintendent license;~~
~~2. Successful experience as an educational leader and administrator;~~
~~3. In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets transitional administrator or exceptional administrator licensure requirements. The Board may, jointly with the individual, submit an application for such license for Teacher Standards and Practices Commission approval pursuant to OAR 584-080-0151 and 584-080-0161;~~
~~4. Other qualifications as determined by the Board.~~

REPORTS TO: ~~Board of Directors~~

SUPERVISES: ~~Central office administrators and school principals; and through them, all district personnel.~~

JOB GOAL: ~~Provide effective administration of all schools and departments, and educational leadership throughout the school system and community.~~

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district^{1};
2. A master's degree or higher in the field of education, preferably in educational administration;
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

^{1} Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure.

Performance Responsibilities

The superintendent:

1. Serves as chief executive officer of the Board except as otherwise provided by law, makes rules not in conflict with law or with Board policies and decides all matters of administrative and supervisory detail in connection with the operation and maintenance of the schools;
2. Initiates and directs the development of policies for approval by the Board, delegating such responsibility to associates and subordinates as deemed desirable;
3. Attends all meetings of the Board except those concerned with his/her own contract status and takes part in the deliberations, but does not vote;
4. Assists the Board in reaching sound judgments, establishing policies and approving those matters which the law requires the Board to approve, places before the Board necessary and helpful facts, comparisons, investigations, information and reports and makes available the personal advice on special or technical matters by those persons who are qualified to furnish it;
5. Implements and interprets Board policies;
6. Recommends the appointment, assignment, transfer, promotion, renewal, contract extension, demotion, contract non-renewal, contract non-extension or discharge of any employees of the Board as provided by law, Board policies and the employee's collective bargaining agreement, as applicable, and with such recommendations reported to the Board for approval;
7. Directs the professional supervisory staff in visits to the schools under his/her charge; through this staff, directs, assigns and assists teachers and all other educational employees in the performance of their duties; classifies, assigns and controls the promotion of students; and performs other duties as the Board determines;
8. Directs the work of the professional staff in evaluating curriculum and instructional materials and, upon the basis of such study, makes recommendations to the Board;
9. Supervises the establishment or modification of attendance and transportation area boundaries subject to Board approval;
10. Directs the preparation of the budget showing the estimated receipts and disbursements necessary to cover the needs of the district for the ensuing budget period and submits this estimate to the Board in accordance with law;
11. Approves and directs, in accordance with law and Board policy, purchases and expenditures, within the limits of the budget;
12. Exercises leadership in directing studies of sites and buildings, considering the population trend and the educational and cultural needs of the district, to ensure timely decisions by the Board and electorate regarding construction and renovation projects;

13. Represents the district in dealings with other school systems, social institutions, business firms, government agencies and the general public;
14. Keeps the public informed about current educational practices, educational trends and the practices and problems in the district.

The specific enumeration of the superintendent's duties as detailed above will not act to limit the broad authority and responsibility of the office.

END OF POLICY

Legal Reference(s):

~~ORS 327.133~~
~~ORS 332.405 – 332.427~~
~~ORS 332.515~~
~~ORS 342.125~~
~~ORS 342.140~~
~~ORS 342.143~~
~~ORS 342.173~~
~~ORS 342.175~~
~~ORS 342.200~~

~~OAR 581.022-0102 to –1940~~
~~OAR 581.023-0006 to –0050~~
~~OAR 584.020-0000 to –0045~~
~~OAR 584.036-0035 (1)~~
~~OAR 584.046-0005 to –0024~~
~~OAR 584.048-0085 to –0095~~
~~OAR 584.080-0151~~
~~OAR 584.080-0152~~
~~OAR 584.080-0161~~

Legal Reference(s):

[ORS 332.075](#)
[ORS 342.143](#)
[ORS 342.173](#)

[ORS 342.850](#)
[OAR 584-020-0000 - 0035](#)
[OAR 584-046-0003 - 0024](#)

[OAR 584-080-0151](#)
[OAR 584-080-0152](#)
[OAR 584-080-0161](#)

Corrected 5/15/23

Umatilla School District 6

Code: CBB
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: CBB

Recruitment and Appointment of the Superintendent

The Board considers foremost among its responsibilities, the selection and appointment of a superintendent who can effectively translate into action, the Board's policies and the community's aspirations for its schools.

To provide the most capable leadership available for the district, the Board may engage in a nationwide search for applicants for the position of superintendent whenever a vacancy in that position occurs.

The Board shall develop and adopt the standards (e.g., candidate qualities and work experience), criteria (e.g., application, screening and hiring process) and policy directives (e.g., promote from within, state and/or national search) to be used in hiring the superintendent, or interim superintendent, at a meeting open to the public and at which the public has had an opportunity to comment.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may hire consultants to assist in screening candidates and to encourage the filing of applications by professional educators who meet the qualifications. Final selection, however, will rest with the Board after a thorough consideration of qualified applicants.

The Board will appoint the superintendent by a majority vote of the Board members at a meeting for which notice has been given of the intended action.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(7\)\(d\)](#)

[ORS 332.505](#)

Corrected 5/15/23

Umatilla School District 6

Code: CBC
Adopted: 10/13/22
Orig. Code: CBC

Superintendent's Contract

The superintendent, upon appointment by the Board, will receive a written contract which will state the terms of employment such as compensation, benefits and other conditions. The Board may not issue a contract that includes terms which direct the superintendent¹ to take any action that conflicts with a local, state or federal law² that applies to the district³, or which allows the Board to take an adverse employment action against the superintendent for complying with such laws. Contracts shall not be issued for more than three years in duration. The contract shall automatically expire at the end of its term. The Board may elect to issue a subsequent contract at any time for up to three years.

The compensation and benefits for the position of superintendent will be fixed by the Board and based upon the responsibilities required of the superintendent in performing their duties. The Board may not enter into an employment contract that contains provisions that expressly obligate the district to compensate the superintendent for work that is not performed.

Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract. The employment contract, if it includes a mutually agreed to termination-without-cause provision by the Board, will include a 12-month notice of termination for such provision.

The district may provide health benefits for a superintendent that is no longer employed by the district until the superintendent:

1. Reaches 65 years of age; or
2. Finds new employment that provides health benefits.

For a period of one year after termination of the contract, the superintendent may not:

1. Purchase property or surplus property owned by the district or public charter school; or
2. Use property owned by the district or public charter school in a manner other than the manner permitted for the general public.

END OF POLICY

Legal Reference(s):

¹ The term "superintendent" includes an interim superintendent.

² "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

³ Also includes taking any action that conflicts with law that applies to education services districts.

[ORS 332.432](#)
[ORS 332.505](#)

[ORS 342.549](#)
[ORS 342.815](#)

[OAR 584-005-0005\(51\)](#)

Senate Bill 1521 (2022)

Corrected 5/15/23

Umatilla School District 6

Code: CBG
Adopted: 12/14/95
Revised/Readopted: 2/11/04; 6/14/17
Orig. Code: CBG

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance at least once each year. The evaluation will be based on the administrative job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and ~~his/her~~ performance will be conducted in an executive session, unless the superintendent requests a session open to the public. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)
[ORS 332.107](#)
[ORS 332.505](#)

[ORS 342.513](#)
[ORS 342.815](#)

[OAR 581-022-2405](#)

Hanson v. Culver Sch. Dist. (FDAB 1975).

Corrected 5/15/23

Umatilla School District 6

Code: CC
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: CC

Administrative Organization

The Board's legal authority is transmitted through the superintendent along specific paths as shown in the Board-approved organizational chart of the district.

Lines of authority on the chart represent direction of authority and responsibility.

The superintendent may reorganize lines of authority and revise the organizational chart subject to Board approval of major changes and/or the elimination or creation of positions. The Board expects the superintendent to keep the administrative structure current with the needs for supervision and accountability throughout the school system.

The Board expects the following goals to be achieved through its administrative organization:

1. Each school will develop and implement the educational program most appropriate for its needs within the framework of district policy;
2. The building administrator will have the specific responsibility for overseeing the pattern and sequence of educational experiences provided;
3. Responsibility will flow simply and clearly from students to teachers, principal(s), the superintendent and on to the Board;
4. Each member of the staff will be told to whom he/she reports and for what functions;
5. Whenever possible, each staff member will be made responsible to one immediate supervisor for any one function;
6. Staff members will be told to whom they can go for help in working out their own functions in the school program.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

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

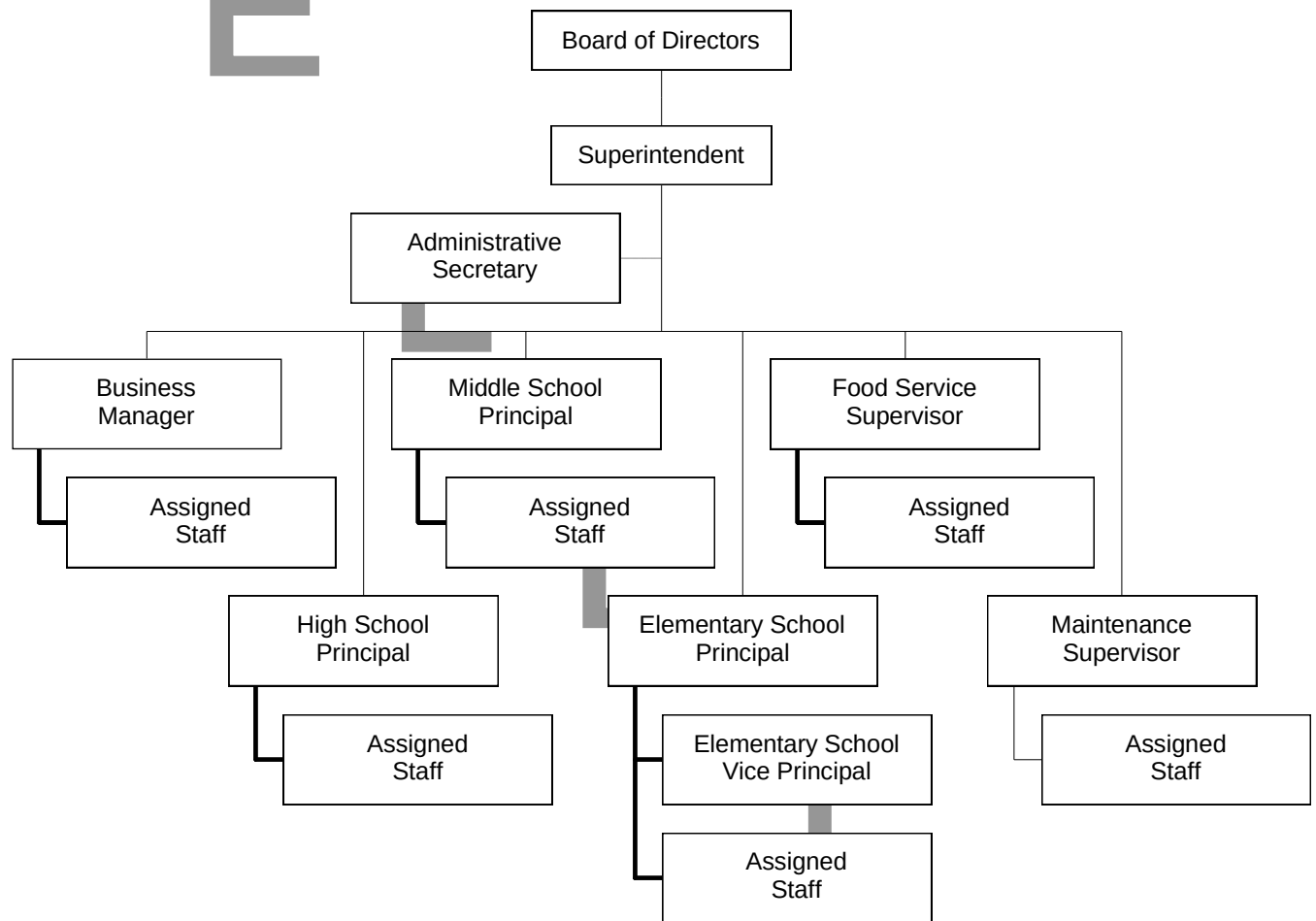
Corrected 5/15/23

Umatilla School District 6

Code: CCA
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: CCA

Organizational Chart

Corrected 5/15/23



Umatilla School District 6

Code: CCB
Adopted: 4/09/09
Orig. Code: CCB

Line and Staff Relations

The Board expects the superintendent to establish a clear understanding of working relationships in the school system with all staff.

Lines of direct authority will be those approved by the Board and shown on the district organization chart.

The superintendent may reorganize lines of authority and revise the organizational chart subject to Board approval of major changes and/or the elimination or creation of positions. The Board expects the superintendent to keep the administrative structure current with the needs for supervision and accountability throughout the school system.

Staff members will be expected to refer matters requiring administrative action to the administrator to whom they report. That administrator will refer such matters to the next higher administrative authority, when necessary. Additionally, all staff will inform their immediate supervisor of their activities by whatever means the supervisor considers appropriate.

Lines of authority should not restrict the cooperative working relationship of all staff members in developing the best possible district programs and services. In addition, this policy does not restrict protected labor relations communications of bargaining unit members. The established lines of authority represent direction of authority and responsibility. When the staff are working together, the lines represent avenues for a two-way flow of ideas to improve the programs and operations of the district school system.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-022-2405](#)

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

Corrected 5/15/23

Umatilla School District 6

Code: CCCA
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: CCCA

Assignment of Administrative Personnel

The superintendent will make provision for the assignment of administrators in a manner that will provide reasonable continuity of administrative leadership and the stimulation derived from change at regular intervals.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 342.845](#)

Corrected 5/15/23

Umatilla School District 6

Code: CCG
Adopted: 2/11/04
Orig. Code: CCG

Licensed Evaluation - Administrators

The superintendent will implement and supervise an evaluation system for administrative personnel. The purpose of administrator evaluations is to assist an administrator with developing and strengthening professional abilities, to improve the instructional program and management of the school system, and for supervisors to ~~He/She will report to the Board annually on the performance of all administrators and~~ make recommendations regarding their employment and/or salary status.

A formal evaluation ~~Formal evaluations~~ will be conducted ~~made~~ at least once, annually. ~~They~~ The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts ~~makes~~ the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation, and have the right of appeal through established grievance procedures, if applicable.

An administrator's evaluation shall use the following educational leadership-administrator standards¹ adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; and
6. Socio-political context.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive bargaining representative of the administration.

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

Local evaluation and support systems established by the district for administrators 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. Consideration of multiple measures of administrator 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.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator's professional growth path;
5. Customized by the district, which may include individualized weighting and application of the standards.

An evaluation using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of the administrator;
2. Refine the support, assistance and professional growth opportunities offered to the administrator, based on the individual needs of the administrator and the needs of the students, the school and the district;
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator, including other assignments of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators;
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 administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate administrators on a regular cycle.

The superintendent shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

R9/28/17 | RS

Legal Reference(s):

[ORS 192.660\(2\),\(8\)](#)
[ORS 332.505](#)
[ORS 342.513](#)

[ORS 342.815](#)
[ORS 342.850](#)
[ORS 342.856](#)

[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2420](#)

Hanson v. Culver Sch. Dist. (FDAB 1975).

Corrected 5/15/23

Umatilla School District 6

Code: CFA
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: CFA

Site-Based Decision Making

The district defines site-based decision making as a method of empowering students, parents, teachers, principals and community members in a spirit of collegiality and collaboration with the authority and responsibility for decision making at the local school level. It is an equitable participation of stakeholders. The rationale for implementing site-based decision making should be to meet the curricular and instructional needs of students by mobilizing resources at the local level to improve learning.

The superintendent will implement a procedure for site-based decision making to include a delineation of which responsibilities will remain at the central office, which will remain with the principal and which will be made by a shared decision-making body at each site. This procedure should also include guidelines for monitoring and assessing the effectiveness of site-based decision making in relation to meeting the curricular and instructional goals of the site. The responsibilities and accountability will be shared by the central office, principal and shared decision-making body.

The administration of the district should provide leadership and training for implementing site-based decision making as well as the necessary resources to meet the additional responsibilities in the schools. The district will define the program and each site will be given the flexibility to develop and implement structures that will meet the particular needs of its students and school community. The district administration will be responsible for educating students, teachers, administrators, parents and the community about the reasons for adopting site-based decision making in the schools and the intended outcomes.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corrected 5/15/23

Umatilla School District 6

Code: CHA
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: CHA

Development of Administrative Regulations

The Board delegates to the superintendent the function of specifying required actions, shall prepare and designing detailed arrangements to operate the district in accordance with Board policy. These detailed arrangements constitute the disseminate those administrative regulations governing the district necessary to implement Board policy and shall review such regulations periodically to determine their effectiveness in carrying out policies.

The superintendent will carefully weigh the counsel input given by representatives of staff, student, parent and community organizations regarding those administrative regulations. They/He/She will inform the Board of such counsel in presenting administrative regulations.

The Board will adopt administrative regulations when a state or federal law requires the Board to do so. It may also adopt administrative regulations when the superintendent recommends Board action.

The Board shall retain the prerogative to review any and all administrative regulations and may suggest or direct that certain regulations be added, modified or deleted.

Board members will receive copies of all new or revised administrative regulations. The district will notify students regulations. Students and staff will be advised of all administrative regulations that affect affecting them.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 5/15/23

Umatilla School District 6

Code: CHCA
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: CHCA

~~Approval of Handbooks and Directives~~

In order that pertinent Board policies, administrative regulations, school rules and procedures may be known by all staff members, patrons, students and parents affected; district administrators and principals are granted authority to issue staff and student/parent handbooks.

~~The It is essential that the contents of all handbooks must conform with districtwide board policies and administrative regulations. The publication shall bear~~It is also important that all handbooks bearing the name of the district or one of its schools, and be of a quality that reflects favorably on the district. The Board, therefore, expects all handbooks to be approved by the Board and superintendent or designee before publication.

~~The Board will review and approve district personnel handbooks in the district in order that the contents may be accorded the legal status of Board approved policy and regulation. The superintendent will use his/her judgment as to whether other specific handbooks need Board approval. However, all~~The superintendent will make all published handbooks published are to be made available to the Board for informational purposes.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 5/15/23

Umatilla School District 6

Code: CM
Adopted: 12/14/95
Readopted: 2/11/04; 3/10/22
Orig. Code: CM

Compliance and Reporting on Standards

The superintendent will prepare an annual report that represents the district's compliance with the standards adopted by the State Board of Education for the preceding school year and submit that report to the Board.

The district's annual report will be presented orally at a public Board meeting by November 1 of each school year and will allow public comment on such report. This report will be posted on the district's web page.

The district will report on its compliance with state standards to Oregon Department of Education (ODE) by November 15 each year on a form provided by ODE.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.105](#)

[OAR 581-022-2260](#)
[OAR 581-022-2305](#)

Corrected 5/15/23

Umatilla School District 6

Code: CPA
Adopted: 2/11/04
Revised/Readopted: 2/10/11; 9/13/12; 10/13/22
Orig. Code: CPA

Layoff and Recall for Administrators

This policy applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.¹

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence.

The Board desires/expects administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

Prior to initial development of a recall procedure for administrators, the Board will consult with the employees or a designated representative of the employees covered by this policy.

The district will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.934](#)

Corrected 5/15/23

¹ Prior to laying off any administrators, the district will work with legal counsel to determine if the cultural or linguistic expertise criteria apply to any impacted employees.

Umatilla School District 6

Code: CPA-AR
Revised/Reviewed: 10/13/22
Orig. Code: CPA-AR

Layoff and Recall for Administrators

General

This administrative regulation applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.¹

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall offer recommendations to the Board regarding transfers, both voluntary and involuntary, and the position(s) which will be eliminated. The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence.

The Board desires/expects administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

When the district determines that a layoff of licensed administrators is necessary, the superintendent or designee will use the procedures described in Section II of this regulation. The superintendent or designee will make every reasonable effort to transfer a licensed and qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, in accordance with the procedures described in Section III. The superintendent or designee may combine remaining positions, if it meets district curriculum needs, so that administrators continue to be licensed and qualified to perform available jobs.

Section I - Definitions

1. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience, additional training or educational attainments, but not based solely on type of license and endorsements of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years.
2. "Merit" means the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.

¹ Prior to laying off any administrators, the district will work with legal counsel to determine if the procedures in ORS 342.934, including cultural or linguistic expertise criteria, apply to any impacted employees.

3. “Seniority” is calculated from the first day of actual service as an administrator in the district inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.
4. “License” means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public school district.
5. “Qualifications” mean training, experience, skill and other attributes in addition to the individual’s license.

Section II - Layoff Procedures

1. Administrative positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
2. The superintendent or designee may use the following job groups as a guideline:
 - a. School Administrators
 - Group 1: Principals
 - Group 2: Assistant principals
 - b. Central Office Administrators
 - Group 3: Directors (e.g., transportation, maintenance, special education, etc.)
 - Group 4: Coordinators (e.g., talented and gifted (TAG), special education, curriculum, etc.)
 - Group 5: Others
3. If a new administrative position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
4. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
5. The superintendent or designee may recommend layoffs within job groups based on license, seniority, qualifications, merit and/or competence.
6. After identification of the administrator(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators in that group to the remaining positions as necessary.
7. The superintendent or designee will determine whether the administrators identified for layoff will be transferred to a vacant administrative position under the procedures of Section III below or as provided for in state law given the option of a classroom teaching assignment provided the administrator is licensed and determined by the district to be qualified based on merit and/or competence for the assignment.

Section III - Reassignments and Transfers

1. The superintendent or designee will review an administrator's personnel file, and from consultation with the administrator's supervisors, shall determine if an administrator who will be laid off under Section II can be transferred to a vacant administrative position. Each transfer may be based on license, seniority, qualifications, merit, and/or competence .
2. An administrator may voluntarily accept a classroom teaching assignment in lieu of a layoff.
 - a. The administrator may accept a classroom teaching assignment which is currently vacant.
 - b. If the administrator previously taught and was a contract teacher in the district, the administrator may displace ("bump") a probationary or contract teacher with less seniority.
 - c. If the administrator never taught in the district, the administrator may displace ("bump") a probationary teacher with less seniority.
3. While an administrator retains rights to recall to a vacant administrative position in accordance with Section IV below, an administrator who voluntarily accepts a classroom teacher assignment will also be covered by the layoff/recall and other provisions of the collective bargaining agreement governing regularly employed teachers for purposes of their rights as teachers.

Section IV - Recall

1. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the recall pool.
2. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
3. A laid-off administrator who rejects recall to a position offered by the district for which the administrator is licensed and qualified to perform and which is similar to the workday or work year of the person's previous position, thereby waives any further recall rights, and the administrator's employment terminates effective the date of rejection of the job offer.
4. Licensed and qualified administrators will be considered for recall based on proper licensure and qualifications to perform the essential functions of the job. The district retains the right to recall a less senior administrator to the position if that individual has more merit and/or competence.
5. Administrators will be recalled based on license, seniority, qualifications, merit, and/or competence.
6. Notification of recall will be delivered in person or deposited as certified mail, postage prepaid and addressed to the last known address of the laid-off employee. It is the responsibility of the administrator to ensure up-to-date mailing information is provided to the district. The individual shall be allowed 7 calendar days from the date of personal delivery or postmark to accept the position in writing. If the individual declines the recall or fails to accept within the 7-day period

or fails to report for duty on the date specified in the recall notice, the individual's name will be removed from the recall pool. The individual will be considered to have resigned employment with the district and waived any further right of recall.

7. An administrator who wishes to remain eligible for recall to a position requiring a license must maintain a valid license.
8. Individuals who wish to waive recall rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the district. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the district.
9. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits or seniority during the period of the layoff. If applicable, the district will apply any sick leave accrued from another school district employment during the recall time as allowed by state law.
10. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to the approval and rules of the insurance carrier(s).
11. An employee must have completed at least 135 contract days during 1 school year in order to be eligible for 1 vertical step advancement for the succeeding school year. If, because of layoff, an employee does not complete at least 135 contract days that school year, the employee will be placed on the same salary schedule step as the employee was on prior to layoff.
12. Nothing in this regulation shall be construed so as to interfere with the district's right to dismiss an administrator, not extend the contract of an administrator or dismiss or nonrenew the contract of a probationary administrator pursuant to state law.
13. An individual who is no longer employed as an administrator in the district due to resignation, assignment to a nonadministrative position, expiration of the recall period or rejection of a position offered by the district shall receive salary for all unused vacation time following the termination of employment as an administrator.

Section V - Announcements of Decisions

Public announcements of layoff decisions should occur only after prior notice to affected administrators. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

Section VI - Appeal Procedure

An appeal from a layoff decision shall be by arbitration pursuant to the employee's individual employment contract, administrator group contract (employment agreements or meet and confer agreements) or rules of the Employment Relations Board.

Section VII - Future Changes in Procedure

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment thereof, provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any individual who is in the “recall pool” at the time these procedures are amended, revised or repealed. The district will also consult with employees covered by this administrative regulation prior to making any decisions regarding changes to this procedure.

Corrected 5/15/23

Umatilla School District 6

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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.

Umatilla School District 6

Code: DA
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DA

Fiscal Management Goals

The Board will review the fiscal needs of the district annually, considering instruction, capital outlay, building improvements and adjustments to accommodate any growth or decline of student enrollment or district area. The Board encourages the input of staff, parents and members of the community as a part of the review and recommendation process. After due consideration of recommendations, the Board will adopt fiscal goals for the school year.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 5/15/23

Umatilla School District 6

Code: DB
Adopted:

District Budget

The district budget will serve as the financial plan of operation for the district and will include estimates of expenditures for a given period and purpose, and the proposed means of financing the estimated expenditures. The district may provide that the budget and budget documents be prepared on an annual or biennial basis.

The district budget will be prepared in compliance with Local Budget Law, federal and state laws and regulations and locally adopted procedures.

The fiscal year will extend from July 1 to June 30 inclusive.

The superintendent will be designated as budget officer and will prepare the budget document.

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) to -294.565

[ORS 328.542](#) to -328.565

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL

Corrected 5/15/23

Umatilla School District 6

Code: DBE
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DBE

Budget Preparation

The superintendent has the overall responsibility for the budget preparation and will develop such procedures necessary to ensure that the proposed district budget reflects all areas of the district's operation. The preparation of the annual budget is an ongoing process involving all-district personnel and the issues and input of the community.

~~The budget preparation for the next fiscal year shall include an evaluation of the current year's budget and preliminary data of future budget proposals. Such data should include a review and updating of the long-term planning of the district. The budget document shall be prepared by the superintendent following appropriate staff and community input.~~

The superintendent and administrative staff will establish budget priorities for the district and will make appropriate recommendations related to those priorities to the Board and the budget committee. Staff are encouraged to recommend and present their needs for budgetary consideration. These needs should be discussed with the principals well in advance of budget deadline.

Principals will prepare tentative budgets for the operation of their buildings and submit their recommendations to the superintendent.

The superintendent will deliver the completed budget document and budget message to the budget committee when they are ready for presentation.

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) to -294.565

[ORS 328.542](#) to -328.565

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.
OR DEP'T OF REVENUE, LOCAL BUDGETING MANUAL.

Corrected 5/15/23

Umatilla School District 6

Code: DBEA
Adopted: 3/19/98
Revised/Readopted: 2/11/04; 10/13/22
Orig. Code: DBEA

Budget Committee

Organization, Membership and Terms of Office

The district budget committee will consist of the seven members of the Board and seven electors appointed by the Board as required by law. The term of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years, with appointments made so that, as nearly as practicable, the terms of one-third of the members end each year. At least one member of the budget committee must be a member of the district's educational equity advisory committee.¹ The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

1. Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.
2. Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board's educational plan, and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district's budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

¹ Districts with ADM over 10,000 must convene an educational equity advisory committee no later than September 15, 2022. Districts with ADM of 10,000 or under are not required to convene an educational equity advisory committee until September 15, 2025.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)
[ORS 192.610 - 192.695](#)

[ORS 294.305 - 294.565](#)
[ORS 329.711](#)

[ORS 433.835 - 433.875](#)

Corrected 5/15/23

Umatilla School District 6

Code: DBK
Adopted: 12/14/95
Revised/Readopted: 2/11/04, 8/12/10
Orig. Code: DBK

Budget Transfer Authority

The adopted district budget is a financial plan which may be subject to change as a result of circumstances or events occurring during the ensuing budget period. All appropriation transfers shall be authorized when completed by official resolution of the Board. The authorizing resolution must state: the need for the transfer; its purpose; and the amount of the transfer.

Transfers of general operating contingency appropriations, which in aggregate during a fiscal year or budget period exceed 15 percent of the total appropriations of the fund, may be made only after the adoption of a supplemental budget prepared for that purpose.

The superintendent has the authority to approve transfers between programs (i.e., elementary, middle school, high school) and or object codes (i.e., 100-salaries, 200-benefits, 300-purchasing service, 400-supplies) within the same appropriation.

END OF POLICY

Legal Reference(s):

[ORS 294.463](#)

Corrected 5/15/23

Umatilla School District 6

Code: DBK-AR
Revised/Reviewed: 8/12/10
Orig. Code: DBK-AR

Budget Transfer Authority

1. The “Budget Transfer Request” form will ~~consist of two part sensitized paper. The original will be filed in the business office with a~~ the second copy being forwarded to the originating department after final approval.
2. All “Budget Transfer Request” forms, when completed and approved by administrators and/or department directors, will be forwarded to the business manager for review. A determination will be made if funds are available for transfer (i.e., outstanding encumbrances or low fund balance).
3. ~~All requests~~Requests will be forwarded to the superintendent for approval. A resolution will be prepared for Board consideration.
4. The ~~completed and approved~~ “Budget Transfer Request” form will accompany the resolution and upon affirmative action by the Board, be signed by the superintendent.
5. The ~~approved request will then be acted upon by the business manager who will~~ ~~process~~make the transfer.

BUDGET TRANSFER REQUEST

Date _____

Fund	Function	Object	Building	Area	Decrease	Increase

Explanation of Request (Statement of need and purpose.)

Requested by

Approved: Administrator and/or
Department Director

Reviewed:

Business Manager

Approval:

Superintendent/Clerk

Corrected 5/15/23

Umatilla School District 6

Code: DC
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: DC

Borrowing Funds

The Board may authorize borrowing funds for the purpose of meeting current expenses and other legal expenditures when provision has been made for such expenditures in the adopted budget.

END OF POLICY

Legal Reference(s):

[ORS 294.443](#)

[ORS 328.565](#)

Corrected 5/15/23

Umatilla School District 6

Code: DD
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DD

Grant Funding Proposals and Applications

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) to -294.565

[ORS 332.075](#)

Corrected 5/15/23

Umatilla School District 6

Code:
Adopted:

DDB

Native American Impact Aid Funds

The district may claim children residing on Indian lands for the purpose of receiving federal funds pursuant to the Title VII - Impact Aid laws.

The district ensures:

1. The equal participation of Indian children in the educational programs and activities of the district on the same basis as all other district students;
2. Parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the district may help such children realize the benefits of district programs and activities;
3. Parents and Indian tribes are consulted and involved in planning and developing such programs and activities;
4. Relevant applications, evaluations and program plans are disseminated to the parents and Indian tribes;
5. Parents and Indian tribes are afforded an opportunity to present their views to the district regarding the district's general educational program.

The policy will be reviewed annually and modified as needed.

Documentation demonstrating district compliance with the requirements of this policy and law will be maintained in the district office.

END OF POLICY

Legal Reference(s):

Every Student Succeeds Act, 20 U.S.C. § 7701-7714 (2012).
Special Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands, 34 C.F.R. §§ 222.90-222.122 (2017).

Corrected 5/15/23

Umatilla School District 6

Code: DDC
Adopted: 2/11/04
Orig. Code: DDC

Native American Education Program Grants

The district may submit a grant application for the purpose of receiving federal funds to support Native American Education Program efforts.

The application should include a description of the comprehensive program for meeting the language and cultural needs of Indian-Native American¹ children, that includes: ~~Programs and activities will be consistent with, and promote state and local improvement plans under applicable provisions of Title III of Goals 2000: Educate America Act.~~

1. How the program will offer programs and activities to meet the culturally related academic needs of Native American students;
2. Is consistent with the State, tribal and local plans;
3. Includes academic content and student academic achievement goals for identified children, and benchmarks for attaining goals that are based on the Oregon Department of Education's (ODE) academic standards and content and student academic achievement standards adopted under Title I for all students;
4. Explains how Federal, State and local programs, especially programs carried out under Title I, will meet the needs of Native American students;
5. Demonstrates how funds will be used for the activities described above;
6. Describes the professional development opportunities that will be provided, as needed, to ensure that:
 - a. Teachers and other school professionals who are new to the Native American community are prepared to work with Native American children; and
 - b. All teachers involved in programs are properly trained to carry out such programs; and
7. Describes how the district will:
 - a. Periodically assess the progress of all Native American children enrolled in district schools, including Native American children who do not participate in programs assisted;
 - b. Provide results of each assessment to the committee described below, to the community served by the district and to the Native American tribes whose children are served by the district; and
 - c. Provide communication of responses to findings of any previous assessments, similar to the assessments described above.

¹ Federal law uses the term "Indian."

8. Describes the process the district used to meaningfully collaborate with Native American tribe(s) located in the community in a timely, active and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

The district programs and activities ~~district's program~~ shall be developed in consultation with, and the written approval of a committee consisting of parents of ~~Indian~~ Native American children and teachers, and, when appropriate, Native American ~~Indian~~ students at the secondary level. A majority of committee members shall be parents of Native American ~~Indian~~ children.

~~The input of committee members and representatives of the area to be served shall be solicited in the hiring of district personnel charged with program over-site responsibilities and in subsequent program operation and evaluation.~~

~~The progress of the district's Indian children will be assessed periodically in accordance with grant application requirements. Results will be reported to the committee and community.~~

END OF POLICY

Legal Reference(s):

Every Student Succeeds Act, 20 U.S.C. §§ 7701-7714; 7421-7425 (2012).

Corrected 5/15/23

Umatilla School District 6

Code: DFA
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DFA

Investment of Funds

The Board may authorize the investment or reinvestment of funds which are not immediately needed for the operation of the district. Such investments will comply with State law and Oregon Administrative Rules.

The business manager will develop criteria for the appropriate investments of district funds. A progress report of investments will be made to the Board on a regular basis.

END OF POLICY

Legal Reference(s):

[ORS 294.033](#)
[ORS 294.035](#)

[ORS 294.125](#)
[ORS 294.135](#)

[ORS 294.145](#)
[ORS 294.155](#)

Corrected 5/15/23

Umatilla School District 6

Code: DFA-AR
Adopted: 2/11/04
Orig. Code: DFA-AR

Investment of Funds

These regulations are issued for the guidance of the portfolio manager in the day-to-day operation of the investment program.

These regulations apply to activities of the portfolio manager with regard to investing the financial assets of all excess funds of the district including the General Fund, Special Revenue Funds, Capital Project Funds, Internal Services Funds and any and all Trust and Agency Funds under the control and direction of the district.

The portfolio manager will routinely and actively monitor the contents of the investment portfolio, the available markets and the relative values of competing investments and will adjust the portfolio accordingly. The portfolio manager, acting in accordance with these procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported as soon as practical and that appropriate action is taken to control adverse developments.

All investments will be carried at cost. Gains or losses from investments will be credited or charged to investment income at the time of sale. Premiums or discounts on securities may be amortized over the life of the security.

Diversification of Maturity

1. The district shall attempt, to the maximum extent possible, to match investment maturity schedules with anticipated cash flow requirements. In no event, unless specifically matched to specific requirements such as bond sinking funds or reserves, will the district invest in securities having a maturity more than 18 months from the date of purchase.
2. Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs.
3. In determining the amount of excess funds available for investment purposes, the portfolio manager will maintain cash flow projections and schedules as well as a historical record of expenditures and receipts. These forecasts and schedules will be reviewed and updated as required to reflect actual conditions as they exist.

Qualified Institutions for Investment Purchases

1. The district shall evaluate each financial institution (as used herein, the term is meant to include brokers/dealers) from whom it purchases investments as to financial soundness at least once annually. Investigation may include review of the most recent Consolidated Report of Condition ("call" report), rating reports, financial statements as well as analysis of the particular institution's management, profitability, capitalization and asset quality.

2. Any financial institution with whom the district wishes to do business shall provide financial data at the request of the portfolio manager. The information will be reviewed by the portfolio manager who will decide on the soundness of the institution before adding that institution to those that are on the approved qualified institution list for the district. The district reserves the right to be selective and to add or delete institutions from the approved list at will.
3. The portfolio manager will maintain a qualified institution list. A financial institution must be on this approved list prior to transacting any business with the district. A basic requirement for inclusion on the approved listing is a capital adequacy ratio in excess of 120 percent (1.2 to 1).
4. All approved financial institutions must be chartered in Oregon and insured by the Federal Deposit Insurance Corporation (either the FDIC) or FSLIC.
5. Brokers or dealers not affiliated with a bank shall have offices located in Oregon, be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers, or be required to meet capital adequacy requirements.

Diversification of Instrument of Investment

1. The portfolio manager will diversify the investment portfolio to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual institutions or maturities.
2. Time certificates of deposit: In purchasing a time certificate of deposit (TCD), the portfolio manager will not invest an amount which is more than 10 percent of the total deposits of any single institution. As required by Oregon Revised Statutes, the portfolio manager will be responsible to ensure that a Certificate of Participation has been presented by the issuing institution to cover any outstanding TCD above the statutory level of insurance provided by FDIC/FSLIC. The district will always require full collateralization on all TCD investments.
3. Banker's acceptances: All banker's acceptances (BA's) will be purchased from an Oregon chartered financial institution.
4. Repurchase agreements: All repurchase agreements will be collateralized 110 percent by U.S. Government or Agency obligations. All collateral will be held by third party safekeeping. A signed repurchase agreement will be obtained from the issuing institution.
5. U.S. Treasury Obligations: No limits on purchase.
6. U.S. Government Agency Securities: No limits on purchases other than limit on concentration of 25 percent in any one type issue.
7. Local Government Investment Pool (LGIP): The LGIP limits investment to two accounts not to exceed the inflation-adjusted maximum under Oregon Revised Statute (ORS) 294.810 of \$30,630,000 each. Other than this limitation, there is no limit to the amount that can be invested in the pool, although the pool does not collateralize or deliver investment instruments.

8. ~~Diversification Guidelines:~~

~~Diversification by Instrument~~	~~Percent of Portfolio~~
~~(The district will consult ORS 294.035 when establishing limitations.)~~	
~~U.S. Treasury Obligations~~	~~100~~
~~(Bills, Notes, Bonds)~~	
~~U.S. Government Agencies~~	~~100~~
~~Banker's Acceptances~~	~~25*~~
~~Time Certificates of Deposit~~	~~75*~~
~~Repurchase Agreements~~	~~15*~~
~~State and Local Government Securities~~	~~25*~~
~~Local Government Investment Pool~~	~~100~~

~~*Suggested maximums. Limit not set in statute.~~

8. Diversification Guidelines: Investments will be consistent with statutory requirements under ORS 294.035 and Oregon Short Term Fund rules and recommendations.

Corrected 5/15/23

Umatilla School District 6

Code: DG
Adopted: 12/14/95
Readopted: 2/11/04
Orig. Code: DG

Depository of Funds

The Board will, at its annual organizational meeting or at other times deemed necessary by the Board, designate one or more banks that meet district, state and federal guidelines as official depositories for district funds.

~~The Board shall designate annually, at the organizational meeting, a bank or banks located in the district as a depository. All district funds and moneys shall be kept in such depository with the exception that district moneys for investment are to be placed with such depository paying the highest interest at the time of deposit. If the interest rates are equal then it will be deposited with the bank of record. Funds may be commingled in the depository as long as they are budgeted and accounted for separately.~~

END OF POLICY

Legal Reference(s):

[ORS 294.805](#) to -294.895

[ORS 328.441](#)

[ORS 328.445](#)

Corrected 5/15/23

Umatilla School District 6

Code: DGA
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DGA

Authorized Signatures

The Board will, at its annual organizational meeting ~~in July~~ or at other times deemed necessary by the Board, authorize the district clerk and/or deputy clerk ~~or other individuals designated by the superintendent~~ to sign district checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign district checks.

END OF POLICY

Legal Reference(s):

[ORS 294.120](#)

[ORS 328.441](#)

[ORS 328.445](#)

Corrected 5/15/23

Umatilla School District 6

Code: DH
Adopted: 12/14/95
Revised/Readopted: 2/11/04; 6/09/22
Orig. Code: DH

Loss Coverage

The Board and designated district employees are responsible to safeguard the district against loss regarding funds, fees, cash collections and inventory. The Board shall designate the district employees responsible as custodians of such items. The district shall purchase bond coverage or equivalent crime coverage in an amount determined by the Board, in consultation with the district's agent of record. The district will pay the cost of such coverage.

END OF POLICY

Legal Reference(s):

[ORS 328.441](#)

☐ [ORS 332.525](#)

☐ [OAR 581-022-2405](#)

Corrected 5/15/23

Umatilla School District 6

Code: DI
Adopted: 7/11/96
Revised/Readopted: 2/11/04
Orig. Code: DI

Fiscal Accounting and Reporting

Accounting procedures shall show a detailed and meaningful analysis of both receipts and expenditures. This analysis should be adequate for study and evaluation by the Board and school management administration, and will serve as a basis to make financial and related educational decisions, to formulate policies, plans for the future plans, to, safeguard public funds both the taxpayer and to school employee and ensure adequate financial accountability.

Payments on all district accounts, including the general fund and special accounts, shall operate according to established accounting procedures.

All cash received is to be properly receipted and. Money received shall be placed in a deposit.

The superintendent shall be the lawful custodial officer of all district funds and shall demand receipt for, and safely keep according to law, all bonds, mortgages, notes, moneys, effects, books and papers belonging to the district. Funds may be commingled in the depository so long as they are budgeted and accounted for separately.

From time-to-time, funds may become available to the district prior to the time they are needed to offset current expenditures. The custodial officer shall forward all such receipts to the Local Government Investment Pool or other investment instrument as authorized by the district's investment policies. Funds that are not currently needed for the operation of the district will be invested with the interest from these funds being credited to the same account as that to which the invested funds revert.

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) to -294.565

[OAR 581-023](#)-0035

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Corrected 5/15/23

Umatilla School District 6

Code: DIC
Adopted: 2/11/04
Orig. Code: DIC

Financial Reports and Statements

The Board will receive ~~and accept~~ monthly financial reports that include estimates of expenditures for the general fund in comparison to budget appropriations, actual receipts in comparison to budget estimates and the district's overall cash condition. Supplementary reports on other funds or accounts will be furnished upon request of the Board or superintendent.

The Board may receive a preaudit report from the ~~district's auditor~~ **business manager** recapping the year-end closure of financial statements prior to the annual audit.

Appropriate staff will be available at any Board meeting, upon the Board's request, to respond to questions and to present current financial information. The superintendent will notify the Board at any time of substantial deviations in the anticipated revenues and/or expenditures.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 294.311](#)

[ORS Chapter 297](#)

[ORS 328.465](#)

[ORS 332.105](#)

[OAR 162-010-0000 to -0330](#)

[OAR 162-040-0000 to -0160](#)

[OAR 581-023-0037](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Corrected 5/15/23

Umatilla School District 6

Code: DID
Adopted: 2/11/04
Orig. Code: DID

Property Inventories

The district will maintain an inventory of all fixed assets in accordance with governmental accounting standards. The district's inventory will be updated ~~annually~~ to include property newly purchased and disposed.

Fixed assets includes all district-owned property such as land, buildings, improvements to property other than buildings (i.e., parking lots, athletic fields, playgrounds, etc.) and equipment with a value greater than \$5,000 as defined by the *Program Budget and Accounting Manual*, published by the Oregon Department of Education.

Other district supplies with a value greater than \$200 will be included as part of the district's annual inventory. Current records shall be maintained for the receipt, distribution/disposal and inventory of commodity foods as required by federal law.

The Board may authorize the employment of an appraisal company to assist with the inventory procedure.

END OF POLICY

Legal Reference(s):

[ORS 332.155](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Corrected 5/15/23

Umatilla School District 6

Code: DIE
Adopted: 3/19/98
Revised/Readopted: 2/11/04
Orig. Code: DIE

Audits

An audit of all district accounts will be made annually by an accountant selected by the Board from the roster of authorized municipal accountants maintained by the Oregon Board of Accountancy. The audit examination will be conducted in accordance with minimum auditing standards established by the Secretary of State.

Every three years the Board will review the contract with the audit firm and, if necessary, solicit request for proposals from authorized municipal accountants.

~~The annual audit of the books and accounts will include all funds under the district's control including, but not limited to: General Fund, Federal Funds, Child Nutrition Fund, Student Body Funds, Trust Accounts, Debt Services Funds and Capital Project Funds and those factors that are used to compute the district's State School Fund distribution.~~

The cost of the audit will be a charge against district funds.

A copy of the audit report will be presented to the Board. The superintendent will submit a copy of the audit report to the Oregon Department of Education and to the Oregon Secretary of State, Audit Division.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS Chapter 297](#)

[ORS 327.137](#)

[ORS 328.465](#)

[OAR 162-010-0020\(11\)](#)

[OAR 581-023-0037](#)

Corrected 5/15/23

Umatilla School District 6

Code: DJ
Adopted: 7/11/06
Orig. Code: DJ

District Purchasing

The function of district purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used in the various schools and their subdivisions will be standardized ~~and be whenever~~ consistent with educational goals and in the interest of efficiency or economy.

The business manager is appointed by the Board to serve as purchasing agent. ~~They~~~~He/She~~ will be responsible for developing and administering the district's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget, ~~or by Board action and/or Board policy~~. In all cases calling for the expenditure of district money, except ~~payroll~~~~payrolls~~, a requisition and purchase order system must be used.

No purchase with the exception of a petty cash purchase will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made ~~with an~~~~on~~ approved purchase order~~orders~~.

The superintendent or designee is authorized to enter into and approve payment on contracts obligating district funds not to exceed \$150,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by district employees, such as custodial, food service and transportation services.

The business manager will review bills due and payable for the purchase of supplies and services to determine if they are within ~~current budget appropriations~~~~amounts~~. After ~~appropriate administrative~~ review, the business manager will direct payment of the just claims against the district. The superintendent and business manager are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this district shall use or attempt to use ~~their~~~~his/her~~ official position to obtain financial gain or for avoidance of financial detriment for ~~themselves~~~~himself/herself~~, a relative or a member of their household, or for any business with which the Board member, ~~or a relative or member of household~~ is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the district by any Board member, officer or employee of the district is prohibited

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

[ORS Chapters 279, 279A, 279B, 279C](#)
[ORS 294.311](#)

[ORS 328.441 to -328.470](#)
[ORS 332.075](#)

[OAR 125-055-0040](#)

Corrected 5/15/23

Umatilla School District 6

Code: DJ-AR
Adopted: 10/10/96
Readopted: 2/11/04
Orig. Code: DJ-AR

~~Purchasing Procedure~~ Expenditure of District Funds

The district recognizes there may be occasions when it is appropriate for Board members, administrators and others to expend district funds in the course of conducting district business to provide meals or refreshments (i.e., bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The purchase of gifts may also be approved in certain situations. Such occasions may include, but are not limited to, various district and building level meetings, gatherings to celebrate district successes or recognize individual achievements, contributions or outstanding service to the district and other district and school-sponsored activities. Such expenditures may be made with prior superintendent approval only, subject to the provisions of this administrative regulation.

The use of district funds, as used in this regulation, means the use of money in any of the general accounts of the district. This includes the General Fund, Food Service Fund and others. It also includes money in student body accounts held at each school that are derived from any student activity or from parent organizations. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that buildings may have established a “social fund” or “sunshine fund” to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Meals and Refreshments

District funds may be used to pay for individual or group meals only if official district business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the district to recognize the contributions of staff, through retirement dinners or other recognition events;
2. Meals may be provided by the district as a part of Board or administrative work sessions, at district or building-level committee meetings or other district-approved activities.

Meals not directly business related may be provided to staff or others at the individual’s expense only.

Board members, principals and other district administrative staff may use district funds to provide refreshments for staff, parents or others at meetings, in-service programs or other similar district or school-sponsored activities, subject to the following additional requirements:

1. The purchase of alcoholic beverages with district funds is strictly prohibited;
2. The use of district funds for parties is prohibited.

Gifts

There are numerous occasions that may arise whereby Board members, administrators or other district staff may feel the need to recognize employees (i.e., Administrative Professional's Day, teacher appreciation week, classified employees' week, birthday, etc.). A Board member, administrator or other district employee may provide such recognition at their expense only, unless as otherwise permitted below:

1. The district may provide a small token of appreciation for a Board member's or employee's retirement and years of service and other related activities utilizing district funds, as approved in advance. For example, the Board generally proclaims special recognition for classified employees' week and teacher appreciation week;
2. Administrators may use district funds to provide an appropriate token of appreciation on behalf of the Board. The value of this item may not exceed \$50 per person;
3. No other expenditure of district funds for gifts is permitted without prior authorization from the Board or superintendent.

Purchasing Procedure

The following purchasing procedures will be followed. All staff members will have access to purchase requisition forms and quote sheets. Purchases for their department will be requested via the use of the forms and **all** information needed to process the order attached. Incomplete purchase orders will be returned.

1. The staff member will complete the purchase order with the following:
 - a. Vendor name and address;
 - b. Quote sheet;
 - c. Catalog numbers and/or description of merchandise;
 - d. Prices - per item and total;
 - e. Shipping/Handling fees;
 - f. Account to be charged;
 - g. Staff member signature;
 - h. Requisition shall then be submitted to the supervisor.
2. The supervisor will:
 - a. Check to make sure all needed data are attached;
 - b. Verify the request is budgeted and funds are available;
 - c. Approve or disapprove the requisition;
 - d. Issue purchase order with shipping instructions; (initial line 14 for approval or attach signed requisition, if preferred);
 - e. Send purchase order (with requisition attached if there is one) to district office for assignment of purchase order number, signature, encumbrance and mailing;
 - f. Obtain administrator's signature.

3. The purchasing/internal control clerk will:
 - a. Check account for availability of funds;
 - b. Assign a purchase order number;
 - c. Obtain a signature of authorization of business manager or superintendent;
 - d. Encumber the account for the amount of the purchase order;
 - e. Mail white copy of purchase order to vendor;
 - f. Return blue and yellow copies of purchase order to building;
 - g. Retain pink and goldenrod copies for encumbrance and payment.
4. Upon receipt of merchandise, the requestor will:
 - a. Sign and date the packing slip, invoice and/or other forms;
 - b. Note any discrepancies;
 - c. Return forms to supervisor.
5. The supervisor will:
 - a. Note whether or not all items were received in good condition;
 - b. Note whether or not the amount invoiced is the same as when ordered;
 - c. Will forward all forms to the district office for payment.
6. The purchasing/internal control clerk will:
 - a. Recalculate invoice figures, attach the approved invoice to the pink copy of the purchase order along with any other related forms and will enter data to initiate payment of the purchase order;
 - b. When checks have been processed, the purchasing clerk will confirm the check amount, prepare the checks for mailing and present them to the business manager for signature.
7. In the event of an emergency, supervisory personnel may obtain verbal approval from the superintendent or business manager to make purchases. Paperwork **must** immediately follow such requests.

Quoting Procedures

If three quotes are not available, a written record must be retained describing the effort made to acquire at least three and why they were not available. It shall be the responsibility of the building principal/supervisor or designee to obtain quotations which will accompany purchase requisitions.

The following procedures shall be used:

1. Secure quotes from appropriate local suppliers when possible;
2. Be uniform when asking for prices:
 - a. Always indicate quantity; and
 - b. Whether the price requested is just for budgeting purposes; or
 - c. Is a quote for an immediate purchase.

3. If there is any question whether the item should be bid, even though the amount is under \$25,000, contact the business manager;
4. If there is the possibility that another staff member might have asked for quotes on the same or similar item recently, contact the internal control/purchasing clerk or business manager.

Exceptions to Standard Purchasing Procedure

ESD Cooperative Purchasing is the preferred vendor for certain supplies and/or equipment and should be consulted prior to making purchases. Items available include paper, office supplies, AV equipment, food and cleaning materials.

The purchasing clerk will send each supervisor a copy of the order form when it has been received from the ESD (usually January). Supervisors will consider the supplies on hand, the amounts needed for the following year and will return the order form to the purchasing clerk. The order will be combined with orders from the other schools and the district office and forwarded to the ESD.

Open Purchase Orders

Maintenance and operations department, food service department and laboratory classes have authorization to maintain a limited number of “open” purchase orders with local vendors not to exceed \$500 of purchases per month. All other purchases are to follow the standard procedure.

Petty Cash Funds

The maintenance and food services departments and the school offices will maintain a petty cash fund for purchases of supplies and materials for emergency use (i.e., time constraints) or for an amount less than \$25. Petty cash will not be used to thwart or circumvent established purchasing procedures. It is a convenient accommodation to facilitate immediate acquisition of low-cost goods and services in an efficient manner.

Other

Monthly utility bills, bus contracts, teleprocessing charges, consulting fees, leases, monthly maintenance contracts, etc., will not require purchase orders.

Corrected 5/15/23

Umatilla School District 6

Code: DJC
Adopted: 7/11/06
Revised/Readopted: 2/11/10; 11/19/15; 3/10/22
Orig. Code: DJC

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. All public contracts shall be invited in accordance with applicable competitive procurement provisions of the Oregon Revised Statutes and the adopted public contracting rules.

The Board, acting as its own LCRB, adopts the *Oregon Attorney General's Model Public Contract Rules*, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049 in effect at the time this policy is adopted.

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

The Board may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

The Board, acting as the LCRB, may enact a resolution that authorizes the district to designate a public improvement as a community benefit contract per the requirements included in ORS 279C.300 to 279C.470.

Procurements for services estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

END OF POLICY

Legal Reference(s):

ORS Chapters [279](#), [279A](#), [279B](#) and [279C](#) [OAR Chapter 125](#), Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

Corrected 5/15/23

Umatilla School District 6

Code: DJC-AR
Revised/Reviewed: 8/12/10
Orig. Code: DJC-AR

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
 - c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

- (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$105,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids, or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065, or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. Advertising Contracts, Purchase of

- a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$105,000 and a competitive method is used, the district must post notice on the [OregonBuys.gov](https://www.OregonBuys.gov). ~~Oregon Procurement Information Network (ORPIN).~~

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;

- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul

- a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, ~~they~~ ^{he/she} shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by ~~an~~ special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the

district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district, A, a savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled

by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within ~~seven~~7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open

until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

¹ OregonBuys.gov The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuysORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.
- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is ~~let~~ by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements ~~contract~~ entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into a requirements ~~contract~~ contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements ~~contract~~ contracts as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- d. The district limits the term of a requirements ~~contract~~ contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements

contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district’s needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does ~~become~~~~be come~~ available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract [and LCRB] Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.

- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, “Or Equal,” Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General’s Model Public Contract [and LCRB] Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district’s needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition; ~~and~~
 - ~~(4) Be advertised in accordance with applicable provisions of the public contracting code.~~

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$105,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:

- (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Umatilla County;

- (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as ~~an~~ RFP.
- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under Aa.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material

- removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these ~~situations~~situation, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) ~~Online~~On-line ordering systems;
 - (8) Price adjustments;
 - (9) ~~Product~~Produce availability;
 - (10) Product quality; ~~or~~

- (11) Reporting requirements; or
- (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it ~~needs~~ need to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

- 1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
- 2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137125, Divisions 46246 through 49249.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

~~The findings required to justify each exemption include information regarding: (1) operational, budget and financial data; (2) public benefits; (3) value engineering; (4) specialized expertise required; (5) public safety; (6) market conditions; (7) technical complexity; and (8) funding sources. Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.~~

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

3. How many persons are available to bid;
4. The construction budget and the projected operating costs for the completed public improvements;
5. Public benefits that may result from granting the exemption;
6. Whether value engineering techniques may decrease the cost of the public improvement;
7. The cost and availability of specialized expertise that is necessary for the public improvement;
8. Any likely increases in public safety;
9. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
10. Whether granting the exemption will affect the sources of funding for the public improvement;
11. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
12. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
13. Whether the public improvements involves new construction or renovates or remodels an existing structure;
14. Whether the public improvement will be occupied or unoccupied during construction;
15. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
16. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335~~355~~.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.

- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district’s findings of current market research to support the determination that the product is available from only one seller or source. The district’s findings shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
 - (1) If the total purchase is over \$105,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial

advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.

- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within ~~7~~seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs, and this is documented by a written interagency agreement between the district and the agency.

³ The OregonBuys.gov The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys.ORG members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools~~school~~, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of a requirements ~~contract~~contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390~~279.380~~ if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390~~279.380~~ are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of ~~an~~ RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. ~~These~~ This criteria, ensures that competitive means will be used, and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption is not intended to be used for construction manager/general contractor (CM/GC) CM/GC projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

Corrected 5/15/23

Umatilla School District 6

Code: DJCA
Adopted: 7/11/06
Orig. Code: DJCA

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by Oregon Revised Statute (ORS) 279A.055. "Personal services contracts," as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$150,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#) [ORS 332.107](#) [OAR 459-010-0030](#)
[ORS Chapters 279A, 279B and 279C](#) [ORS 670.600](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

Corrected 5/15/23

Umatilla School District 6

Code: DJCA-AR
Adopted: 7/11/06
Orig. Code: DJCA-AR

Personal Services Contracts

1. Personal Services Contracts Defined

- a. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to Oregon Revised Statute (ORS) 279A.055. Personal services include, but are not limited to, the following:
 - (1) Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 - (2) Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 - (3) Contracts for services that are specialized, creative and research oriented;
 - (4) Contracts for services as a consultant;
 - (5) Contracts for educational consulting services.
- b. Personal services contracts may include: (1) public contracts for architectural, engineering ~~and~~ land surveying and related services; or (2) other public contracts for nonconstruction services.

2. Eligibility

The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules Oregon Administrative Rule (OAR) OAR 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

- a. State requirements¹:
 - (1) The contractor must be free from the direction and the control of the employer;
 - (2) The contractor must obtain required business licenses;
 - (3) The contractor must furnish necessary tools and equipment;
 - (4) The contractor has authority to hire and fire employees;
 - (5) The contractor is paid on completion of portions of projects or on a retainer basis;
 - (6) The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
 - (7) The contractor must file appropriate business tax returns;
 - (8) The contractor must represent to the public that the labor or services are provided by an independent business.

¹ See ORS 670.600 for complete listing.

b. PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- (1) Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- (2) Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- (3) Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- (4) Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- (5) Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- (6) Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- (7) Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set ~~their~~^{his/her} own work hours;
- (8) Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom ~~they choose~~^{he/she chooses};
- (9) Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- (10) Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- (11) Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- (12) Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- (13) Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- (14) Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- (15) Significant investment. An independent contractor has a significant investment in the facilities ~~they use~~^{he/she uses} in performing services for someone else;
- (16) Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- (17) Working for more than one employer at a time. An independent contractor is generally free to provide ~~their~~^{his/her} services to two or more unrelated persons or firms at the same time;

- (18) Making service available to general public. An independent contractor makes ~~their/his/her~~ services available to the general public;
- (19) Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as ~~they produce/he/she produces~~ a result that meets the specifications of the contract;
- (20) Right to terminate. An employee can quit ~~their/his/her~~ job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

c. IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- (1) Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- (2) Financial control. A worker is an independent contractor if ~~they/he/she~~ can realize a profit or incur a loss. The individual may also be an independent contractor if ~~they are/he/she is~~ not reimbursed for some or all business expenses, especially if those expenses are high or if ~~they have/he/she has~~ a significant investment in ~~their/his/her~~ work;
- (3) Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

3. Personal Services Contracts - Procurement Requirements

- a. Contracts for personal services less than \$25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- b. Contracts for personal services greater than \$25,000 that do not exceed \$75,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- c. Contracts for personal services greater than \$75,000 shall be based on written solicitations, request for qualifications, or the ~~request for proposal (RFP)~~ process.
- d. The district may enter into a personal services contract when the amount of the services does not exceed \$150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - (c) That the goods or services are for use in a pilot or an experimental project; or

- (d) Other findings that support the conclusion that the goods or services are available from only one source.
- e. If the cost of the services is more than \$150,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
 - (1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - (2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the Board, whose decision shall be final.

4. ITB/RFP Requirements

- a. An invitation to bid (ITB) or ~~(RFP)~~ will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;
 - (d) A time, date and place that prequalified applications, if any, must be ~~filed~~ ~~filed~~ and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - (f) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;

- (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - (h) All contractual terms and conditions applicable to the procurement.
- (2) Requirements for solicitation documents under OAR 137-047-0255 (2) and OAR 137-047-0260 (2):
- (a) General Information-
 - (i) Notice of any pre-offer conferences as follows:
 - 1) The time, date and location of any pre-offer conferences; ~~and~~
 - 2) Whether attendance at the conference will be mandatory or voluntary; and
 - 3) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;
 - (ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);
 - (iii) The time, date and place of opening;
 - (iv) The office where the solicitation document may be reviewed;
 - (v) For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120 (1);
 - (vi) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
 - (vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.
 - (b) Contracting Agency Need-

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.
 - (c) Bid/Proposal and Evaluation Process-
 - (i) The anticipated solicitation schedule, deadlines, protest process; and evaluation process;
 - (ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements ~~of~~ ORS 279B.060 (2)(h)(E).
 - (iii) If the contracting agency intends to award contracts to more than one ~~proposer~~ ~~proposer~~ pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.
 - (d) Applicable preferences described in ORS 279A.125 (2) and 282.210.

- (e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
 - (f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.
- d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
- e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - (1) Where, when, how; and for how long the solicitation document may be obtained;
 - (2) A general description of the goods or services to be acquired;
 - (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;
 - (5) The office where contract terms, conditions and specifications may be reviewed;
 - (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
 - (7) The scheduled opening; and
 - (8) Any other information the contracting agency deems appropriate.

5. Screening and Selection Procedures

- a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.
- b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;
 - (2) A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;

² A contracting agency should review carefully the offeror's record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the offeror took

- (3) A satisfactory record of integrity.³ The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - (4) Qualified legally to contract with the contracting agency;
 - (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
 - (6) Not been debarred by the contracting agency under ORS 279B.130.
- c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
 - d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

7. Fingerprinting

If the scope of the work performed by a contractor(s) or ~~their~~his/her employee(s) may result in direct, unsupervised contact with students, ~~they~~he/she will be required to submit to fingerprinting and criminal records checks as required by law.

8. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

Corrected 5/15/23

appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

³ A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

Umatilla School District 6

Code: DK
Adopted: 2/11/04
Orig. Code: DK

Payment Procedures

All claims for payment from district funds will be processed by the business manager in conformance with district procedures. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or in accordance with salaries and salary schedules approved by the Board.

The business manager will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated in the budget.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[ORS 328.460](#)

Corrected 5/15/23

[Date] [Initials]

Payment Procedures – DK

Umatilla School District 6

Code: DL
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DL

Payroll

All records required for payroll preparations will be maintained in the district office. The preparation of payrolls for all classes of employees of the district will be ~~under the supervision and direction of the superintendent/clerk and~~ in accordance with each employee's collective bargaining agreement/group agreement with the district. Employee health, accident, dental and other types of insurance may be purchased on behalf of district employees, subject to the terms of the employee's employment with the district. Mandatory payroll deductions will be withheld as required by state and federal law.

Time sheets and authorizations for payment shall be submitted by principals and supervisors on the dates requested by the district office.

No other automatic deductions except those required by law will be made from an employee's pay without authorization of the Board.

Regular monthly payroll will be issued according to the applicable collective bargaining agreements. Confidential and nonrepresented employees will follow the licensed association pay dates. A change to this schedule must be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(10\), \(16\)](#)
[ORS 243.666](#)
[ORS 243.820 to -243.830](#)

[ORS 332.505](#)
[ORS 332.534](#)
[ORS 652.110](#)

[ORS 652.120](#)
[ORS 652.610](#)

Corrected 5/15/23

Umatilla School District 6

Code: DLB
Adopted: 2/11/99
Revised/Readopted: 2/11/04
Orig. Code: DLB

Salary Deductions

Authorized payroll deductions will be made upon an appropriately submitted written request from the employee.

Subject to standard accounting procedures, employees may authorize modification of their salary or withholdings to include deductions such as:

1. Tax-sheltered annuities (TSA), as authorized by the Internal Revenue Service and approved by the Board. ~~A minimum of 10 employees are required by a TSA to receive Board approval. Existing TSA options that fall below the 10 required members will have 5 years to come into compliance or face loss of approval;~~
2. Insurance premiums in excess of district contributions to Board-approved programs;
3. Labor organization dues (or Fair Share); and
4. ~~Credit unions;~~
5. ~~United Way;~~
- 6.4. CARE Other deductions approved by the Board.

The district will comply with federal requirements that establish maximum annual TSA allowable contributions. The district reserves the right to reduce, suspend and/or reinstate employee TSA contributions at any time to ensure compliance with applicable law.

Automatic deductions, except those required by law, will not be made from an employee's pay without Board authorization.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(10\), \(16\)](#)
[ORS 243.666](#)

[ORS 332.505](#)
[ORS 652.110](#)

[ORS 652.120](#)
[ORS 652.610](#)

I.R.C. 26 U.S.C. § 403 (2012).
29 C.F.R. § 541.603 (2016).

Corrected 5/15/23

Umatilla School District 6

Code: DLC
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DLC

Expense Reimbursements

The Board recognizes that certain expenses are incurred by district will reimburse employees for in carrying out authorized expenses incurred for professional growth and/or job requirements in accordance with administrative regulations developed by duties. The Board approves the superintendent reimbursement of such necessary and reasonable expenditures as outlined in the employee contracts and consistent with Internal Revenue Service requirements.

All approval and reimbursement procedures must be followed prior to reimbursement.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 332.107](#)

[OAR 581-022-2260](#)

I.R.C. § 162 (2006); Business Expenses, 26 C.F.R. 1.162-1 (2006).

INTERNAL REVENUE SERVICE, PUBLICATION 463: TRAVEL, ENTERTAINMENT, GIFT AND CAR EXPENSES.

Corrected 5/15/23

Umatilla School District 6

Code: DLC-AR
Revised/Reviewed:

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for district business purposes and directly attributable to it will be reimbursed. As used in this regulation an “ordinary” expense means one that is common and accepted in the profession; a “necessary” expense means one that is essential and appropriate in order to conduct district business. Reimbursement procedures established by the district will also apply to Board members traveling on district business, as applicable.

In-District Travel – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting district business that requires travel within district boundaries.
2. Private vehicles may be used in conducting district business only with prior approval. In-district travel approval may be granted by the for individual trips or by blanket approval, as deemed appropriate.
3. Travel in a private vehicle for the purpose of conducting district business may be approved when:
 - a. A district vehicle is not available;
 - b. The destination is not conveniently accessible by commercial carrier;
 - c. Various points must be visited and commercial carrier schedules are such that the use of commercial carrier transportation is not practical;
 - d. Carrying articles by commercial carrier would not be feasible;
 - e. Commercial travel is deemed to be less economical.

Out-of-District Travel (In-state) – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting approved district business that requires in-state travel outside district boundaries.
2. Private vehicles may be used only with prior approval from the superintendent, principal or supervisor.

Out-of-State Travel

Out-of-state travel requires prior approval from the superintendent.

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct district business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.
2. The responsibility of the district for damages resulting from vehicle accidents is not the same as set forth in the district's general liability insurance policy. The employee's insurance coverage provides primary coverage when the employee is driving the employee's own vehicle on approved district business.
3. All district employees operating private vehicles on approved district business are required to complete and maintain on file with the district verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required prior to any district approval to conduct district business in a private vehicle. Employees are required to update their verification of vehicle liability information maintained on file with the district upon **any** change in the employee's vehicle insurance coverage.

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for district business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the district. See **Expense Reimbursement Request and Accounting Procedures** below.
2. Expenses in excess of the district's established limit are ordinarily the responsibility of the employee and may be reimbursed only with approval from the superintendent. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$50. The travel advance may be requested by completing the form provided by the district.
2. The cost of commercial travel tickets will not be included in a cash advance request.
3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a district-provided credit card.
4. At least 15 working days are required for processing an advance check after the approved request is received by the business office.
5. Only one cash advance may be outstanding to any employee at any time.

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the district.
2. Each employee is responsible for making their own reservations by obtaining a purchase order number from the business office and furnishing that number to the local travel agency or commercial carrier.
3. Individuals traveling on approved district business by a carrier offering travel credits (i.e., frequent flyer mileage, etc.) are required to account for credits received and may use the credits for future approved district travel purposes only.

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.
2. Rental of a compact vehicle is recommended when suitable for approved district business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee the compact rate in all owned stations and in most licensee stations, which means that if a reservation for a compact vehicle is accepted and one is not available, a standard-sized vehicle will be substituted at the compact rate.
3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. Employees will be informed if the district carries the rental car endorsement as part of its insurance coverage. In the event the district does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is the employee's responsibility to call the travel agency or carrier and arrange to have the tickets cancelled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.
4. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the business office immediately.

Personal Travel Combined with District Business Travel

1. If an individual traveling on approved district business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are ordinary and necessary in the conduct of district business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.
2. When personal travel is combined with approved district business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.
3. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.
4. Vacation or other personal leave may be taken in conjunction with approved district travel subject to the following:
 - a. Time delays related to approved district business are charged as working time even if no work is performed;
 - b. If the employee travels by less than the most cost-effective manner, as determined by the district, for approved district business or for personal travel combined with travel for district business purposes, the employee must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
 - c. All subsistence and local transportation (e.g., taxi, vehicle fare) while on vacation status or other appropriate leave must be paid by the employee;
 - d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved district business, even though the traveler spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved district business;
 - e. A traveler who decides on their own to conduct district business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the district pay basic transportation cost from the district to the location visited, or submit a request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the district's travel expense form and approved by the superintendent in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the district office within 10 working days of the conclusion of the trip.
 - a. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the business office with the report.
 - b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within 30 working days after the approved travel expense report is received by the business office.

2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes:
 - a. Names of guests;
 - b. Organizations involved;
 - c. Full explanation of the district business purpose of the meeting.
3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil which have been deducted from the rental charge by the rental agency must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than 90 calendar days of incurring the expense. Reimbursement claims later than 90 calendar days of the expense will be denied.
5. Mileage for approved district business travel in a private vehicle will be reimbursed at the current rate per mile established by the district, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. Meal expenses for approved district business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved district business purposes in which district business is conducted with at least one or more other persons or that is incurred on approved district business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform assigned duties, as defined by the IRS, will not be reportable as income to the employee.
7. In the event the total of the amount charged to, and/or received from, the district by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

1. The district may establish a daily per diem rate that covers all meal expenses.
2. Gratuities must not exceed 20 percent and must be included as a part of the receipt. Gratuities in excess of 20 percent are the responsibility of the employee and will not be reimbursed by the district.
3. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of trip or circumstances demand.
4. Mileage reimbursement for actual miles traveled on district business, may be approved subject to the following limitations:
 - a. In-district mileage reimbursement will not be granted to an employee, other than a district-approved tutor, for traveling from the employee's residence to the place where work begins for the day or for returning home from the last place worked during the day;

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- b. Reimbursement will be made only for those miles actually traveled in the course of completing approved district business. When chauffeured, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
 - c. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;
 - d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
 - e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage** above.
5. Lodging will be reimbursed at reasonable commercial rates.
6. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the district's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the district.

Corrected 5/15/23

Umatilla School District 6

Code: DN
Adopted: 12/14/95
Revised/Readopted: 2/11/04
Orig. Code: DN

Disposal of District Property

School equipment or property not needed for educational purposes, or is no longer useful to the district, too costly to repair or obsolete, may be declared surplus and disposed of by the superintendent with the approval of the Board.

Generally those items of any significant value will be advertised for sale to the public by a bidding procedure. If reasonable attempts to dispose of surplus properties fail to produce a monetary return to the district, the Board may dispose of them in another manner. Items of an insignificant value may be disposed of or discarded at the discretion of the superintendent.

In cases of surplus real estate, disposition shall be in accordance with state law.

If the district property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#) [ORS Chapters 279A, 279B and 279C](#) [ORS 332.155](#)

EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32(e)

Corrected 5/15/23

Umatilla School District 6

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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.

Umatilla School District 6

Code: EA
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: EA

Support Services Goals

Through support services operations, the Board intends to:

1. Ensure proper operation and maintenance of district buildings, vehicles, equipment and services; set high standards of safety; promote and protect the health of students and staff; and support the efforts of staff to provide good instruction;
2. Encourage, through the superintendent and staff, the establishment of procedures for managing buildings and grounds, office equipment, vehicles, supplies and the food program;
3. Encourage the establishment of a maintenance program, including preventive maintenance, that will ensure a maximum useful life of district property, vehicles, buildings and equipment;
4. Encourage adherence to generally accepted management principles and to applicable laws and regulations.

END OF POLICY

Legal Reference(s):

[OAR 437-001](#)-0760
[OAR 437-002](#)-0020 to -0081
[OAR 437-002](#)-0260 to -0268

[OAR 437-002](#)-0360
[OAR 437-002](#)-0377
[OAR 581-022](#)-0705

[OAR 581-022](#)-1420
[OAR 581-022](#)-1530
[OAR 581-022](#)-1610

Corrected 5/15/23

Umatilla School District 6

Code: EB
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: EB

Safety Program

Safe buildings, grounds and equipment will be maintained in order to prevent accidents or injury to students, employees and others from fire, natural disasters, hazardous materials, mechanical and electrical malfunction and other hazards.

Buildings will be planned, constructed, equipped and maintained in accordance with appropriate local, state and federal safety regulations.

Buildings will be provided with alarm systems, fire extinguishers and other safety devices required by state and federal laws and regulations.

The superintendent will develop and implement a safety program which will include, but not be limited to, compliance with and enforcement of all state and federal laws, rules and regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 654.003 to -654.022](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0081](#)
[OAR 437-002-0100](#)
[OAR 437-002-0140](#)

[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)
[OAR 437-002-0260 to -0268](#)
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[OAR 437-002-0368](#)
[OAR 437-002-0377](#)

[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-2030](#)
[OAR 581-022-2225](#)
[OAR 581-022-2250](#)

Fazzolari v. Portland Sch. Dist. No. 1J, 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2006); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2006).

Corrected 5/15/23

Umatilla School District 6

Code: EBAC
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: EBAC

Safety Committee

Safety committees shall be established to implement the district's safety program as part of an ongoing effort to help ensure the safety of students, staff and others while on district property.

The maintenance supervisor will coordinate the district's safety committee efforts and maintain all necessary records.

The superintendent or designee will develop administrative regulations as may be necessary to implement this policy and meet the applicable Oregon Occupational Safety and Health Division requirements.

END OF POLICY

Legal Reference(s):

[ORS 654.176](#)
[ORS 654.182](#)

[OAR 437-001](#)-0765
[OAR 581-022](#)-2225(7)

Corrected 5/15/23

Umatilla School District 6

Code: EBAC-AR
Adopted: 3/14/96
Revised/Readopted: 2/11/04
Orig. Code: EBAC-AR

Safety Committees

District Safety Officer

The superintendent shall designate a district safety officer. The safety officer shall:

1. Establish a district safety committee, ~~advisory~~ to advise the safety officer on implementing, ~~to implement~~ and monitoring the district's safety program.;
2. Be responsible for writing and implementing a district safety program (The written program shall include reporting procedures and in-service safety training program.);
3. Coordinate all matters relating to safety and shall make, or cause to be made, periodic inspections of sites and review with the site safety manager the status of record keeping, reports and meeting agendas.;
4. Maintain a liaison relationship with applicable agencies outside the district.;
5. Assist all administrators and department supervisors; as necessary; in the preparation and implementation of their site safety programs.;
6. Maintain the accident record system; make necessary reports, personally investigate fatal, serious and potentially serious accidents; and check corrective action taken by teachers or other personnel to eliminate causes of accidents.;
7. Establish specific goals for the district's safety program and evaluate goals and accomplishments on a regular basis.

District Safety Committee

A district safety committee ~~may~~ shall be established by the district's safety officer. The primary functions of this committee shall be to assist the district safety officer in planning, implementing and evaluating a comprehensive district safety program and to assist the site safety committees in the coordination of district safety activities. Reasonable efforts shall be made to ensure that committee members are representative of the district's various sites where employees work and students and patrons of the district may gather. This committee shall be chaired by the district safety officer. This committee shall meet at least three times each year. The members of the committee may change; but it shall include ~~at least~~ ~~at least~~ the following employee categories:

1. The district safety officer/maintenance supervisor;
2. The food service supervisor;

3. One middle school representative;
4. One high school representative;
5. One administrator;
6. One classified staff member;
7. One licensed staff member.
8. Representatives from appropriate agencies when there is a need (e.g. workers' compensation carrier, district insurance agent of record).

The committee composition will be, at all times, representative of all district operations.

Site Safety Committees

Site safety committees shall be established at the district office, each school site and such other locations as deemed appropriate by the superintendent to represent the safety and health concerns of district employees and students.

A The site safety committee shall be composed of an equal number of employer and employee representatives at the site. When agreed upon by employees and the district, the number of employees on the committee may be greater than the number of district representatives. The committee will consist of no fewer than 4 members for districts with more than 20 employees.

A reasonable attempt will be made to ensure that committee members represent major work activities (i.e., teacher, custodian, food service worker, administrator).

Employee representatives shall be volunteers or elected by their peers unless there is a provision in the collective bargaining agreement that addresses the selection of employee representatives. Members of the committee shall serve at least a continuous one-year term. Terms shall be staggered to provide continuity. There shall be a chairman elected by the site safety committee.

Employee representatives attending safety committee meetings outside regularly scheduled workday shall be compensated by the employer at the regular hourly wage.

The site safety committee will:

1. Hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from site safety committee meetings if more frequent safety inspections are conducted. Quarterly safety committee meetings may be substituted for monthly meetings when the committee's sole area of responsibility involves low hazard work environments such as the district office;
2. Provide written agendas for each meeting which shall set the order of business;
3. Make written records of each meeting which the district shall review and maintain for three years for inspection;

4. Post and send copies of meeting records to committee members;
5. Assist in creating a hazard-free work environment by:
 - a. Recommending to the district how to eliminate hazards in the workplace and promoting employee adherence to safe work practices; and
 - b. Using lines of communications to promote cooperative attitudes between all persons involved in the operations of the workplace.

Duties of the site safety committee will include:

1. Establishing procedures for minimum quarterly workplace safety inspections of a safety committee inspection team to locate and identify safety and health hazards. The safety inspection team shall include employer and employee representatives. The team shall document the location and identity of the hazards and make recommendations as to how and when the hazards will be corrected;
2. Establishing procedures for investigating all significant safety-related incidents including injury accidents, illnesses and deaths for the purpose of recommending corrective action necessary to prevent similar events from recurring;
3. Evaluating district/employer policies which may affect safety and health in the workplace and making recommendations for changes to existing policies or adoption of new policies;
4. Evaluating all the accident and illness prevention programs brought to the committee's attention and making recommendations necessary to make the programs more applicable to the workplace;
5. Establishing a system whereby the safety committee can obtain information that would help in creating a hazard-free work environment, directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting;
6. Establishing procedures for the review of all safety and health inspection reports made by the committee and making necessary recommendations;
7. Establishing procedures for the review of corrective action taken on the committee's recommendations or determining the reasons why no corrective action was taken;
8. Making all reports, evaluations and recommendations of the safety committee a part of the minutes of the safety committee; and
9. Evaluating employee/supervisor training needs.

Degree of Authority

A The site safety committee is authorized to make written suggestions to the district safety officer, based on its experiences, inspections and input from other employees, students and district patrons, as appropriate.

Corrected 5/15/23

Umatilla School District 6

Code: EBB
Adopted: 1/12/12
Revised/Readopted: 11/19/15
Orig. Code: EBB

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the district shall adopt an integrated pest management plan (IPM)⁺ which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
 - a. Protect the health and safety of students and staff;
 - b. Protect the integrity of district buildings and grounds;
 - c. Maintain a productive learning environment; and
 - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;

⁺ See Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html

10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The district shall designate the maintenance director as the Integrated Pest Management Plan Coordinator give them the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. ~~Ensure~~Ensuring identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results; and
8. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet (SDS);
 - c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator[s] gave the notices.

9. Respond to ~~inquiries~~^{inquires} about the IPM plan and refer complainants to Board policy KL - Public Complaints;
10. Conduct outreach to district staff about the district's IPM plan.

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)

[ORS 634.700 - 634.750](#)

Corrected 5/15/23

Umatilla School District 6

Code: EBBA
Adopted: 12/7/97
Revised/Readopted: 2/11/04
Orig. Code: EBBA

First Aid**

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention for a student to students is the parents' responsibility of the student's parent(s), or of someone the parent(s) parents designate in the case of an emergency.

Each principal is charged with providing for the immediate care of ill or injured persons within their his/her area of responsibility.

Staff members shall report self-administered first-aid treatment to an immediate supervisor.

In each district facility school, procedures for handling health emergencies will be established and made known to the staff. Each district facility school and district school vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, each school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled or an emergency response team per building. Such team shall consist of no less than six persons who hold current first-aid/CPR cards and who are trained annually in the district and building emergency plans. Names of the designated employees will be posted.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)

[OAR 437-002-0042](#)

[OAR 437-002-0120 to -0139](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

[OAR 581-053-0003\(37\)](#)

[OAR 581-053-0220\(3\)\(B\)\(iii\)](#)

[OAR 581-053-0320\(5\)\(b\)](#)

[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Corrected 5/15/23

Umatilla School District 6

Code: EBBA-AR
Adopted: 2/11/04
Orig. Code: EBBA-AR

First Aid - Infection Control

Health services information about the transmission of diseases including AIDS and HBV¹ focuses on “body fluids” as a possible carrier of organisms that can infect others. The term includes drainage from cuts and scrapes, vomit, urine, feces, respiratory secretions (nasal discharge), saliva, semen and blood. While any contact with the body fluids of another person represents a risk, the level of risk is very low. The risk is increased if the fluid comes in contact with a break in the skin of another individual. Generally, simple, consistent standards and procedures of cleanliness minimize risk.

The following procedures are precautionary measures against the transmission of diseases. Prudent actions are to be employed by all staff and students. These actions should focus primarily on steps that students and staff members can take to ensure their own well-being.

Those who administer first aid, provide physical care or may otherwise incur occupational exposure to blood or other potentially infectious materials as determined by the district will be specifically protected through the district’s Exposure Control Plan.

The following procedures are a review for all staff and students of appropriate hygienic and sanitation practices:

1. Standard precautions are to be followed at all times. Standard precautions require the assumption that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens;
2. Whenever possible, students should be directed to care for their own minor bleeding injury. This includes encouraging students to apply their own band-aids. If assistance is required, band-aids may be applied after the caregiver removes their removal of gloves, if the caregiver will not come into contact with blood or wound drainage;
3. Food and Drug Administration (FDA) approved gloves are required for all tasks in which an individual may come into contact with blood or other potentially infectious materials. Such tasks include cleaning body fluid spills, emptying trash cans, handling sharps/containers, handling contaminated broken glass, cleaning contaminated equipment and handling contaminated laundry/clothing. This also includes assisting with any minor wound care, treating bloody noses, handling clothes soiled by incontinence, diaper changing and cleaning up vomit;
4. Immediate, complete and effective hand washing with soap and running water of at least 30 seconds duration should follow any first aid or health care given to a student or contact with potentially infectious materials;

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

5. If exposure to blood or other potentially infectious materials occurs through coughing, any first-aid procedure, or through an open sore or break in the skin, thorough washing, preferably with germicidal soap, is necessary;
6. In the event hand-washing facilities are not readily available, thorough cleaning using an antiseptic cleanser and clean cloth/paper towels or antiseptic towelettes provided by the district as an alternative is necessary. In the event alternatives are used, hands must be washed with soap and running water as soon as feasible;
7. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning. Clean surfaces with soap and water and then rinse with an Environmental Protection Agency (EPA) approved disinfectant² following labeling instructions for use, or a freshly made solution of one part bleach to nine parts water, and allow to air dry. These surfaces include equipment, counters, mats (including those used in physical education classes and athletic events), toys or changing tables;
8. An EPA-approved disinfectant must be used when cleaning fluids such as blood or vomit from the floor or other such contaminated surfaces;
9. Contaminated laundry such as clothing and towels must be placed and transported in bags and containers in accordance with the district's standard precautions. All such items must be laundered in hot or cold water and soap and placed in a dryer;
10. Needles, syringes, broken glassware and other sharp objects found on district property must not be picked up by students at any time, nor by staff without appropriate puncture-proof gloves or mechanical device such as a broom, brush and dust pan. Any such items found must be disposed of in closable puncture resistant, leakproof containers that are appropriately labeled or color-coded;
11. All wastebaskets used to dispose of potentially infectious materials must be lined with a plastic bag liner that is changed daily;
12. Gloves and repellent gowns, aprons or jackets are required for tasks in which exposure to blood or other potentially infectious materials can be reasonably anticipated to contaminate street clothing. Type and characteristics of such protective clothing will depend on the task. Such tasks may include diapering/toileting with gross contamination, assisting with wound care, sorting or bagging contaminated laundry/clothing and disposing of regulated waste with gross contamination;
13. Maximum protection with gloves, face and/or eye protection and gowns is required whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Such tasks may include feeding a student with a history of spitting or forceful vomiting and assisting with severe injury and wound with spurting blood;

² [~~Disinfectants which can be used include Lysol, Purex, Clorox, Tough Act bathroom cleaner, Dow bathroom cleaner, Real Pine liquid cleaner, Pine Sol, Spic and Span, Tackle liquid, Comet and other products with EPA numbers. Other disinfectants as recommended by the Center for Disease Control may be used.~~]

14. If a first aid situation occurs, students should report to a person in authority; staff should report to a supervisor.

Additional Precautions

The following additional precautions should be applied in all school settings. These procedures will help prevent transmission of many infections in addition to HIV and HBV:

1. A sink with soap, hot and cold running water and disposable towels should be available close to the classroom;
2. Sharing of personal toilet articles, such as toothbrushes and razors, should not be permitted;
3. Skin lesions that may ooze blood or serum should be kept covered with a dressing;
4. Exchange of saliva by kissing on the mouth, by sharing items that have been mouthed and by putting fingers in others' mouths should be discouraged.

Corrected 5/15/23

Umatilla School District 6

Code:
Adopted:

EBBB

Injury/Illness Reports

All injuries/illnesses, sustained by the employee while in the actual performance of the duty of the employee, occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. All accidents involving students, visiting public or district property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the district's safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the district safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes³ shall be reported to OSHA within eight hours.

ALL injuries/illnesses sustained by an employee, while in the actual performance of the duty of the employee or by a student or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

The district safety officer will maintain records and reports on serious injuries/illnesses, including accidents involving district property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the district, as well as on the measures being taken to prevent such injuries/illnesses in the future.

¹ An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

² Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

³ A "catastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the superintendent for review.

END OF POLICY

Legal Reference(s):

[ORS 339.309](#)

[OAR 437-001-0015](#)

[OAR 437-001-0700](#)

[OAR 437-001-0704](#)

[OAR 437-001-0760](#)

[OAR 581-022-2225](#)

Corrected 5/15/23

Umatilla School District 6

Code:
Adopted:

EBC/EBCA

Emergency Procedures and Disaster Plans

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and safety threats on district property. The superintendent will consult with community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

In the case of long-term disruption to district operations as a result of a pandemic, declared public health emergency or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students and parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;

11. Facility utilization by other agencies procedures;

12. Business operations plan for offsite operation or alternative measures.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 433.260](#)

[ORS 433.441](#)

[OAR 437-002-0161](#)

[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

Corrected 5/15/23

Umatilla School District 6

Code: EBCB
Adopted: 3/19/98
Readopted: 2/11/04
Orig. Code: EBCB

Emergency Drills and Instruction

Each building administrator will conduct emergency drills in accordance with the provisions of Oregon Revised Statutes (ORS).

All schools are required to instruct and drill students on emergency procedures so that students can may respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, which shall include tsunami procedures in a tsunami hazard zone and safety threats. Instruction on fires, earthquakes, and safety threats, and drills for students, shall be conducted for at least 30 minutes each school month.

Fire Emergencies

The district will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year. Drills and instruction on fire emergencies shall include routes and methods of exiting the school building. ~~The district will conduct monthly fire drills. Drills and instruction for earthquake emergencies shall include methods of “duck, cover and hold” during the earthquake.~~

~~Instruction on fire and earthquake dangers and drills for students shall be conducted for at least 30 minutes each school month. At least two drills on earthquakes shall be conducted each year.~~

Earthquake Emergencies

At least two drills on earthquakes shall be conducted each year.

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the district may include additional response procedures for earthquake emergencies.

Safety Threats

At least two drills on safety threats shall be conducted each year.

Drills and instruction on safety threats shall include procedures related to lockdown, lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety.

The Board may use ORS 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the district with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)
[ORS 336.071](#)

[ORS 476.030\(1\)](#)

[OAR 581-022-2225](#)

OREGON STATE FIRE MARSHAL, OREGON FIRE CODE (2014).

Corrected 5/15/23

Umatilla School District 6

Code: EBCD
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: EBCD

Emergency Closures**

In case of hazardous or emergency conditions, the superintendent may alter district and transportation schedules as are appropriate to the particular condition. Such alterations include closure of all schools, closure of selected schools or grade levels, delayed openings of schools and early dismissal of students.

The superintendent will develop and maintain such plans and procedures as are necessary to carry out alternate school and bus schedules.

At the beginning of each school year students, parents and staff will be informed of the procedures used to notify them in case of an emergency closure.

When schools cannot operate because of inclement weather or other hazardous conditions, employees will be expected to report to school, unless otherwise directed by the district. It shall be the responsibility of building principals to structure work routines on those days. Classified staff not reporting may use a personal day or, if no personal days are available, will have a proportionate loss of salary or benefits. In the event classified staff are told not to report, the days shall be with pay.

~~The district has the right to extend the school year in order to make up time lost.~~

END OF POLICY

Legal Reference(s):

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

[OAR 581-022-2225](#)
[OAR 581-022-2320](#)

[OAR 581-053-0004](#)

Corrected 5/15/23

Umatilla School District 6

Code: ECAA
Adopted:

Access to Buildings

The Board directs the superintendent to control access to district buildings as appropriate and necessary to protect property, students and personnel.

The Board's objectives for providing controlled access are to:

1. Ensure maximum protection of district property and facilities that minimizes possibilities of theft, vandalism and loss of materials and equipment;
2. Involve staff members in being responsible for district property (e.g. keys and/or access card) in their possession and to eliminate unnecessary costs for replacing lost or misplaced district property;
3. Establish and maintain an efficient organizational plan for securing district property and facilities.

Principals will control access to school buildings and will provide safeguards against unauthorized access to these buildings. Each principal, with the superintendent's approval, will develop regulations designed to control the use of buildings and access, and to ensure that buildings are adequately closed and locked when no authorized personnel are present. Staff who fail to obey such regulations may be disciplined up to and including dismissal. Students who fail to obey such regulations may be disciplined.

END OF POLICY

Legal Reference(s):

[ORS 164.205 to -164.270](#)

[ORS 332.107](#)

[ORS 332.172](#)

Corrected 5/15/23

Umatilla School District 6

Code:
Adopted:

ECAB

Vandalism, Malicious Mischief or Theft**

Students and patrons are urged to cooperate in reporting any incidents of vandalism, malicious mischief or theft and the name or names of the person or persons believed to be responsible.

Each district employee will report to the principal or other person in authority incidents of vandalism, malicious mischief or theft and the name of the person or persons responsible, if known.

A principal will submit a report of any incidents of vandalism, malicious mischief, theft or damage to district property, to the superintendent. The superintendent will report to the Board major reports of vandalism, malicious mischief, theft or damage to district property.

The district may offer a reward to an individual(s) who provides information that results in the apprehension of a person(s) guilty of vandalism, malicious mischief, theft or other criminal acts against the district. The amount of reward shall be determined by the superintendent on a case-by-case basis within any guidelines set by the Board.

The superintendent is authorized to sign a criminal complaint and to press charges against those committing acts of vandalism or malicious mischief against district property or theft of district property. It is the policy of the Board to seek all legal remedies against persons found to have committed such acts. Full restitution for the damage will be sought from such persons, or, in the case of minors, from their parents. Until such fees or restitutions are paid, certain restrictions and/or penalties may be imposed.

Records requested by another district to determine a student's appropriate placement may not be withheld.

A student who willfully destroys district property through vandalism, malicious mischief, theft or arson, who commits larceny or who creates a hazard to the safety of other people on district property will be disciplined in accordance with state law and the Board's policies on student suspensions and expulsions¹ and referred to law enforcement.

Any staff member who fails to report such an act, or willfully destroys district property through vandalism, malicious mischief, theft or arson, who commits larceny or who creates a hazard to the safety of other people on district property will be disciplined, up to and including dismissal and referred to law enforcement.

The district is not liable or responsible for personal property brought onto district property.

END OF POLICY

¹ Use of suspension or expulsion as discipline for a student in violation of this policy is limited to criteria found in Oregon Revised Statute (ORS) 339.250.

Legal Reference(s):

[ORS 30.765](#)
[ORS 164.345](#)
[ORS 164.365](#)

[ORS 326.575](#)
[ORS 332.107](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 339.270](#)
[ORS 419C.680](#)

Corrected 5/15/23

Umatilla School District 6

Code: ECAC
Adopted:

Video Surveillance

The Board authorizes the use of video cameras on district property to ensure the health, welfare and safety of all staff, students and visitors to district property, and to safeguard district facilities and equipment. Video cameras may be used in locations as deemed appropriate by the superintendent.

The district shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on district property.

Students or staff in violation of Board policies, administrative regulations, building rules or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement.

A video recording may become a part of a student's educational record or a staff member's personnel record. The district shall comply with all applicable state and federal laws related to record maintenance and retention.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 192.420](#) to -192.505
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 332.107](#)
[ORS 336.187](#)
[ORS 342.850](#)

[OAR 166-400-0010](#) to -0065
[OAR 581-021-0210](#) to -0430
[OAR 581-022-2260](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Corrected 5/15/23

Umatilla School District 6

Code:
Adopted:

ECACB

Unmanned Aircraft System (UAS) a.k.a. Drone

Any employee, volunteer, or representative of the district operating an unmanned aircraft system (UAS) shall do so in accordance with this policy, all applicable Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) regulations and local laws.

A small unmanned aircraft, as defined by law, may be operated by the district. A small unmanned aircraft must weigh less than 55 pounds, including the weight of anything attached to or carried by the aircraft and must be registered through the FAA and ODA. The district will register as a user of such with ODA.

Publicly supported kindergarten through grade 12 school programs and publicly-supported entities that support K-12 schools or after school K-12 programs are exempt from the requirement to pay the ODA registration fee.

The district recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics, and airplane design and construction, and can also serve as an academic tool in other areas such as television, film production, or the arts in general.

Prior to operating a UAS, the district will review all airspace, certification, registration, and other requirements. When operating in the National Airspace System (NAS), the supervisor (instructor/teacher) of the educational UAS shall hold a current pilot certification described in 14 C.F.R. Part 107 or have a Certificate of Authorization as described in 49 U.S.C. § 44801, so any student(s) can fly under their direct supervision, and to be in compliance with current FAA¹ regulations. District staff will not operate more than one UAS at the same time.

District employees shall work with administrators to ensure that proper insurance, registration as required by FAA and ODA, reporting to FAA, and authorization from district administration are in place prior to use as a part of the district's curriculum.

A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)² at OSAA-sanctioned events.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the district as part of a UAS operation will belong to the district. The data gathering by the district will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The superintendent shall develop procedures for the implementation of this policy. The district shall post a copy of this policy, associated procedures, and a copy of Oregon Revised Statute (ORS) 192.345 on the district's website.

¹ https://www.faa.gov/uas/educational_users/

² <http://www.osaa.org/governance/handbooks>

The district will report accidents involving a UAS to FAA no later than 10 calendar days after the accident when it involves:

1. Serious injury to any person or any loss of consciousness; or
2. Damage to any property, other than the small UAS, unless the cost of repair (including materials and labor) does not exceed \$500, or the fair market value of the property does not exceed \$500 in the event of total loss.

Third Party Use

Third party use of a UAS on district property or at district-sponsored events or activities on district property for any purpose is prohibited, unless granted permission from the superintendent or designee.

If permission is granted by the superintendent or designee, the third party operating a UAS will comply with all FAA and ODA registration and use regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. Proof of UAS registration and authorization (including a certificate identified in 14 C.F.R. Part 107 or a Certificate of Authorization described in 49 U.S.C. § 44801) issued by FAA, and proof of user registration with ODA when required³; and
3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

END OF POLICY

Legal Reference(s):

[ORS 164.885](#)
[ORS 174.109](#)
[ORS 192.345](#)

[ORS 837.300 - 837.390](#)
[ORS 837.995](#)

[OAR 738-080-0015 - 080-0045](#)
Senate Bill 581 (2019)

Federal Aviation Administration Reauthorization Act of 2018, 49 U.S.C. §§ 44801-44810 (2012).
Small Unmanned Aircraft Systems, 14 C.F.R. Part 107 (2018).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).
OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK.

Corrected 5/15/23

³ A public body, as defined in ORS 174.109, operating an unmanned aircraft system must register as a user with ODA. (ORS 837.360)

Umatilla School District 6

Code: ECB
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: ECB

Buildings and Grounds Maintenance

The superintendent will develop and execute a continuing program of maintenance for all district-owned buildings and grounds. This program will be administered in such a manner as to preserve the district's capital investment and to prevent deterioration due to lack of proper care. The program will include:

1. Planning for buildings and grounds improvements and additions as approved by the Board;
2. An adequate custodial program for all schools;
3. Improvement and maintenance of school grounds and fields;
4. Repairs and painting;
5. Determination and disposal of obsolete equipment.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0081](#)

[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 581-022-1530](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Corrected 5/15/23

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E

Umatilla School District 6

Code:
Adopted:

ECD

Traffic and Parking Controls

The superintendent shall authorize parking areas and post notices on district property designated for staff, student, visitor parking and parking for persons with disabilities and other classifications of parking areas as may be necessary.

Any vehicle not parked in authorized areas may be cited and/or towed away and stored. All charges for towing and storing will be the responsibility of the owner or operator of the vehicle.

Principals will establish additional rules as necessary for the use and control of staff and student parking areas around their buildings. Such rules will be made available to staff, students and parents.

Any person failing to abide by the district's parking requirements may be further prohibited from bringing any vehicle on district property.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)
[ORS 332.445](#)

[ORS 447.233](#)

[OAR 581-022-2405](#)

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 5/15/23

Umatilla School District 6

Code: EDC/KGF
Adopted: 2/11/04
Orig. Code: EDC/KGF

Authorized Use of District Equipment and Materials

The Board believes that although district equipment is purchased by taxpayers, the equipment is primarily purchased to provide for and/or enhance students' educational programs. It is the Board's responsibility to protect and maintain this equipment. The Board is also responsible for establishing guidelines concerning equipment which may be used by the public and conditions under which it can be used. Equipment will be available only to the district's community members and district employees and authorized use shall be consistent with ORS Chapter 244.

In all cases of public use, equipment shall not be used for private financial gain. An equipment use form must be submitted and approved, and all conditions outlined on the attached district equipment list must be adhered to. There are no equipment use fees. In the event of "excessive damage," a fee will be determined according to repair or replacement costs. Transportation of borrowed equipment will be the user's responsibility.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 332.107](#)

[OAR 584-020-0040](#)

OREGON GOVERNMENT ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Corrected 5/15/23

Umatilla School District 6

Code: EDC/KGF-AR(1)
Adopted: 7/11/96
Readopted: 2/11/04
Orig. Code: EDC/KGF-AR(1)

Computer Checkout

I will assume financial responsibility for loss or damage due to negligence to Umatilla School District's computer while it is in my possession.

Name: _____

Social Security Number: _____

Phone Number: _____

Name of insurance company and policy number that will cover equipment: _____

Agent's Name: _____ Phone: _____

Date equipment leaving building: _____ Date to be returned: _____

Serial number of equipment checked out: _____

Computer Brand: _____

Computer Number: _____

Disk Drive(s): _____

Monitor: _____

Printer: _____

Software: _____

I, _____, will assume total responsibility for care and safe return of all pieces of equipment checked out to me.

Date: _____

Approval: _____
(Authorized Signature)

Computer Checkout Procedures

The purpose of this administrative regulation is to allow staff an added advantage in learning computer use as applied to their classroom teaching. Although the checkout procedure applies to all district staff including administration and classified personnel, teachers will be given checkout preference where conflicts arise over hardware and/or software usage. Conditions are as follows:

1. Only those staff members who can demonstrate knowledge in the use and operation of the computer are eligible to check out a microcomputer system and software from the district. (Knowledge means basic operation.) The principal or designee will be responsible for checkout;
2. Microcomputers will be checked out on a first come - first served basis, with teachers having priority;
3. Certain computers will be designated by each building as being available for checkout purposes;
4. Staff members will be held responsible for any damage done to the microcomputer, due to their negligence, while it is in transit or in their possession. Users will sign a waiver stating that they assume financial responsibility for any loss or damage incurred. Insurance covering equipment is required. The user will not hold the district liable for injury as a result of transporting, using or operating the equipment;
5. Staff members will demonstrate professionalism in their requests and will use microcomputers for the primary purpose of professional growth and curriculum development.

Procedures

1. Staff members will submit a "checkout request" to the principal prior to taking a computer from the building. If a machine is not available to the staff member, an alternate time will be scheduled. Each building will keep a sign-up list in the principal's office for that building's computers.
2. Microcomputers can only be checked out for a weekend during the school year, during Spring and Christmas breaks, during long holiday weekends and for summer periods as designated in item 3., below. The equipment must be returned by 8 a.m. of the next regular school day. Classroom instruction has first priority. Only those computers designated as available for checkout will be allowed out of the building.
3. Microcomputers can be checked out during the summer recess period using the following procedures:
 - a. A master calendar will be maintained in the principal's office for the period covering summer recess. The principal or designee will be responsible for this;
 - b. The master calendar will show all usage including in-service, curriculum work, college reciprocity agreements and servicing schedules;
 - c. Computer checkout requests for the summer will be submitted before school is dismissed for the summer so that schedules can be developed. Length of time for the checkout period will be agreed upon at the time of the request or when the master calendar is completed.

4. The staff member checking out a microcomputer system assumes responsibility to:
 - a. Determine that the system is operable before taking it from the building;
 - b. Review hook-up procedures; an instruction sheet will be included;
 - c. Determine that the system is operable upon returning it.
5. The staff will take home a sample diskette, written operating instructions and manuals, as appropriate.
6. While the equipment is in the person's possession, it is understood that:
 - a. Equipment will not be left plugged in;
 - b. No food or drink will be allowed where a computer is used;
 - c. Computer will not be used by unsupervised children;
 - d. Users will not violate copyright protection regulations;
 - e. Microcomputer systems shall not be modified, disassembled or attached to other devices.
7. Failure to return equipment promptly or follow other procedures as outlined may void future privileges of an individual to check out this equipment.
8. If questions arise, call a person on the contact list available from the principal.

Corrected 5/15/23

Umatilla School District 6

Code: EDC/KGF-AR(2)
Adopted: 2/11/04
Orig. Code: EDC/KGF-AR(2)

District Equipment List/Equipment Use Request

There are no fees charged for equipment use. In the event of excessive damage, a fee will be determined according to repair or replacement costs. Equipment not specifically listed below will be for **official school use** only. Equipment may not be used during school operational hours and at no time shall equipment use exceed a 72-hour period. The use of district equipment must be approved by the appropriate administrator and an Equipment Use Request must be signed.

Equipment

Special Conditions

Portable P.A. (Mike)

None

Record Player

None

Opaque Projector

None

Overhead Projector

None

Film Strip Projector

None

Movie Projectors

None

Portable Speakers

None

Slide Projector

None

Folding Screen

None

Folding Tables

None

Chairs

None

Coffee Pots

None

Volleyball Nets

None

Bull Horn

None

Choral Risers

None

Platform Risers

None

Weight Lifting Equipment

Not to be removed from the facility

Gymnastic Equipment

Not to be removed from the facility

Football Blocking Equipment

Not to be removed from the facility

Equipment Use Request

Date: _____

(Organization or Individual) _____ requests the use of (equipment desired)

(date) from _____ to _____.

The purpose of this use is for: _____

_____.

Equipment will be returned on _____ at _____.

Charges will be \$ _____, and will be paid by _____.

It is agreed that the party or parties using the school equipment will exercise care in protecting school property and in the event damage results, an adjustment will be made for repair or replacement.

(Signature of individual/organization representative) Phone Number: _____

Name/Address of User(s): _____

Approved by: _____
(Staff Member Responsible for Equipment)

(Principal)

Date: _____

I have reviewed the returned equipment and find: (Check One)

- ☐ It is in good working order with no apparent damage.
- ☐ A damage charge should be assessed.

Principal: _____

Corrected 5/15/23

Umatilla School District 6

Code: EEA
Adopted: 4/09/09
Revised/Readopted: 4/12/12; 11/15/12; 11/19/15;
9/08/22
Orig. Code: EEA

Student Transportation Services

School transportation services will be provided for students to and from school, ~~and~~ for transporting students to and from curricular and extracurricular activities sponsored by the district, transporting from one school or facility to another and school-sponsored field trips that are extensions of classroom learning experiences. Transportation will be provided for ~~homeless~~ students experiencing homelessness to and from the student's school of origin¹ as required by the Every Student Succeeds Act (ESSA). Services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the Board.

Elementary students who live more than one mile from school will be transported. Secondary students who live more than one and one-half miles from school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the district's approved supplemental plan.

~~OR~~

Miles from school will be determined by the transportation supervisor in accordance with Oregon Administrative Rule (OAR) 581-023-0040(1)(e).

The district may use Type 10 School Activity Vehicles to transport students from home to school, school to home and from district-sponsored activities.

The district may also provide transportation using federal funds² or through cooperative agreements with local victims assistance units for a student to attend a safe district school³ out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous. If there are no other schools within the district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

¹ "School of origin" means the school that a student attended when permanently housed or the school in which the student was last enrolled.

When the student has completed the final grade served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

² "Federal funds" means funds available through Title IV, Part A, and Title V, Part A.

³ If there is not another school in the district to which students can transfer, districts are encouraged, but not required, to explore other appropriate options, i.e., an agreement with a neighboring district.

Students attending any private, parochial or public charter school under the compulsory school attendance laws will, where the private, parochial or public charter school is along or near the bus route, be provided equally the riding privileges given to public school students.

Transportation will be provided for students whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

Preschool students with disabilities who have transportation as a related service and children from birth to age three who are enrolled in an eligible program shall be provided home to school transportation.

A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Oregon Department of Transportation under Oregon Revised Statute (ORS) 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until they are he/she is four feet nine inches tall or age eight and the adult belt properly fits.⁴ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus or school activity vehicle. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus or vehicle driver to the supervisor. The transportation supervisor will, as soon as possible, inform the appropriate principal of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the principal and/or transportation supervisor.

The principal or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

Aides or assistants that ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The school bus or vehicle driver will be responsible for the school bus or vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her/their driving abilities.

⁴ "Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 815.080	OAR 581-053-0040
ORS 327.033	ORS 820.100 - 820.190	OAR 581-053-0053
ORS 327.043		OAR 581-053-0060
ORS 332.405	OAR 581-021-0050 - 0075	OAR 581-053-0070
ORS 332.415	OAR 581-022-2345	OAR 581-053-0210
ORS 339.240 - 339.250	OAR 581-023-0040	OAR 581-053-0220
ORS 343.155 - 343.246	OAR 581-053-0002	OAR 581-053-0230
ORS 343.533	OAR 581-053-0003	OAR 581-053-0240
ORS 811.210	OAR 581-053-0004	OAR 735-102-0010
ORS 811.215	OAR 581-053-0010	
ORS 815.055	OAR 581-053-0031	Senate Bill 905 (2019)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6315, 7912 (2018).
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431-11435 (2012).

Corrected 5/15/23

Umatilla School District 6

Code: EEAB
Adopted: 3/14/96
Revised/Readopted: 2/11/04
Orig. Code: EEAB

School Bus Scheduling and Routing

School bus routes will be planned and organized to ensure student safety and receive the maximum bus use efficiency.

1. Student safety will be the major part of any route decisions.
2. Bus routing will be the responsibility of the transportation supervisor, or delegated representative, with the administrator's assistance.
3. Anyone requesting a route change will be referred to the transportation supervisor or delegated representative.
4. Route conditions will be reviewed routinely.
5. Routes will be planned to ensure the least possible amount of time elapsing from first pick-up to school, commensurate with economical efficiency.
6. Bus routes will traverse city, county, state or federal roads using district discretion.
7. Students living within one mile of school may be transported for health or safety reasons.
8. Secondary students eligible for bus transportation may be expected to walk up to one and one-half miles to a bus stop. Elementary students may be expected to walk up to one mile to a bus stop.
9. Where feasible, bus stops will be designated and students will be expected to gather at the assigned stop.
10. A fully supported seat shall be provided each student. Students must not stand.
11. Students may be transferred directly from one bus to another while being transported to and from school.

END OF POLICY

Legal Reference(s):

[ORS 332.405](#)

[OAR 581-053-0002](#)

Corrected 5/15/23

Umatilla School District 6

Code: EEAC
Adopted: 4/09/09
Readopted: 4/12/12
Orig. Code: EEAC

School Bus Safety Program

The Transportation Contractor will ensure instruction for all students in school bus safety and emergency evacuation procedures is provided. Drivers shall assist in the instruction.

Students who are regularly transported by the district shall receive the following instruction within the first six weeks of each half of each school year:

1. Safe school bus riding procedures, including but not limited to loading, unloading and, crossing; etc.;
2. Use of emergency exits; and
3. Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.

Students who are not regularly transported by the district will be given the following instruction at least once in the first half of each school year:

1. Safe school bus riding procedures, including but not limited to loading, unloading and crossing; and
2. Use of emergency exits.

The district will document and maintain records of the content and dates of instruction.

Buses will not exceed vehicle design capacity for seating at any time unless an unforeseen or unusual circumstance arises. Passengers will be provided a seat that fully supports them. A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times.

A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Oregon Department of Transportation under Oregon Revised Statute (ORS) 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until they are four feet nine inches tall or age eight and the adult belt properly fits.¹ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215, vehicles used for student transportation in excess of 10,000 pounds are exempt from this requirement unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

¹ "Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

During adverse weather conditions, the superintendent may alter bus schedules or temporarily suspend bus services. The superintendent or his/her designee will advise local radio stations and other media of any changes in bus schedules or services.

In the case of emergency or disaster, evacuation of students will be carried out according to the district's emergency plan.

An accident review board will study accidents involving district buses and will make recommendations to avoid similar accidents.

END OF POLICY

Legal Reference(s):

[ORS 811.210](#)
[ORS 811.215](#)
[ORS 815.055](#)
[ORS 815.080](#)
[ORS 820.100 to -820.190](#)

[OAR 437-002-0220 to -0227](#)
[OAR 581-022-2225](#)
[OAR 581-053-0002](#)

[OAR 581-053-0003](#)
[OAR 581-053-0004](#)
[OAR 581-053-0010](#)
[OAR 581-053-0021](#)
[OAR 581-053-0031](#)
[OAR 581-053-0210](#)
[OAR 581-053-0240](#)
[OAR 581-053-0310](#)
[OAR 581-053-0320](#)
[OAR 581-053-0330](#)

[OAR 581-053-0340](#)
[OAR 581-053-0410](#)
[OAR 581-053-0420](#)
[OAR 581-053-0430](#)
[OAR 581-053-0440](#)
[OAR 581-053-0445](#)
[OAR 581-053-0510](#)
[OAR 581-053-0520](#)
[OAR 581-053-0530](#)
[OAR 735-102-0010](#)

Corrected 5/15/23

Umatilla School District 6

Code: EEACA
Adopted: 3/14/96
Revised/Readopted: 2/11/04; 11/18/14
Orig. Code: EEACA

School Bus Driver Examination and Training

The district or transportation provider shall verify that school bus drivers' drivers must pass physical examinations were certified administered by a medical examiner. This medical examiner's certificate must have been listed in the Federal Motor Carrier Safety Administration's, National Registry of Certified Medical Examiners as of the date of the issuance for the school bus driver's examination certificate. Bus drivers shall also and meet other criteria as established by state and federal law and by the Oregon Department of Education regulations, including the requirements for a commercial driver's license (CDL).

A school bus manufacturer, school bus dealer or school bus mechanic is not required to have a school bus endorsement while operating a school bus that is not transporting students.

END OF POLICY

Legal Reference(s):

[ORS 659.840](#)
[ORS 659A.300](#)
[ORS 659A.306](#)
[ORS Chapters 801, 802, 807, 809, 811, 813](#)

[ORS 807.038](#)
[ORS 820.110](#)
[OAR 581-053-0002](#)
[OAR 581-053-0003](#)

[OAR 581-053-0004](#)
[OAR 581-053-0031](#)
[OAR 581-053-0040](#)
[OAR 581-053-0060](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Federal Motor Carrier Safety Administration Regulations, 49 C.F.R. Part 391, §§ 391.42, 391.43 (2016).

Corrected 5/15/23

Umatilla School District 6

Code: EEACC
Adopted: 3/14/96
Revised/Readopted: 2/11/04; 11/15/12
Orig. Code: EEACC

Student Conduct on School Buses

The following regulations will govern student conduct on school buses and Type 10 School Activity Vehicles if used for transporting students from home to school, school to home and to and from district-sponsored activities, and will be posted in a conspicuous place in all buses:

1. Students being transported are under authority of the bus driver;
2. Fighting, wrestling or boisterous activity is prohibited on the bus;
3. Students will use the emergency door only in case of emergency;
4. Students will be on time for the bus, both morning and evening;
5. Students will not bring firearms, weapons or other potentially hazardous material on the bus;
6. Students will not bring animals, except approved service assistance guide animals, on the bus;
7. Students will remain seated while the bus is in motion;
8. Students may be assigned seats by the bus driver;
9. When necessary to cross the road, students will cross in front of the bus or as instructed by the bus driver;
10. Students will not extend their hands, arms or heads through the bus windows;
11. Students will have written permission to leave the bus other than for home or school;
12. Students will converse in normal tones; loud or vulgar language is prohibited;
13. Students will not open or close windows without permission of the driver;
14. Students will keep the bus clean and must refrain from damaging it;
15. Students will be courteous to the driver, fellow students and passersby;
16. Students who refuse to promptly obey the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the buses.

The superintendent will establish other administrative regulations; as necessary; for the safe conduct of students riding district school buses or other forms of district transportation and for disciplinary procedures. Such regulations will be available to all parents and students and posted in each school bus or other district vehicle.

Students who violate bus rules of conduct may be denied the use of district transportation.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 820.100 to -820.190](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-023-0040](#)

[OAR 581-053-0002](#)

[OAR 581-053-0003](#)

[OAR 581-053-0004](#)

[OAR 581-053-0010](#)

[OAR 581-053-0210](#)

Letter Opinion, Office of the OR Attorney General (Nov. 22, 1988).

Corrected 5/15/23

Umatilla School District 6

Code: EEACC-AR
Adopted: 2/9/06
Readopted: 2/14/08
Orig. Code: EEACC-AR

Discipline Procedures for District-Approved Student Transportation

All students eligible for district-approved student transportation shall receive safety instruction and be provided the behavior expectations outlined in a code of conduct for district-approved student transportation.

Violation of the code of conduct or conduct which jeopardizes the health or safety of themselvesself and/or others, may result in the loss of district-approved transportation services.

The following procedures address:

1. ~~Safety instructions;~~
2. ~~Code of conduct;~~
3. ~~Violations;~~
4. ~~Suspension;~~
5. ~~Expulsion;~~
6. ~~Right of appeal;~~
7. ~~Reinstatement;~~
8. ~~Education;~~
9. ~~Special education students.~~

1. Safety Instructions

- a. At least once, within the first six weeks of each half of each school year (i.e., Each September and January) the transportation supervisor will direct all bus drivers to conduct instructiona safety review with all students who are regularly transported by the district.

The instruction will include:

- (1) Safe school bus riding procedures, including but not limited to loading, unloading and, crossing, etc.;
- (2) Use of emergency exits; and
- (3) Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.

- b. At least once, within the first six weeks of each half of each school year (i.e., Each September and January) the transportation supervisor will direct all bus drivers to conduct instruction a safety review with all other students.

The instruction will include:

- (1) Safe school drivers shall review safe bus riding procedures, including but not limited to loading, unloading and crossing; and-
 - (2) Use The drivers shall review use of emergency exits.
- c. The transportation contractor will record dates and the content of the safety instructions given by each driver. Such information shall be kept as a part of the district's records.

2. Code of Conduct

Each year the district will issue a code of conduct for school bus privileges to all students and parents. The code of conduct will include a form for acknowledgment of being read and understood.

3. Education

- a. Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district-approved transportation services.

Students who have lost district-approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.

- b. Students' academic grades will reflect academic achievement. Misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the district's attendance and educational requirements.
- c. Makeup work may be provided. If makeup work is needed, the district's policy and procedures will be followed.
- d. Alternative education may be provided. If alternative education is needed, the district's policy and procedures will be followed.

4. Special Education Students

Special education students will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and its accompanying administrative regulation.

5. Violations

The district will include procedures for responding to violations of the code of conduct in the student/parent handbook.

The district will provide interpretation to those students/parents whose primary language is not English.

6. Suspension Procedures

The due process procedures for suspension of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGD - Suspension.

7. Expulsion Procedures

The due process procedures for expulsion of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGE - Expulsion.

8. Right of Appeal

- a. At each step of the discipline procedures used in district-approved transportation services, a parent, the student and/or a representative for the student has the right to an appeal.
- b. An appeal must be in writing.
- c. An appeal will be made to the responsible person at the appropriate level of appeal.
- d. A final appeal may be made to the Board.
- e. The Board's decision will be final.

9. Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

- a. When deemed necessary, parent(s) and student shall be present at the conference;
- b. The principal shall fully explain matters and permit the parties involved to fully explain their positions;
- c. The principal shall make a decision which provides guidelines for the student to follow if, or when, transportation services are reinstated.

Disciplinary Procedures for Violations

1. First Citation - Warning*: The driver verbally restates behavior expectations and issues a warning citation*. The driver may assign the student to a particular seat.
 2. Second Citation*: The student is suspended from the bus for three (3) days.
 3. Third Citation* of the year: The student receives a 5- to 10-day suspension and will not be able to ride the bus until a conference, arranged by the transportation contractor, has been held with the student, the parent, the bus driver, the transportation contractor and the principal. Further violations of bus regulations will be considered a severe violation.
 4. Severe Violations: Any severe violation may result in the immediate suspension of the student for a minimum of 10 days, and up to a 1-year expulsion. There will be a hearing at this time, arranged by the transportation contractor, involving the student, the bus driver, the transportation contractor, the parent and the principal.
 5. In all instances, the appeal process may be used if the student and/or parent desires.
- * All citations must be signed by the parents, the transportation contractor, the bus driver and the principal before the student will be allowed to ride the bus again.

Definitions:

“Suspension” means any disciplinary removal, other than expulsion, for up to 10 school days.

“Expulsion” means any disciplinary removal beyond 10 school days up to one calendar year.

School Bus Incident Report

Date: _____ Route: _____ AM _____ PM _____

Dear Parents:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and well-being of all students on the bus. We urge you to support this corrective action by impressing upon your student the need for safety on our school buses.

_____ (student name) has been cited for an infraction of the rules listed below: *(check all that apply)*

- ☐ *Failed to obey driver.
- ☐ *Threw an object(s).
- ☐ *Possessed a weapon or other dangerous object(s).
- ☐ *Fought, wrestled, scuffled.
- ☐ *Stood/Changed seat with bus moving.
- ☐ *Extended from bus door/window.
- ☐ *Possessed matches, incendiaries, etc.
- ☐ *Used emergency exit.
- ☐ *Vandalism of property.
- ☐ *Threatened/Harmed driver/rider.
- ☐ *Disruption: Driver stopped bus.
- ☐ *Disrespectful and/or obscene statements.
- ☐ *Possessed alcohol, tobacco, unlawful drugs.
- ☐ Eating or chewing gum.
- ☐ Possessed glass container or object.
- ☐ Impeded movement of bus.

Description of incident:

*** An asterisk may result in loss of transportation service with no warning citation.**

- ☐ Warning
- ☐ Second Citation: may suspend until conference
- ☐ Third Citation: 5- to 10-day suspension
- ☐ SEVERE INFRACTION: 10-day suspension to 1-year expulsion

Route Number: _____ Driver Signature: _____

Student Phone Number: _____ Parent Signature: _____

District Representative: _____

CITATIONS MUST BE SIGNED BY PARENT

APPEAL PROCEDURE

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used. If the A student or parent that wishes to complain about a school employee's decision, will use Board policy KLD - Public Complaints about District Personnel.

- STEP 1: The student or his/her representative will discuss the issue with the transportation contractor and principal.
- STEP 2: If the student is not satisfied with the outcome of the discussion, he/she/they may file a written statement with the principal and transportation supervisor. This is to be done within 10 school days of the act or condition which is the basis of the complaint. The administration will, within three school days, arrange a student, parent, transportation contractor, principal conference with the goal of resolving the issue.
- STEP 3: Within five school days, the principal is to communicate, in writing, the decision to the student and the student's parents.
- STEP 4: If, after five school days from receipt of the administrator's reply, the issue still remains unresolved, the student may submit the matter in writing to the superintendent. The superintendent will meet with the student within three school days and will respond to the issue, in writing, within five school days after the appeal.
- STEP 5: If the issue is still unresolved, the student may appeal to the Board. The Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing.

Please return this signed form to the driver on or before the second day of school.

I have read and understand the transportation contract plan. I understand that transportation is an important service and that the safety of my student is the primary concern.

Student's Name	Parent's Signature	Date

Bus Route # _____ Phone Numbers: (Home) _____ (Work) _____

School

School Bus Code of Conduct

While riding a school bus, ~~student riders~~ students will:

1. Obey the driver at all times;
 2. Not throw objects;
 3. *Not have in their possession any weapon as defined by Board policy JFCJ - Weapons in the Schools;
 4. *Not fight, wrestle or scuffle;
 5. *Not stand up and/or move from seats while the bus is in motion;
 6. *Not extend hands, head, feet or objects from windows or doors;
 7. *Not possess matches or other incendiaries and concussion devices;
 8. *Use emergency exits only as directed by the driver;
 9. *Not damage school property or the personal property of others;
 10. *Not threaten or physically harm the driver or other riders;
 11. *Not do any disruptive activity which might cause the driver to stop in order to reestablish order;
 12. *Not make disrespectful or obscene statements;
 13. *Not possess and/or use tobacco, alcohol or illegal drugs;
 14. Not eat or chew gum;
 15. Not carry glass containers or other glass objects;
 16. Not take onto the bus skateboards, musical instruments or other large objects which might pose a safety risks or barriers to safe entry and exit from the bus;
 17. Accept assigned seats;
 18. Stay away from the bus when it is moving;
 19. Be at the bus stop five minutes before the scheduled pick up time (schedules will be posted on all buses);
 20. **Answer to coaches, teachers and chaperons who are responsible for maintaining order on trips.
- * These regulations, if broken, are SEVERE violations with severe consequences because of the threat to the safety of others.
- ** Coaches, teachers and chaperons: (1) must have a copy of the bus regulations and know them before going on a trip; and (2) must position themselves on the bus as to be in control of discipline at all times.

I have read the above rules and have discussed them with my student. We understand the importance of this code of conduct.

Parent

Date

Student

Date

~~2.——Violations~~

~~Each year the district will include the following procedures for violations in the student/parent handbook.
The district will provide interpretation to those students/parents whose primary language is not English.~~

~~3.——Suspension Procedures~~

~~Due process procedures used by the district governing student behavior shall be applied.~~

~~4.——Expulsion Procedures~~

~~Due process procedures used by the district governing student behavior shall be applied.~~

~~5.——Right of Appeal~~

- ~~a.——At each step of the discipline procedures used in district approved transportation services, parents, students and/or a representative have a right to appeal.~~
- ~~b.——All appeals must be in writing.~~
- ~~c.——Appeals are to be made to the responsible person at the level of appeal.~~
- ~~d.——Final appeal may be made to the Board.~~
- ~~e.——Board decisions are final.~~

~~21.——Reinstatement~~

~~A conference to discuss reinstatement shall be conducted under the following guidelines:~~

- ~~a.——When deemed necessary, parent(s) and student shall be present at the conference;~~
- ~~b.——The principal shall fully explain matters and permit the parties involved to fully explain their positions;~~
- ~~c.——The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.~~

~~22.——Education~~

- ~~a.——Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district approved transportation services.~~

~~Therefore, students who have lost district approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.~~

- ~~b.——Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the district's attendance and educational requirements.~~
- ~~c.——Makeup work may be provided:~~

~~If makeup work is needed, the district's policy and procedures will be followed.~~

- ~~d.——Alternative education may be provided:~~

~~Alternative education is needed, the district's policy and procedures will be followed.~~

~~23. Special Education Students~~

~~Special education students will be disciplined in accordance with Board policy JGDA/JGEA—
Discipline of Disabled Students and accompanying administrative regulation.~~

Corrected 5/15/23

Umatilla School District 6

Code: EEACCA
Adopted: 2/11/04
Orig. Code: EEACCA

Video Cameras on Transportation Vehicles

The Board, as a part of the district's ongoing program to improve student discipline and ensure the health, welfare and safety of all those riding school transportation vehicles, shall utilize video cameras on any school vehicles transporting students to and from curricular and extracurricular activities.

The superintendent is directed to develop administrative regulations governing the use of video cameras in accordance with the provisions of law and established Board policies and procedures.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 192.420](#) to -192.505
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 332.107](#)
[ORS 336.187](#)
[ORS 342.850](#)

[OAR 581-021](#)-0210 to -0430
[OAR 581-022](#)-2260
[OAR 581-053](#)-0240(11)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Corrected 5/15/23

Umatilla School District 6

Code: EEACCA-AR
Adopted: 2/11/04
Orig. Code: EEACCA-AR

Video Cameras on Transportation Vehicles

Education Records

1. The district will comply with provisions of state and federal law regarding education records requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) as applicable to the district's use of video recordings. Video recordings which become a part of a student's education record will be maintained in accordance with established education record procedures governing access, review and release of education records.
2. The district will include notice in parent/student handbooks that video cameras may be used on district transportation vehicles transporting students to and from curricular and extracurricular activities. The district will include, as a part of its notice procedures, a copy of the district's video camera policy and procedures to all students and parents accompanied by a form to be signed and returned to the district as an acknowledgment of being read and understood.
3. Students will not be notified when video camera is "on board" and in use on district vehicles.

Staff Records

1. Video recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations and collective bargaining agreements governing access, review and release of employee personnel records.
2. The district will include notice in personnel handbooks that video cameras may be used on district transportation vehicles that transport transporting students to and from curricular and/or extracurricular activities.
3. Staff will not be notified when video camera is "on board" and in use in on district vehicles.

Storage/Security

1. All video recordings will be stored and secured to ensure confidentiality.
2. Video recordings will be stored for no more than five days after the initial recording, unless a request is made to view a recording. These recordings will then be erased unless they become part of a student's education record.
3. Video recordings held for review of student or staff incident will be maintained in their original form pending resolution. The recording tape will then be either erased or retained as necessary as a part of

the student's education record and/or employee's personnel record in accordance with the established district policy and procedures.

Use

1. Video cameras will be used on district transportation vehicles as determined by the transportation supervisor/contractor/superintendent.
2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.

Viewing Requests

1. Requests for viewing video recordings will be limited to district officials, including teachers whom the district has determined to have legitimate educational interests, parent(s) or the student 18 years of age or older or others specified in state and federal law and accompanying regulations.
2. Requests for viewing may be made to the superintendent/principal within five school days of the date of recording.
3. Only the portion of the video recording concerning a specific incident(s) will be made available for viewing.
4. Approval/Denial for viewing will be made within five school days of receipt of request and so communicated to the requesting individual(s).
5. Video recordings will be made available for viewing within three school days of the request approval.

Viewing

1. Actual viewing will be permitted at district-related sites only, including the transportation office, in schools, at the district office or as otherwise required by law.
2. A written log will be maintained of those viewing video recordings including the date of viewing, the reason for viewing, the date the recording was made, the vehicle videotaped and driver recorded and the signature of the viewer.
3. Video recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district education records policy and procedures and district personnel records policy, procedures and applicable collective bargaining agreements.

~~Installation (From OAR 581-053-0517 (46)(a)-(f).)~~

- ~~1. Video surveillance cameras may be installed inside or on the forward bulkhead (header) above the windshield in compliance with the following requirements:~~
 - ~~a. Surface-mounted camera/camera housing/video recording devices or those extending into the passenger compartment shall be mounted as close as practicable directly above the driver but~~

~~not to extend into the area directly forward of the aisle beyond the existing 6" x 30" rear view mirror or the installation complies with all of the following:~~

- ~~(1) The camera/recorder/housing extends into the passenger compartment no more than 9";~~
 - ~~(2) Extends down from the ceiling no more than 5";~~
 - ~~(3) Is no wider than 5"; and~~
 - ~~(4) Is located as close as practicable to the midpoint of the header at the highest possible position.~~
- ~~b. If camera/camera housing or video receiving device extends into the passenger compartment all edges must be rounded and/or protected with enclosure of shatterproof construction;~~
 - ~~c. Flush mounted camera systems (no extension into passenger compartment) may be mounted in any desired position on the bulkhead;~~
 - ~~d. Camera/Camera housing must be adequately secured to the bulkhead or ceiling in a manner to prevent separation from the vehicle in the event of a collision or mishap. Securement system shall be capable of withstanding a force of 5,672 Newtons applied from any direction without separation from the bus;~~
 - ~~e. Camera mounting design must allow ready access for camera and video recording medium removal;~~
 - ~~f. All electrical connections shall be made with UL approved wiring and protected by grommets any place it passes through metal panels.~~

Purchase, Maintenance, Replacement of Equipment/Supplies

- ~~1. The transportation supervisor will be responsible for all video equipment and supplies purchase, maintenance and replacement.~~
- ~~2. The transportation supervisor will develop a long range video equipment and supply replacement cycle.~~
- ~~3.4. Vehicle drivers will be responsible for the care of video equipment while operating district vehicles.~~

Corrected 5/15/23

Umatilla School District 6

Code: EEACD
Adopted: 2/11/04
Revised/Readopted: 11/15/12
Orig. Code: EEACD

Use of District Activity Vehicles for Student Transportation

The ~~district Board~~ may provide for the use of vehicles, commonly designated as Types 10, 20 or 21 pupil transportation vehicles, which do not meet the requirements of a “school bus” for the purpose of transporting students, licensed, classified or other supervisory personnel to and from curricular and extracurricular activities sponsored by the district.

The vehicle shall be insured for bodily injury, property damage, uninsured motorist coverage and personal injury protection. The business manager will recommend amounts to adequately protect the district against loss.

The district will meet or exceed minimum driver requirements and procedures as set forth in Oregon Administrative Rules, Section 53. The district shall meet child safety system requirements and minimum standards and specifications as set forth in state law.

END OF POLICY

Legal Reference(s):

[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)
[ORS 820.110](#)
[ORS 820.190](#)

[OAR 437-002](#)-0220 to -0227
[OAR 581-053](#)-0010
[OAR 581-053](#)-0220

[OAR 581-053](#)-0310
[OAR 581-053](#)-0320
[OAR 581-053](#)-0330
[OAR 581-053](#)-0340
[OAR 581-053](#)-0410
[OAR 581-053](#)-0420
[OAR 581-053](#)-0430
[OAR 581-053](#)-0440
[OAR 581-053](#)-0511

[OAR 581-053](#)-0521
[OAR 581-053](#)-0531
[OAR 581-053](#)-0540
[OAR 581-053](#)-0610
[OAR 581-053](#)-0620
[OAR 581-053](#)-0630
[OAR 581-053](#)-0640
[OAR 735-102](#)-0010

Corrected 5/15/23

Umatilla School District 6

Code: EEACE
Adopted: 3/14/96
Readopted: 2/11/04
Orig. Code: EEACE

Loading and Unloading

The administration shall make arrangements to provide supervision of students during normal loading and unloading times at instructional sites only.

Buses shall be scheduled into loading areas ahead of school dismissal times whenever practical.

Students shall not be allowed off the bus at other than their regular stop without a signed note from the principal's office or parent.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581-021-0050](#)
[OAR 581-053-0010\(11\)](#)

[OAR 581-053-0230\(9\)\(u\)](#)

Corrected 5/15/23

Umatilla School District 6

Code: EEAE
Adopted: 4/09/09
Revised/Readopted: 4/12/12
Orig. Code: EEAE

Student Transportation in Private Vehicle

Transportation of students will be by the district's transportation system or by a district employee's vehicle, properly insured, except as provided below.

Parents, employees and other designated adults may be permitted to use private vehicles to transport students other than their own on field trips or other school activities if the following conditions have been met prior to the activity:

1. The school administrator has approved the activity;
2. A permission slip signed by the student's parent(s) has been received by the principal or his/her designee, granting permission for the student to participate in the field trip/activity and to ride in a privately-owned vehicle;
3. The parents, employee or other adult driving the vehicle is properly licensed to drive and has provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Oregon and as set by the district;
4. The vehicle contains an adequate number of seat restraints, including when applicable, a child safety system for a child who weighs less than 40 pounds, regardless of age, and the adult driver requires their use. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until they are four feet nine inches tall or age eight and the adult belt properly fits.¹ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under Oregon Revised Statute (ORS) 815.055. Training in the proper installation and use of child safety system may be required. The driver is responsible for not placing children under the age of 13 in the front seat of a vehicle equipped with passenger-side air bags.

The district will develop procedures to implement this policy.

END OF POLICY

¹ "Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

Legal Reference(s):

[ORS 332.107](#)
[ORS 801.455](#)

[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)

[OAR 735-102-0010](#)

Corrected 5/15/23

Umatilla School District 6

Code: EEAE-AR
Adopted: 7/11/96
Readopted: 2/11/04
Revised/Reviewed:
Orig. Code: EEAE-AR

Proof of Vehicle Liability Insurance** (For Volunteers)

Dear _____,

You have agreed to transport students of the district to a field-trip function or for some other school-approved purpose. Please be aware that in the event of an accident, your insurance will provide primary coverage. In order to serve as a ~~volunteer~~ driver you will be required to provide proof of vehicle liability insurance. Your insurance must meet or exceed minimum requirements as established by the state of Oregon and as set by the district. ~~Your driving record will also be checked for insurance company acceptability.~~

Please COMPLETE the following information, providing information requested. SIGN where indicated and RETURN to the school office four working days PRIOR TO THE DATE OF THE EVENT.

Insurance Company Name: _____ Expiration Date: _____
(not agent's name)

Policy Number: _____

Policy Limits: _____

Current minimum limits are: \$25,000 per person and \$50,000 per accident for bodily injury; \$2040,000 per accident for property damage; \$25,000 per person and \$50,000 per accident for uninsured motorist coverage; and \$1540,000 per accident for personal injury protection.

Date of Birth: _____ Oregon Driver License No.: _____

Signature: _____ Date: _____

~~Parent/Volunteer~~ Name (as it appears on your driver license): _____

Address: _____

Daytime Phone: _____

Return form to business manager. If you do not have required coverage, you will not be allowed to transport students. (Insurance companies may increase coverage for specific dates.)

Corrected 5/15/23

Umatilla School District 6

Code: EEBB
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: EEBB

Use of Private Vehicles for District Business

The Board discourages the use of private vehicles for district business, including the transportation of students. Staff will use district-owned vehicles whenever possible and should schedule activities and transportation far enough in advance to avoid any nonemergency use of private vehicles.

The superintendent will develop regulations for staff use of private vehicles that will safeguard the district, its employees and students in matters of safety, insurance and liability. The district requires a minimum of two staff members to transport a student. The Board will review such regulations at least annually.

No staff member will use a private vehicle for district business, including the transportation of students, without approval in accordance with established district procedures. ~~written permission from the superintendent.~~ Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a private vehicle on district business will be reimbursed in an amount established by the Board.

No student will be allowed to perform district business with his/her/their own vehicle, a staff member's vehicle or a district-owned vehicle without prior written administrative approval.

END OF POLICY

Legal Reference(s):

[ORS 30.260 to -30.265](#)
[ORS 332.107](#)
[ORS 801.455](#)

[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)

[OAR 735-102-0010](#)

Corrected 5/15/23

Umatilla School District 6

Code: EFA
Adopted: 6/15/06
Revised/Readopted: 2/14/08; 4/12/12; 11/19/15;
9/14/17
Orig. Code: EFA

Local Wellness Program

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

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

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

WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

Implementation Plan

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

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

- ~~Delineating~~ Delineate roles, responsibilities, actions and timelines specific to each school;
- ~~Generating and disseminating~~ Include information about who will be responsible to make what change, by how much, where and when;
- ~~Include specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, and in food and beverage marketing; and~~
- 4.3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;

5.4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and

6.5. ~~Include~~ Establishing specific goals and objectives for nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

~~The In an effort to measure the implementation of this policy, the Board~~ designates the district principals as the people who will be responsible for ensuring each school meets the goals outlined and complies within this policy.

Record Keeping

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

- ~~1. The written wellness policy;~~
- ~~2. Documentation demonstrating that the policy has been made available to the public;~~
- ~~3. Documentation of efforts to review and update the local wellness policy, including an indication of who is involved in the update and the methods the district uses to make stakeholders aware of their ability to participate;~~
- ~~4. Documentation to demonstrate compliance with the annual public notification requirements;~~
- ~~5. The most recent assessment on the implementation of the local wellness policy;~~
- ~~6. Documentation demonstrating the most recent assessment on the implementation of the local wellness policy has been made available to the public.~~

Annual Notification of Policy

The district will inform the public about the content and implementation of the local wellness policy, and post the policy and any updates ~~make available~~ to the policy on the district website public annually. Included will be, if available, the most recent, ~~an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of the policy.~~ The district will make this information available through the district website. The district will also publicize the name and contact information of the district or school official(s) leading and coordinating the policy and, as well as information on how the public can get involved with the local wellness policy. This information will be published on the district's website and in district communications.

Triennial Progress Assessments

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

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

The district will publish~~actively notify households/families of the availability of~~ the triennial progress report on the district website when available.

Revisions and Updating the Policy

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

Community Involvement, Outreach and Communications (Review of, and Updating Policy)

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

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

NUTRITION PROMOTION AND NUTRITION EDUCATION

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

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

1. Nutrition education will include culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;

[†] If the district is using a different assessment or additional assessments, add to the list here or replace as needed.

2. Parents and families are encouraged through school communications to send healthy snacks/meals and reusable water bottles with their student to school;
3. Families and community organizations are involved, to the extent practicable, in nutrition education;
4. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes);
5. Materials on how to assess one's personal eating habits, set goals for improvement and achieve those goals.

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

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

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

School Meals

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

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

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

Staff Qualifications and Professional Development

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

Water

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

Competitive Foods and Beverages

The district controls the sale of all competitive foods. All foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day and extended school day will meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards². These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores, and snack or food carts and fund raising.

Celebrations and Rewards/Incentives

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

Fund Raising

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

Food and Beverage Marketing in Schools

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

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

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

² Oregon Department of Education, Oregon Smart Snacks Standards

PHYSICAL ACTIVITY AND PHYSICAL EDUCATION

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

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

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

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

1. Physical education will be a course of study that focuses on students' physical literacy and development of motor skills;
2. Staff encourages and provides support for parental involvement in their children's physical education;
3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;
4. Instruction, provided by adequately prepared teachers, i.e., licensed or endorsed to teach physical education, will meet the state adopted academic content standards for physical education (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities annually;
5. Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be used as a punishment or a reward;
6. Physical activity is a planned part of all school-community events.

Other Activities that Promote Student Wellness

The district will integrate wellness activities throughout the entire school environment (districtwide), not just in the cafeterias, other food and beverage venues and physical activity facilities. The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

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

1. Safe Routes to Schools Program;
2. Physically active family and community engagement activities for families to learn about healthy eating or to practice being active together (e.g., skate night, fun run, dance night);

3. Nonfood-related fund raisers;
4. Physical activity energizers during transitions from one subject to another;
5. Intramural sports;
6. Monthly/Weekly school walks;
7. Assemblies which focus on wellness issues such as the importance of breakfast, healthy beverages, and how students and staff can incorporate 60 minutes of physical activity into their day;
8. Use of alternates to food as rewards in the classroom;
9. Creation of connections between out-of-school time (OST) programs that involve staff members from OST programs, both school- and community-based, in school initiatives that address healthy eating, such as school wellness teams or wellness committees;
10. Integration of social, emotional and mental health supports into school programs (e.g., promote a positive school climate where respect is encouraged and students can seek help from trusted adults);
11. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;
12. Include wellness as a standing agenda item for school-based meetings (e.g., staff meetings, site council meetings, PTO).

DEFINITIONS

1. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.
2. “Food and beverage marketing”³ is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.
3. “Oregon Smart Snacks Standards”⁴ means the State’s minimum nutrition standards for competitive foods and beverages (ORS 336.423).

³ This term includes, but is not limited to, the following: brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container; displays, such as on vending machine exteriors; corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance.); corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district; advertisements in school publications or school mailings; free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

⁴ Oregon Department of Education, [Oregon Smart Snacks Standards](#)

4. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day, i.e., at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities.
5. “School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction of the school that are accessible to students during the school day.

END OF POLICY

Legal Reference(s):

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

[ORS 336.423](#)

[OAR 581-051-0100](#)
[OAR 581-051-0305](#)

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

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

Corrected 5/15/23; Corrected 5/17/23

Umatilla School District 6

Code: EFAA
Adopted: 10/14/97
Revised/Readopted: 2/11/04; 7/14/11; 11/19/15;
6/14/17
Orig. Code: EFAA

District Nutrition and Food Services

The district may enter into an agreement with the Oregon Department of Education (ODE) to operate the National School Lunch Program (NSLP) and the Commodity Food Distribution Program (CFDP) by signing a permanent Sponsor-ODE Agreement entitling the district to receive reimbursement for all meals that meet program requirements and to earn USDA Food entitlement based on the number of lunches served.

The permanent agreement shall be signed by the superintendent or other school official with authority to obligate the district to legally binding contracts, subject to annual ODE renewal and will include, at the district's option, an agreement to operate the School Breakfast Program (SBP), Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and the Special Milk Program (SMP). The district recognizes that meals and snacks served by the district will not be eligible for reimbursement until the annual program update is received and approved by ODE.

The permanent Sponsor-ODE Agreement shall include assurances by the district that it will follow all Child Nutrition Program regulations for which the district is approved to operate:

1. Free and reduced price process (updated annually);
2. Financial management of the nonprofit school food service;
3. Civil rights and confidentiality procedures;
4. Meal pattern and nutrition content of meals served;
5. Use and control of commodity foods;
6. Accuracy of reimbursement claims;
7. Food safety and sanitation inspections;
8. Nutrition standards for foods and beverages sold to students.

The superintendent will develop an administrative regulation as necessary to implement this policy and meet the requirements of state and federal law. The administrative regulation will be reviewed and adopted by the Board as required by law.

END OF POLICY

Legal Reference(s):

R1/31/17 | PH

District Nutrition and Food Services – EFAA

[ORS 327.520](#) to -327.537
[ORS 336.423](#)

[OAR 581-022](#)-2345
[OAR 581-051](#)-0100
[OAR 581-051](#)-0305

[OAR 581-051](#)-0310
[OAR 581-051](#)-0400

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, 7 C.F.R. Part 15b (2017).

U.S.D.A., ELIGIBILITY GUIDANCE FOR SCHOOL MEALS MANUAL.

U.S.D.A., FNS INSTRUCTION 765-7 REV. 2: HANDLING LOST, STOLEN AND MISUSED MEAL TICKETS.

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §§ 1758, 1760 (2012).

National School Lunch Program 7 C.F.R. Part 210 (2017)

U.S.D.A. Instruction 113-1 Civil Rights

Donation of Foods for Use in the United States, Its Territories and Possessions and Areas Under its Jurisdiction, 7 C.F.R. Part 250 (2017)

Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. 200 (2017).

Corrected 5/15/23

Umatilla School District 6

Code: EFAA-AR
Adopted: 2/11/04
Readopted: 8/12/10; 7/14/11; 3/14/19
Orig. Code: EFAA-AR

Reimbursable School Meals and Milk Programs (National School Lunch Program, School Breakfast Program, Special Milk Program)

The district's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:
 - a. Nonpricing (serve SMP milk at no charge to all students);
 - b. Pricing programs without a free option (charge all students for SMP milk); or
 - c. Pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals and afterschool snacks will be priced as a unit.
3. Reimbursable meals, milk and afterschool snacks will be served free or at a reduced-price to all children who are determined by the district to be eligible for free or reduced-price meals and free milk.
4. Annually, the district will establish prices for reimbursable student meals, milk and afterschool snacks. The price charged to students who do not qualify for free or reduced-price meals or free milk will be established annually by the district in compliance with state and federal laws.
5. The price charged to students who qualify for reduced-price meals will be established annually by the district in compliance with state and federal laws.
6. The district will implement claiming alternative Community Eligibility at the following schools under its jurisdiction: McNary Heights Elementary, Clara Brownell Middle School and Umatilla High School. ~~for the district.~~

Application Procedures

1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits; as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals, milk and afterschool snacks, for the students listed on the official document. Districts must access this document at least three times per year.
2. Students receiving support through the migrant education program, Runaway and Homeless Youth Act, McKinney-Vento Homeless Assistance Act, federal Head Start and state-funded

prekindergarten programs, with income eligibility criteria identical or more stringent than federal Head Start, or are in state or court placement foster care, will be automatically eligible for free meals, milk and afterschool snacks, for the students listed on the official documents.

3. Households that submit a confidential application will be notified of their student's eligibility for free or reduced-price meals or free milk. Households that are denied free or reduced-price benefits will be notified in writing using the Oregon Department of Education (ODE) template letter distributed to the district annually.
4. On a case-by-case basis, when a student is known to be eligible for free or reduced-price meal or free milk benefits, and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how they know he/she knows the household income qualifies the student for free or reduced-price meal benefits. Parents of a student approved for free or reduced-price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
5. Students who do not qualify for free or reduced-price meals or free milk are eligible to participate in the SMP, National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged "paid" meal prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced-price benefits in every aspect of the district's NSLP, SBP, SMP, Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP).
6. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.
7. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced-price meals or free milk to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP, SBP, CACFP, SMP and SFSP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.¹
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.

¹ For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

6. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The district will meet the requirements for allowable NSLP, SBP, CACFP, SMP and SFSP costs as described in 2 C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products where at least 50 percent of the ingredients are produced or processed in the United States, whenever possible.
11. The district may use facilities, equipment and personnel supported with nutrition and food services revenue to support a nonprofit nutrition program for the elderly.

Civil Rights and Confidentiality Procedures

1. The district will not discriminate against any student because of ~~their~~his/her eligibility for free or reduced-price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, marital status, sex, sexual orientation, parental status, marital status, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP, SBP, CACFP, SMP and SFSP benefits and services, and employment practices with regard to the operation of its NSLP, SBP, CACFP, SMP and SFSP. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's director of Child Nutrition Programs within three days of receiving the complaint.
5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information obtained through a confidential application for free and reduced-price meals or free milk or direct certification, including students' eligibility for free or reduced-price meals and all household information. The district's NSLP, SBP, CACFP, SMP and SFSP operators are not required to release any information from a student's confidential application for free or reduced-price meals or free milk. No information may be released from a student's eligibility information without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:

- a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, SFSP, CACFP, SFSP or SNAP;
- b. Any other confidential information contained in the confidential application for free and reduced-price meals or free milk (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer the NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

Nutrition and Menu Planning

1. Meals and afterschool snacks served for reimbursement will meet the nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
2. Meals and afterschool snacks served for reimbursement will meet at least the minimum NSLP, SBP, CACFP and SFSP requirements for food items and quantities.
3. Meals served for reimbursement will:
 - a. Meet all calorie range requirements by grade level;
 - b. Meet the maximum standards set for saturated fat; ~~and~~
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
4. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit ~~or~~ and vegetable offered in program lunches.
5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit ~~or~~ and vegetable offered in program breakfasts.
6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items, including one-half cup of fruit ~~or~~ and vegetable offered in program lunches.
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts.
8. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request.

Use and Control of Commodity Foods

1. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the NSLP, SBP and SFSP.
2. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
3. The value of commodity foods used for any food production other than NSLP, SBP, SFSP or afterschool snacks shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The district will claim reimbursement only for reimbursable meals, milk and afterschool snacks served to eligible children.
2. All meals, milk and afterschool snacks claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal, milk and afterschool snack meets NSLP, SBP, CACFP, SMP and SFSP requirements for reimbursement.
3. The person responsible for determining if the reimbursability of meals and afterschool snacks are reimbursable will be trained to recognize a reimbursable meal.
4. The district official signing the claim for reimbursement will review and analyze monthly meal, milk and afterschool snack counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

Food Safety and Sanitation Inspections

1. The district will maintain necessary facilities for storing, preparing and serving food and milk.
2. Semiannually, the district will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.
3. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

General USDA NSLP/SBP/SMP Requirements

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student’s school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.

4. The district will provide substitute foods for students with a disability² that restricts their diet when supported by a written statement from a state-licensed health care professional, who is authorized to write medical prescriptions. Substitutions will be provided only when a medical statement from the licensed health care professional is on file at the school. The medical statement must state the nature of the child's impairment so its effect on the student's diet is understood, and what must be done to accommodate the impairment. The district will not charge more than the price of the school meal, as determined by the child's eligibility status, for meals with the accommodation.
5. The district will control the sale of competitive foods.
6. The district will ensure that potable (drinking) water will be available to students, free of charge for consumption in the place where meals are served during meal service.
7. The district allows no meal charges.
8. The sale of foods in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.
9. Students will be charged for second servings of meals or portions of meals served.

Record Keeping

The following documents will be maintained by the district for three years after the current school year or longer, in the event of an unresolved audit(s), until the audit(s) has been completed:

1. All currently approved and denied confidential applications for free and reduced-price meals, free milk, all current direct certification documents, eligibility verification documents and school membership or enrollment lists;
2. Financial records that account for all revenues and expenditures of the district's nonprofit nutrition and food services programs, including procurement documents;
3. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all program and competitive foods available for sale to students at a school campus;
4. Documents of participation data (i.e. meal counts) from each school in the district to support claims for reimbursement;
5. Production and menu records;
6. Records to document compliance with Paid Lunch Equity;

² To comply with Section 504 as it relates to a student's severe food allergy, such as milk, gluten, nut or soy, and including but not limited to diabetes, colitis, etc.

7. Records to document compliance with Revenue from Nonprogram Foods; and
8. Internal program monitoring documents for NSLP, SBP, CACFP, SFSP and afterschool snacks.

Corrected 5/15/23

Umatilla School District 6

Code: EFAL
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: EFAL

Child Nutrition - Second Meals

All students and adults will be charged a la carte prices for second servings of meals or portions of meals served.

END OF POLICY

Legal Reference(s):

Nondiscrimination on the Basis of Handicap in Programs and Activities, 7 CFR Part 15b (2001).
National School Lunch Program, 7 CFR Part 210 (2001).
Special Milk Program for Children, 7 CFR Part 215 (2001).
School Breakfast Program, 7 CFR Part 220 (2001).
Determining Eligibility for Free and Reduced Price Meals and Free Milk, 7 CFR Part 245.8 (2001).
Uniform Federal Assistance Regulations, 7 CFR Part 3015 (2001).

Corrected 5/15/23

Umatilla School District 6

Code: EFD
Adopted:

Food Preparation

In keeping with public health authority guidelines, only food prepared in an inspected kitchen will be available in the district.

No foods prepared at home will be served at school parties, events or activities.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 5/15/23

Umatilla School District 6

Code: EGAAA
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: EGAAA

Reproduction of All Copyrighted Materials

Among the facilities available to teachers in carrying out their educational assignments are a variety of machines for reproducing the written and spoken word, either in single or multiple copies.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, audiotape, video or computer-programmed materials, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike.

Violations may result in criminal or civil suits.

The Board therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form.

“Fair use” is not a rigidly defined term. “Fair use” is based on the following standards:

1. The purpose and character of the use;
2. The nature of the copyrighted work;
3. The amount of and the substantiality of the portion used;
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

If an individual questions the legality of duplicating materials, ~~they~~he/she should seek permission from the copyright holders.

Employees in violation of copyright law may be required to remunerate the district in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

The superintendent will ~~develop~~provide administrative regulations ~~that provide guidelines~~ for the “fair use” of copyrighted materials that meet the requirements of Section 107 of the Copyright Act of 1976 and applicable amendments.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).

Corrected 5/15/23

Umatilla School District 6

Code: EGAAA-AR
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: EGAAA-AR

Guidelines for the Use of Copyrighted Materials

The superintendent is responsible for the establishment of practices which will ensure compliance with the provisions of the U.S. Copyright law as they affect the district and its employees.

1. General Responsibilities

- a. The ~~building~~ principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. ~~They~~ ~~He/She~~ will provide employee training as needed, distribute and review district policy and administrative regulations with employees, control the approval process and maintain written records regarding permissions, response to requests and license agreements, as may be necessary.
- b. The ~~building~~ principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software.
- c. The ~~building~~ principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of the copyright law.

Warning notices will be posted as follows:

- (1) On or near all copiers;
 - (2) On all forms used to request copying services;
 - (3) On all video recorders;
 - (4) On all computers;
 - (5) At the library or media center or other places where interlibrary loan orders for copies of materials are accepted.
- d. The ~~building~~ principal will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
 - e. The ~~building~~ principal will annually inspect the library or ~~media center~~ and any video collections to ensure all copies are acquired and maintained in accordance with applicable provisions of the copyright law.
 - f. All computer software license agreements must be signed by the business manager.
 - g. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with district policy and administrative regulations.
 - h. The employee will obtain written permission to reproduce material from the copyright holder(s) whenever copying does not fall within the "fair use" guidelines of copyright law. ~~Permission forms, as provided by the district, will be used.~~
 - i. The employee using emerging technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to, digital video, ~~videodisk~~, satellite transmission, distance learning, CDs, online databases ~~CD-ROM, on-line data bases~~ (and their ~~downloading~~ ~~down-loading~~), informational networks and

other emerging electronic information which can be manipulated into new copyrightable forms of expression.

In the absence of clearly granted rights, the employee must contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways.

Any contract provided by the distributor of such technology must be submitted to the **business managers/superintendent** for approval.

Fair Use

2. Printed Materials

a. Permissible uses — district employees may:

(1) Make a single copy of the following for use in teaching or in preparation to teach a class:

- (a) A chapter from a book;**
- (b) An article from a periodical or newspaper;**
- (c) A short story, short essay or short poem, whether or not from a collective work;**
- (d) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.**

(2) Make multiple copies for classroom use (not to exceed one copy per student in a course) from the following:

- (a) A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length;**
- (b) A complete article, story or essay of less than 2,500 words;**
- (c) Prose excerpts not to exceed 10 percent of whole or 1,000 words, whichever is less;**
- (d) One chart, graph, diagram, cartoon or picture per book or per issue of a periodical;**
- (e) An excerpt from a children's book containing up to 10 percent of the words found in the text.**

b. All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.

c. Prohibited uses — district employees may not:

- (1) Copy more than one work or two excerpts from a single author during one class term;**
- (2) Copy more than three works from a collective work or periodical volume during one class term;**
- (3) Copy more than nine sets of multiple copies for distribution to students in one class term;**
- (4) Copy to create or replace or substitute for anthologies or collective works;**
- (5) Copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;**
- (6) Copy the same work from term to term;**

- (7) Copy the same material for more than one particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.

- d. All sound recordings, ~~including phonograph records, audiotapes, compact disks and laser disks,~~ will be treated under the same provisions that guide the use of print materials unless as may otherwise be excepted by regulations governing the reproduction of works for libraries or media centers.

3. Sheet and Recorded Music

- a. Permissible uses — district employees may:

- (1) Make emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies will be substituted in due course;
- (2) Make, for academic purposes other than performance, multiple copies (one per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in any case no more than 10 percent of the whole work;
- (3) Make, for academic purposes other than performance, a single copy of an entire performable unit such as a section, movement or aria if confirmed by the copyright holder to be out of print or the “unit” is unavailable except in a larger work. The copy may be made solely for the purpose of scholarly research or in preparation to teach a class;
- (4) Edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist;
- (5) Copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
- (6) Make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
- (7) Make a single copy of a sound recording, ~~such as a tape, disk or cassette,~~ of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes.

- b. Prohibited uses — district employees may not:

- (1) Copy to create or replace or substitute for anthologies, compilations or collective works;
- (2) Copy works intended to be “consumable,” such as workbooks, exercises, standardized tests and answer sheets;
- (3) Copy for the purpose of performance, except as noted above (a. (1)) in emergencies;
- (4) Copy to substitute for purchase of music except as noted above (a. (1), (2) and (3));
- (5) Copy without inclusion of the copyright notice on the copy.

4. Television Off-the-Air ~~Recording~~Taping

- a. Permissible uses — district employees may:

- (1) Record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite retransmission, and retain the recording for a

period not to exceed the first 45 consecutive calendar days after the date of the recording.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy will be subject to all provisions governing the original recording.

Unless authorized by the library or /media center supervisor, coordinator at the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately.

~~The library or media center supervisor~~ Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview portion of the Request for Off Air Video Taping form to the library/media coordinator for each program videotaped. The library/media coordinator will coordinate requests for permission to use or retain copyrighted television programs beyond the 45-day¹ retention period.

- (2) Retain ~~recordings~~ videotapes of commercial programs only with written approval of appropriate copyright holders;
- (3) Use off-air recordings once for each class in the course of relevant teaching activities and repeat once only when instructional reinforcement is necessary and only within the first 10 consecutive school days of the 45-~~consecutive calendar~~-day retention period;
- (4) Use off-air recordings for evaluation purposes only, after the first 10 consecutive school days up to the end of the 45-~~consecutive calendar~~-day retention period. Evaluation purposes may include use to determine whether or not to include the broadcast program in the teaching curriculum;
- (5) Use off-air recordings made from a satellite dish if they conform to the 45-~~consecutive calendar~~-day retention period established for broadcast or cable programming and are not subscription channels;
- (6) Use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program;
- (7) Request that a library or /media center record and retain for research purposes commercial television news programs from local, regional or national networks; interviews concerning current events; and on-the-spot coverage of news events. Documentary, magazine-format and public affairs broadcasts, however, are not included in the definition of daily newscasts of major events of the day.

Requests for retention of programs recorded off-air will be directed to the producers of those programs directly through the network (not affiliate).

b. Prohibited uses — district employees may not:

- (1) ~~Record~~ Tape off-air programs in anticipation of an educator's requests;
- (2) Request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast;
- (3) Use the recording for instruction after 45 ~~consecutive calendar~~ days;

¹ Means 45 consecutive calendar days.

- (4) Hold the recording for weeks or indefinitely because:
 - (a) Units needing the program concepts are not taught within the 45-day use period;
 - (b) An interruption or technical problems delayed its use; or
 - (c) Another teacher wishes to use it, or any other supposedly “legitimate” educational reason.
- (5) Record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- (6) Alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works.

Off-air recordings, however, need not be used in their entirety.

- (7) Exchange program(s) with schools in the district or other school districts without the approval of the library or media center coordinator.

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- (8) Use the recording for public or commercial viewing;
- (9) Copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools.

“Pay” programs received via satellite dish are also subject to these prohibitions.

5. Rental, Purchase and Use of Video Recordings/CDs/DVDs/Videotapes

a. Permissible uses — district employees may:

- (1) Use purchased or rented video recordings/CDs/DVDs/videotapes such as feature films as part of a systematic course of instruction, in accordance with district policy. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
- (2) Use only rented lawfully-made video recordings/CDs/DVDs/videotapes;
- (3) Arrange for the local school to transmit videotapes/CDs/DVDs over their closed circuit television systems for direct instruction;
- (4) Use off-air video recordings/videotapes made at home for classroom instruction and only in accordance with television off-air guidelines and district policy.

b. Prohibited uses — district employees may not:

- (1) Use rented or purchased recordings/CDs/DVDs/videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- (2) Use rented or purchased video recordings/CDs/DVDs/videotapes such as feature films for assemblies, fund raising, entertainment or other applications outside the scope of direct instruction without public performance rights.

6. Computer Software

a. Permissible uses — district employees may:

- (1) Make a copy of an original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one, either the original or the copy, may be used at any one time;
- (2) Make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner;
- (3) Make a new copy from the archival program in the event that the program in use is damaged or destroyed;
- (4) Use a purchased program sent from a manufacturer labeled “archival” simultaneously with the original copy of the program provided its use is permitted (not excluded) by the terms of the sales agreement;
- (5) Make an archival copy of a rightfully-owned disk that is labeled “archival” by the software manufacturer;
- (6) Load a software program from a single disk into a distribution network or to individual stand-alone computers for simultaneous use when the distribution network is only accessible to the owner-user if not otherwise prohibited by terms of a sales agreement;
- (7) Adapt a copyrighted program from one language to another for which it is not commercially available or add features to a program to better meet local needs.

b. Prohibited uses — district employees may not:

- (1) Load the contents of one disk or download a program or software into multiple computers at the same time in the absence of a license permitting the user to do so;
- (2) Load the contents of one disk or download a program or software into local network or disk-sharing systems in the absence of a license permitting the user to do so;
- (3) Make or use illegal copies of copyrighted programs on district equipment;
- (4) Allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board;
- (5) Make copies of software provided by a software publisher for preview or approval;
- (6) Make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school or district;
- (7) Make replacement copies from an archival or back-up copy;
- (8) Make copies of copyrighted software (or a locally-produced adaptation or modification) to be sold, leased, loaned, transmitted or even given away to other users;
- (9) Make multiple copies of the printed documentation that accompanies copyrighted software.

c. With permission from the copyright holder, prohibitions may be significantly modified or removed altogether.

7. Reproduction of Works for Libraries or Media Centers

a. Permissible uses — district employees may:

- (1) Arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for a subscription to or purchase of a work;

- (2) Make for a requesting entity, within any calendar year, five copies of any article or articles published in a given periodical within the last five years prior to the date of the request for the material;
- (3) Make single copies of articles or sound recordings or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship or research;
- (4) Make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy of an out-of-print work that cannot be obtained at a fair price;
- (5) Make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
- (6) Make one copy of a musical work, pictorial, graphic, sculptural work, motion picture or other audiovisual work if the current copy owned by the library [or /media center] is damaged, deteriorated, lost or stolen; and it has been determined that an unused copy cannot be obtained at a fair price.

b. Prohibited uses — district employees may not:

- (1) Make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
- (2) Copy without including a notice of copyright on the reproduced material.

8. Performances

a. Permissible uses — district employees must:

- (1) Contact the copyright holder in writing for permission whenever copyrighted works such as plays and musical numbers are to be performed.

This is particularly important if admission is to be charged or recordings of the performance are to be sold.

NOTICES

Text of warning notice to be posted on or near copiers. It is recommended that type be at least 18 points in size:

NOTICE:

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17 U.S. CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Text of warning notice to be displayed at places where orders for copies of materials are accepted by libraries/media centers or archives. Type must be at least 18 points in size; the notice printed on heavy paper or other durable material and displayed prominently within the immediate vicinity of the place where orders are accepted.

The warning is also required on any form that is used to request copying service. There are no specific requirements for type size on request forms.

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIC CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

Text of warning notice to be affixed to video recorders and computers. (There is no specific requirement for type size.):

NOTICE:

MANY ~~VIDEO RECORDED~~ ~~VIDEOTAPE~~ MATERIALS AND COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT (TITLE 17 U.S. CODE). UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

Text of warning notice to be affixed to package containing the copy of a computer program subject to loan. The notice must be printed in such a manner as to be clearly legible, prominently displayed and durably attached to the copies or to a box, reel, cartridge, cassette, disc, CD, DVD or other container used as a permanent receptacle for the copy of the computer program:

WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF ~~\$150~~ ~~UP TO~~ ~~\$100,000~~ ~~OR MORE IN~~ DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR ~~UP TO~~ ONE YEAR.

REQUEST FOR OFF-AIR VIDEO TAPING

I, the undersigned, having requested the (District) to videotape the following program(s) within the parameters of the policy set forth by the Board, (Date), am aware of said policy, have reviewed district policy and administrative regulations and agree to accept responsibility for the use and erasure of this material to prevent any infringement of copyright law in lieu of expressed written approval of the copyright proprietor.

_____ Title of Program to be Copied: _____

_____ Date of Program: _____ Date Program is Needed: _____

_____ Time of Program: _____ Station or Channel: _____

_____ Length of Program: _____

_____ Special Instructions: _____

_____ Requestor's Name: _____ Location: _____

_____ (please print)

_____ Signature: _____ Department: _____

PREVIEW AND EVALUATION

_____ Yes _____ No Do you want the videotape of this program retained until information regarding the sale, lease, free loan or rental of this material is obtained?

INSTRUCTIONAL QUALITY (circle the appropriate number on the rating scale below)

Criteria	Suggested Guidelines for Rating Scale	5	4	3	2	1	0
Instructional Design	Well-organized, content-load appropriate, maturity level consistent with the content.	5	4	3	2	1	0
Content	Accurate, authentic, current, thorough, relevant.	5	4	3	2	1	0
Curriculum Match	Supports what is commonly taught in this subject at this grade level.	5	4	3	2	1	0
Interest	Supports or enhances communication of content.	5	4	3	2	1	0
5=Exemplary		4=Desirable (very good) 3=Desirable (good) 2=Fair 1=Poor 0=Unacceptable					
OVERALL (AVERAGE) RATING OF QUALITY:							

_____ Yes (High Priority) _____ Yes (Low Priority) _____ No Do you recommend acquisition of this program?

SENSITIVE CONTENT

_____ Yes _____ No Is nudity, excessive violence, glamorization of drugs/dangerous substances, profanity and/or a sexual nature present in this program?
IF YES, please verify by circling the topics present.

ADDITIONAL INFORMATION

Subject Area(s) _____ Grade Level _____ Ability Level _____

Yes _____ No _____ Previewed?

Yes _____ No _____ Uncertain _____ Do presently owned materials adequately cover the subject area?

OVERALL EVALUATION (SUMMARY, USE, ETC.) AND/OR REASONS FOR REQUESTING RETENTION OF THIS TAPE:

VIDEOTAPE STATUS - OFFICE USE ONLY

_____ Date: _____

_____ AVAILABLE: Format: _____ 16mm _____ 3/4" _____ 1/2" VHS _____ Other (Specify) _____

_____ Price: _____

_____ May be retained indefinitely

_____ May be kept on an indefinite basis pending updated information on the program's future availability

_____ May be kept permanently on a licensed basis _____ Must be erased immediately

**SAMPLE LETTER:
REQUEST FOR PERMISSION TO COPY**

Author, Publisher or Distributor _____

Date: _____

Permission Department

I am requesting permission to copy and use:

Title: _____ Author/Editor: _____

Year Published: _____ Number of Copies: _____

Will copies be sold? (Circle) **YES NO**

Description of materials to be copied (Photocopy enclosed): _____

Intended use of materials: _____

Type of Reproduction: _____

A self-addressed, stamped envelope is enclosed for your convenience in replying to this request. Should you be unable to authorize this request, please forward this letter to the proper person/agency.

Sincerely,

Permission Granted: _____ Date: _____

Conditions (if any): _____

**SAMPLE PRODUCER INQUIRY LETTER: REQUEST FOR INFORMATION OF AGENCY HOLDING RIGHTS TO A TV BROADCAST
AND PERMISSION TO RETAIN PROGRAM IF IT IS NOT FOR SALE, RENT OR LEASE.**

OR MORE.

Network Address (ABC, NBC, CBS — not affiliate) _____

Date: _____

Permission Department

I am requesting information on the availability and retention of the following program:

Title: _____ Air Date: _____

Can a copy of this program be retained for classroom use? (Circle) **YES NO**

Is this program available for sale? (Circle) **YES NO**

If Yes, specify agency distributing this program: _____

Specify Format: _____ Cost (if known): _____

Enclosed is a self-addressed, stamped envelope for your convenience in replying to this request. Should you be unable to authorize this request, or provide the above information, please forward this letter to the proper person/agency.

Sincerely,

Permission to retain off-air copy on a free basis: _____

Date: _____

Umatilla School District 6

Code: EH
Adopted: 6/12/08
Revised/Readopted: 10/13/22
Orig. Code: EH

Records and Data Management

The superintendent will provide for the preparation, maintenance and retention of records and reports as are required by law.

If a record is a public record then it may be subject to retention requirements based on the content of the message. Records shall not be destroyed if they have been requested under the Public Records Law or if they are part of litigation, even if their retention period has expired.

Employees will retain and destroy records in accordance with the Oregon Archives Division records retention schedule. Employees should consult the retention schedule to determine the retention period of the record.

The district's retention system is to retain records that are part of the network and email system and deleting them from the email account.

The district will comply with all state and federal laws and regulations concerning the custody and maintenance of public records.

“Retention schedule” means a general schedule published by the State Archivist in Oregon Administrative Rule (OAR) Chapter 166 in which certain common public records are described or listed by title and a minimum retention period is established for each.

END OF POLICY

Legal Reference(s):

[ORS 192.001 - 192.431](#)
[ORS 192.650](#)
[ORS 326.565 – 326.580](#)
[ORS 336.184 – 336.187](#)

[OAR 166-400-0010 - 166-400-0065](#)
[OAR 581-015-2300](#)
[OAR 581-022-2260](#)

[OAR 581-022-2305](#)
[OAR 581-023-0006](#)
[OAR 581-053-0070](#)

Corrected 5/15/23

Umatilla School District 6

Code: EH-AR
Adopted: 2/10/11
Revised/Readopted: 10/13/22
Orig. Code: EH-AR

Records and Data Management

Employee Responsibilities

1. Employees will evaluate the content and purpose of each record to determine which retention schedule requirement defines the record's required retention period.
1. It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
2. Employees shall retain records, e.g., documents or email, that have not fulfilled the legally-mandated retention period.
3. Employees will organize their records so they can be located and used.
4. Employees will promptly dispose of transitory, non-public record and personal records from the network and email system.
5. Employees are responsible for ensuring that records that are public records are properly archived prior to any district system auto clean-up schedules.

State School District Retention

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Corrected 5/15/23

Umatilla School District 6

Code: EIA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: EIA

Insurance Programs

Protecting the district against loss from fire and other types of misfortune through adequate insurance coverage shall be the responsibility of the Board. It shall be the policy of the Board to work with the agent(s) of record in periodic review of all insurance coverage.

It is the Board's policy that the district officials, as the custodians of district properties, shall exercise extreme care to preserve and protect such properties against loss and liability. Since one of the Board's chief concerns is the protection of the district from financial loss, this can best be done by securing the services of the most competent and reliable insurance agents and firms.

Insurance may be written by any fully insured, partially insured or self-insured pool that is able to demonstrate satisfactory financial stability as determined by Oregon law.

Blanket building and equipment insurance will cover replacement costs with an agreed amount endorsement and with a deductible determined by the [business manager] to provide the lowest possible premium costs consistent with adequate protection from unanticipated expenditures.

General and personal liability insurance will cover district Board members and employees only while acting in their official capacity.

All employees will be covered by an honesty bond. Tort liability endorsements may be carried.

The district will provide liability coverage for all district-owned or leased vehicles.

The district will establish and provide the opportunity for students to purchase student accident insurance.

The district will not carry student accident insurance other than liability insurance.

The district will not be liable for theft and damage of personal property of students that is not a requirement for attendance or participation. Additionally, the district will not be liable for theft and damage of personal property of staff.

END OF POLICY

Legal Reference(s):

[ORS 30.260](#) to -30.300
[ORS 278.005](#) to -278.215

[ORS 332.435](#)
[ORS 332.437](#)

Corrected 5/15/23

Umatilla School District 6

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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.

Umatilla School District 6

Code: FA
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: FA

Facilities Development Goals

To provide and maintain facilities that offer the best possible physical environment for learning and working, the Board, in consultation with the superintendent and in consideration of the input from staff, parents and the community, aims specifically toward:

1. Providing buildings and renovations that will accommodate and facilitate those new organizational and instructional patterns that support the district's educational philosophy and instructional goals;
2. Meeting all safety requirements through the remodeling of older structures;
3. Providing building renovations as needed to meet state and federal requirements on the accessibility and usability of facilities to persons with disabilities;
4. Building design, construction and renovation that will allow low maintenance costs and the conservation of energy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.155](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0075](#)

[OAR 581-022-2345](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Corrected 5/15/23

Umatilla School District 6

Code: FB
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: FB

Facilities Planning

The Board will gather and analyze appropriate data to evaluate the district's facilities needs on a long-range basis. Such data will include, but not be limited to, enrollment projections, anticipated changes in the instructional program, analysis of community building plans, safety, analysis of sites and evaluation of present facilities.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295](#) to -197.314

[ORS 332.155](#)

[OAR 581-022-2345](#)

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2012); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2012).

Corrected 5/15/23

Umatilla School District 6

Code: FC
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: FC

Capital Construction Program

The Board may submit to voters on any election date specified in Oregon Revised Statutes, the question of contracting a bonded indebtedness to build or renovate school buildings or to purchase school sites. Before such a bond election, the specific needs for facilities will be communicated to the public. Careful estimates will be made as to amounts required for the project.

All new construction or alterations to existing buildings will ensure to the maximum extent feasible that facilities are readily accessible and usable by individuals with disabilities.

Following approval by the voters, the bonds to be issued will be advertised appropriately. The date of issue will be coordinated with tax collection dates, payments on bonds already outstanding and favorable market conditions. Disposition of the bonds may be accomplished by public sale on a competitive bid or negotiated basis, as determined by the Board.

The Board will annually appropriate district funds in the bonded debt service fund for the purpose of paying interest and principal on outstanding bonds. If sufficient funds are not available in the debt service fund, the Board will authorize by resolution an interfund loan for the purpose of meeting debt service requirements.

The capital projects fund is the fund authorized by the approval of the bond issue. Initial receipts from the sale of bonds are deposited in, and actual expenditures made from, this fund. The Board will adopt an annual appropriation resolution authorizing payments from the fund of the amounts needed to meet contractual obligations due architects, contractors and other individuals or firms. The Board will receive periodic reports on expenditures made from this fund as compared with original appropriations for various projects.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295 to -197.314](#)
[ORS Chapter 255](#)

[ORS Chapter 294](#)
[ORS 328.205](#)
[ORS 328.542 to -328.565](#)

[ORS 332.155](#)

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2012); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2012).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 5/15/23

Umatilla School District 6

Code: FEA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: FEA

Capital Improvement - Educational Program

To ensure all new and remodeled facilities are designed to best implement the educational program, the superintendent will provide for detailed educational specifications prior to design and construction of new buildings or renovation of existing buildings. These specifications will include descriptions of:

1. All activities that will take place in the building;
2. The curriculum to be housed in the building;
3. Specific architectural characteristics desired;
4. The facilities needed, equipment requirements as provided by law, space relationships to other facility elements and ready accessibility and usability by persons with disabilities;
5. Pertinent budget and other governing factors.

The preparation of educational specifications serves a two-fold purpose:

1. To encourage staff and community input on the needs, desires and objectives of the educational program to be conducted within the proposed new building; and
2. To organize this information in a manner that can be easily and clearly interpreted by an architect.

The Board, superintendent, staff, student and citizen representatives and the architect should be involved in developing educational specifications. Consultants may be used when deemed necessary by the superintendent and the Board.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295 to -197.314](#)

[ORS 332.107](#)
[ORS 332.155](#)

[OAR 581-022-2345](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 5/15/23

Umatilla School District 6

Code: FEF/FEFB
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: FEF/FEFB

Construction Contracts - Bidding and Awards

The Board will serve as its own Local Contract Review Board.

The Board will procure contracts for construction or renovation of facilities according to the provisions of state law and Oregon Administrative Rules. Prequalification of bidders may be required by the district.

Contractors shall be registered as required by Oregon law.

For every contract for which a bond is required, a bond with good and sufficient sureties will be required of the contractor. The purpose of the bond is to assure:

1. The obligations of the contract are faithfully performed;
2. Payment is promptly made to all persons supplying labor or materials to the contractor or subcontractor for the work provided in the contract;
3. All contributions for workers' compensation and unemployment insurance are made promptly;
4. All sums required to be deducted and retained from the contractor's and subcontractor's employees' wages are paid.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)

Corrected 5/15/23

Umatilla School District 6

Code: FF
Adopted:

Naming Facilities

A district facility will be named by location whenever possible. A district facility may be named for an individual person who has been outstanding in educational endeavors or who has worked to improve schools and educational programs in the community and/or in the state. Such a person must be retired from active participation in educational activities.

A name may be presented by petition, by chosen committees or by other representative groups in the area. The Board has the final decision in naming a district facility.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 5/15/23

Umatilla School District 6

Code: FFA
Adopted:

Memorials

The Board will consider the acceptance of memorial scholarships in honor of a person who has a special significance to the students, the district or the community. A room or item may be named for the person in whose honor the scholarship fund is created. A memorial plaque may be appropriately dedicated whenever a room or item is designated as a memorial in conjunction with a scholarship fund.

Offers of a memorial scholarship will be submitted to the superintendent together with information concerning the purpose of the memorial and administration of the scholarship fund.

A principal may receive items for their school as a memorial to a student or person having a special significance to the students of that school. An item received as a memorial becomes the property of the district. A principal must have the superintendent's approval to accept any item that may require additional maintenance cost to the district. The superintendent may establish guidelines for the acceptance of such a memorial.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.385](#)

Corrected 5/15/23

Umatilla School District 6

Code: FFA
Adopted:

Memorials (Version 2)

The Board recognizes that when a school community experiences the sudden death of a student or staff member, it is important to the school community and to those who are personally affected by the death to acknowledge the event. Additionally, certain traumatic events occurring on a local, state or national level may also give rise to the need for district acknowledgment through appropriate activities. Requests from students, staff, parents or others for remembering or memorializing a person or event may be approved by the superintendent or designee, subject to the provisions of this policy.

The Board recognizes that memorials of flowers, personal messages and mementoes are often created at lockers, parking spaces and other areas on district property upon such losses or events. Memorials may be permitted at the discretion of the [principal]. The [principal] will consult with the family of the deceased, as appropriate. The display of all remembrances will be temporary in nature, removed in a timely manner and offered to the family.

Requests may be made to memorialize an individual or event in school yearbooks, at graduation ceremonies and other district activities. Activities that will not detract from scheduled classroom or school activities, or the celebration of student accomplishments may, with prior [principal] approval, be authorized. Activities or events may be rescheduled or cancelled with prior superintendent approval only.

In considering memorial activity requests, the administration will balance memorializing or commemorating the individual or event on the one hand, while not creating an atmosphere that glamorizes a traumatic event or self-destructive behavior on the other.

[Contributions may be made to a general scholarship fund established by the district memorializing a member or members of the school community or in memory or recognition of certain events.] [Memorial scholarships may be accepted and awarded under criteria approved by the district in honor of persons who have special significance to the students, district or community. All such offers will be submitted to the superintendent with pertinent information concerning the purpose of the memorial scholarship. Funds will be administered by the district.] Items may be accepted by the district in memory of an individual or event with superintendent approval only. The superintendent will consider any maintenance costs to the district of such gifts. Items received become the property of the district and will be used for the purpose for which they were donated.

Schools may observe a moment of silence in memory of the individual or in recognition of certain traumatic events as deemed appropriate by the superintendent or designee. Additional district counseling services may be made available to provide support. Deaths will not be announced or memorialized on reader boards. School will not be dismissed early or cancelled on the day of a memorial or funeral service [without superintendent approval]. The district will not hang plaques commemorating the deceased or approve permanent living memorials, such as planting trees [without Board approval]. Flags may be lowered only in accordance with state and federal law. District property (e.g., buildings, rooms, fields, gymnasiums, etc.) may be named or renamed to memorialize an individual with Board approval only.

[The Board recognizes the use of district property for memorial services is generally inappropriate. Any such request will be considered in accordance with Board policy KG - Use of District Property and accompanying administrative regulation.]

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.385](#)

Umatilla School District 6

Code: FJ
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: FJ

Temporary District Facilities

The Board's goal is to have sufficient permanent facilities to meet the needs of district school enrollment and the district's programs. Rented facilities, movable units and other emergency school housing may be inadequate for long-term public school purposes.

If circumstances require immediate space not available in public school buildings, facilities will be leased or moveable structures will be used as a temporary measure.

The Board encourages the involvement of staff, parents and the community in the decision-making process, whenever possible. The superintendent will give due consideration to all such input in their/his/her recommendations to the Board. All final decisions regarding the use of temporary district facilities will be made by the Board.

Any such facility must conform to all appropriate federal, state and local building and land use codes, health and fire laws, environmental standards and provisions for accessibility and usability as required by the Americans with Disabilities Act.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.155](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0081](#)

[OAR 437-002-0161](#)

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

[OAR 437-002-0368](#)

[OAR 437-002-0377](#)

[OAR 437-002-0390](#)

[OAR 437-002-0391](#)

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2012); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (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).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 5/15/23

Umatilla School District 6

Code: FK
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: FK

Facilities Renovation

The Board's priorities for funding renovation of facilities are in order of priority, as follows:

1. Protection of life and health; compliance with mandated requirements governing construction codes and fire safety requirements;
2. Direct support of the educational program;
3. Urgently required projects to comply with the priorities set forth in the district's comprehensive planning program for facilities and sites;
4. All other Board priorities ~~others~~.

The participation of staff, parents and the community in the development of plans for new and renovated facilities will be actively solicited.

The superintendent will establish procedures for requesting, approving and scheduling facilities renovation.

Plans for new and remodeled buildings will be designed and offer accommodations to make them accessible to persons with disabilities. The Board will review construction plans to ~~ensure~~ ~~assure~~ that new and remodeled buildings are made fully accessible.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295](#) to -197.314
[ORS 332.107](#)
[ORS 332.155](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020](#) to -0081
[OAR 437-002-0180](#) to -0182
[OAR 437-002-0368](#)

[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2012); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (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).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 5/15/23

Umatilla School District 6

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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.

Umatilla School District 6

Code: GAB
Adopted: 4/11/96
Revised/Readopted: 2/11/04; 11/18/10
Orig. Code: GAB

Job Descriptions

Job descriptions serve to:

1. ~~Describe~~To 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~~To describe attendance standards;
3. ~~Help~~To help applicants determine the qualifications needed to fill a position;
4. ~~Help~~To help district administrators determine which candidates to recommend for appointment; and
5. ~~Assist~~To assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions," as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for any of several 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/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.

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

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

Job descriptions will be reviewed ~~annually~~ as needed. Initial or revised job descriptions will be approved by the superintendent and will be presented to the Board for a resolution rescinding those that have been replaced and accepting new ones.

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GB
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: 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 will 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 district office on standard district application forms. The selection process will be coordinated and supervised by the superintendent or designee, 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 card. A current employee required to hold a card will obtain it within 90 days from the date the district gives notification.

* Personnel selected for employment will be notified in writing following Board approval. This notification will specify the assignment, the job classification, the salary or hourly rate, the length of the workweek 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 designee.

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

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GB-AR
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GB-AR

General Personnel Policies

A licensed employee has the responsibility to:

1. Direct and evaluate the learning experiences of students in both curricular and extracurricular activities;
2. Plan and organize work in such a manner as to best meet the needs of each student;
3. Provide guidance to each student that will promote his/her welfare and proper educational development;
4. Ensure that the student and the district get the maximum return on all time, equipment, materials, supplies and utilities under his/her supervision;
5. Participate in the planning and evaluation of the district's programs;
6. Maintain cooperative relationships with staff, parents and community;
7. Provide positive leadership for students in development of good citizenship;
8. Participate in the business and activities of the faculty;
9. Maintain the necessary current educational records and reports;
10. Adhere to the Standards of Competent and Ethical Professional Performance for Oregon Educators as found in Oregon Administrative Rules;
11. Perform other duties as may be assigned by the administration and the Board.

Corrected 5/16/23

Umatilla School District 6

Code: GBA
Adopted: 4/09/09
Revised/Readopted: 11/18/10; 12/13/16; 3/10/22
Orig. Code: GBA

Equal Employment Opportunity

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 – 243.323](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 652.210 – 652.220](#)

[ORS 659.850](#)
[ORS 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](#)

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

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

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

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

[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 5/16/23

Umatilla School District 6

Code: GBA-AR
Revised/Reviewed: 11/08/16
Orig. Code: 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, a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

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 he or she 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.³ 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 certification⁴ of eligibility for preference, in addition to other requested materials.⁵

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions: definition of veteran and disabled veteran.

³ ~~Oregon Revised Statute (ORS) 408.230(5)~~

⁴ 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.

⁵ ~~Verification of Veteran's Preference~~

Selection Procedures⁶

- Step 1: Before the review of any applications the hiring supervisor will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The hiring supervisor will review the application materials using the ~~above~~ 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 hiring supervisor shall evaluate whether the skill experience obtained in the military are transferable to the posted position. ~~In this step the district does not apply a veterans' preference.~~ 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 hiring supervisor 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 hiring supervisor shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall ~~points must~~ be applied by adding 5 ~~percentage~~ points to an eligible veteran and 10 ~~percentage~~ points to an eligible disabled veteran.⁷
- Step 6: The hiring supervisor 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 hiring supervisor 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

⁶ ~~OSBA recommends use of a scored system.~~ 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.² ORS 408.230(2)(c).

⁷ ~~The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the district must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.~~

Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

~~A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.~~

Corrected 5/16/23

Umatilla School District 6

Code: GBC
Adopted: 8/12/10
Revised/Readopted: 11/18/14; 4/12/16; 11/21/19
Orig. Code: GBC

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

~~I. 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 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 Oregon Revised Statute (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 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 interest, 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 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.

In the conflict of interest context:

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

"Relative" means: the spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law

¹ The term spouse includes domestic partner.

of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee's public employment.

II. Gifts

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

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

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household Employees 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.

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

³ Ibid. p. 2

⁴ Ibid. p. 32

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 ~~the~~^{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(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. ~~An item~~^{A 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.

Day Care

District employees may utilize District Child Care at reduced rates or free or charge.

END OF POLICY

Legal Reference(s):

[ORS 244](#).010 - 244.400
[ORS 332](#).016

[ORS 659A](#).309

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

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

Corrected 5/16/23

Umatilla School District 6

Code: GBC-AR
Revised/Reviewed: 8/12/10
Orig. Code: 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 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 machine¹;
 - 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

¹ 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~~^{a teacher} cannot use the discount to purchase personal items. ~~Teachers~~^{The 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). ²In 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~~^{you}, a relative or member of the ~~employee's~~^{your} household are associated. For example, if ~~the employee's~~^{your} sibling ~~your 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~~^{you} must declare an actual conflict of interest in writing, describing the nature of ~~the employee's~~^{your} conflict, and provide this to ~~the employee's~~^{your} 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~~^{public official's} household or a business with which any are associated. For example, ~~the employee~~^{you} should not use the information that a student in ~~their~~^{your} class is falling behind in math to provide the parents a referral to ~~the employee's~~^{your} sibling's ~~your 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).~~

² [Include this language only if the district chooses to use such language, i.e., allowing employees free admission for extracurricular activities to promote participation, in Board policy DFEA - Admission to District Events (OSBA model sample policy Version 3).

~~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.~~

Corrected 5/16/23

Umatilla School District 6

Code: GBCA
Adopted: 7/14/11
Orig. Code: GBCA

Staff Religious Dress

All staff, when on duty, shall be allowed to wear religious attire, in accordance with the employee's sincerely-held religious beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

The district retains the authority to specify religious dress guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

The superintendent may develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(7\)](#)
[ORS 327.109](#)

[ORS 332.107](#)
[ORS 339.351](#)

[ORS 659.850](#)
[ORS 659A.030](#)

OR. CONST., art. I, § 5.
U.S. CONST. amend. I.

Corrected 5/16/23

Umatilla School District 6

Code: GBCA-AR
Adopted: 7/14/11
Orig. Code: GBCA-AR

Staff Religious Dress

“Religious clothing” means religious dress worn in accordance with the employee’s sincerely-held beliefs, including but not limited to, head coverings, jewelry, emblems and other types of religious dress.

In assessing whether the district may restrict or prohibit the wearing of religious clothing, the district should consider whether:

1. ~~The Whether the~~ employee’s intent of wearing the religious clothing or by wearing the clothing is likely to be perceived by students, parents or employees to indoctrinate or proselytize students and/or create the impression that the district endorses religion or the employee’s particular religious belief.

Specific factors to be considered when assessing employee’s intent and reasonable perception should include, but not be limited to:

- a. The size and visibility of the religious clothing;
- b. The inclusion of any writing or symbols on the religious clothing that communicates a direct message;
- c. Any accompanying verbal statements or declarations of a religious nature that goes beyond a limited explanation of the religious significance or obligation associated with the wearing of the religious clothing;
- d. The number of employees requesting or wearing the same or similar religious clothing in the school; and
- e. The reasonableness of this perception should take into account the age, background and sophistication of the student, parent or employee in the school who regularly encounters the employee.

2. ~~The Whether the~~ wearing of religious clothing disrupts the educational process, harasses, intimidates, coerces or otherwise interferes with the rights of students, parents or another school employee in the district.

Corrected 5/16/23

Umatilla School District 6

Code: GBCB
Adopted: 10/17/02
Readopted: 2/11/04
Orig. Code: GBCB

Staff Dress and Grooming

All personnel entering into contract with the district will be neat, clean and appropriately dressed. In order for persons to have the respect of the students and community, they must dress and conduct themselves as professional people. Principals are expected to counsel staff assigned to their building on appearance and conduct.

The superintendent is instructed by the Board to develop administrative rules for this policy.

END OF POLICY

Legal Reference(s):

~~ORS 244.010~~	~~ORS 244.130~~	~~ORS 332.016~~
~~ORS 244.020~~	~~ORS 244.350—244.380~~	~~ORS 659A.309~~
~~ORS 244.040~~	~~ORS 294.311 (22)~~	
~~ORS 244.120~~	~~ORS 294.336~~	~~OAR 584-020-0040~~

~~Oregon Government Standards and Practices Laws, A Guide for Public Officials, Oregon Government Standards and Practices Commission (Dec. 1993).~~

ORS 243.650(7)	ORS 339.351	
ORS 327.109	ORS 659.850	OR. CONST., art. I, § 5.
ORS 332.107	ORS 659A.030	U.S. CONST. amend. I.

Corrected 5/16/23

Umatilla School District 6

Code: GBCB-AR
Adopted: 7/11/96
Revised/Readopted: 2/11/04; 6/9/11; 8/12/21
Orig. Code: GBCB-AR

Staff Dress and Grooming

Staff must minimally meet the requirements for students as outlined in the student handbook with respect to dress and grooming.

Student Contact Days

1. ~~Men-Employees~~ must wear professional dress pants/skirts/dresses (non-blue denim pants are acceptable) with a collared shirt; ~~Women must wear professional dress pants (non-blue denim pants are acceptable)/skirts/dresses with a professional shirt.~~ Dresses cannot be any shorter than three inches above the knee;
2. No blue denim (jeans) except on Fridays when wearing a Umatilla school shirt;
3. No shorts;
4. No graphic/logo T-shirts (except Friday when wearing a Umatilla school shirt). No shirts at any time with logos representing other school districts;
5. Physical education teachers need to follow these guidelines when teaching in a classroom or in the building for a period of time. If they are switching back and forth, they may wear nice athletic wear;
6. Appropriate footwear must be worn;
7. When attending a field trip with students, the staff member should dress according to the nature of the trip;
8. Teachers are encouraged to participate in student dress up spirit days or theme days.
9. At all times, staff must minimally meet the student dress code.

Non-student Contact Days and Custodial/Maintenance, Specialty (CTE) teachers, and Food Service Staff:

Staff should dress according to the plans of the day.

Special Events

These include open houses, conferences, award assemblies and graduation.

1. ~~Men-Employees~~ should be in dress pants, collared shirt and tie or dresses or suits;
2. ~~Women should be in dresses or dress slacks with a blouse or pant suit.~~

Corrected 5/16/23

Umatilla School District 6

Code: GBD
Adopted: 4/09/09
Orig. Code: 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 However, 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 as appropriate to keep staff fully informed of the Board's concerns and actions.

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GBDA
Adopted: 2/14/08
Revised/Readopted: 11/21/19
Orig. Code: GBDA

Expression of Milk or Breast-feed in the Workplace

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to supervisor. 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, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the 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:

1. District office: Board Room;
2. McNary Heights Elementary School: Health Room;
3. Clara Brownell Middle School: Snack Bar Concession Stand;
4. Umatilla High School: Locking Safe Room;
5. Maintenance: Director's Office;

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

END OF POLICY

Legal Reference(s):

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

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

Corrected 5/16/23

Umatilla School District 6

Code: GBE
Adopted: 2/11/04
Revised/Readopted: 11/19/15
Orig. Code: GBE

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 input of staff will be encouraged in the development of district health and safety plans.

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

The superintendent will develop 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. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

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

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[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 5/16/23

Umatilla School District 6

Code: GBEA
Adopted: 2/11/04
Revised/Readopted: 3/10/22; 10/13/22
Orig. Code: 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 assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The 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.

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

The district may not require or coerce a district employee to enter into a nondisclosure² or nondisparagement³ 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-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

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.820](#)
[ORS 659A.875](#)

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

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

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 5/16/23

Umatilla School District 6

Code: GBEA-AR
Revised/Reviewed: 10/13/22
Orig. Code: 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, 659A.112 or ORS 659A.370 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 building principals are 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 principal, the employee may report to superintendent. 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 five 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 10 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 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 working days following completion of the hearing.

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 information¹ 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.

¹ 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 resource specialist 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 principal received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The human resource specialist will document the record of this follow-up. The human resource specialist will continue follow-up in this manner until and unless the employee directs the human resource specialist 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.

Umatilla School District
1001 6th Street, Umatilla, OR 97882 | 541-922-6500

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: _____

Umatilla School District
1001 6th Street, Umatilla, OR 97882 | 541-922-6500

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 5/16/23

Umatilla School District 6

Code: GBEAB
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GBEAB

Care of Property

Care of District Property

Employees are required to exercise proper supervision and care over all furniture, books, supplies, equipment and facilities provided for use and to instruct students in the care, proper use and preservation of the district's properties. Further, staff are to encourage student pride in the appearance of the buildings and grounds. Employees shall be alert to any mistreatment of district or personal properties and seek a correction at once. Misuse shall be reported to the appropriate supervisor immediately. Keys to district facilities must be kept secure at all times.

Care of Personal Property

Employees shall keep their personal property secure at all times.

No employee shall bring personal equipment to school for use without authorization of the appropriate supervisor. All such items of whatever nature are brought to school at the individual's own risk.

Employees shall not bring animals with the exception of approved assistance guide animals to school unless authorized by the appropriate supervisor.

Employees who experience losses for failure to observe these regulations will be expected to bear such losses personally.

END OF POLICY

Legal Reference(s):

[ORS 330.430](#)

[ORS 332.107](#)

[ORS 332.172](#)

Corrected 5/16/23

Umatilla School District 6

Code:
Adopted:

GBEB

Communicable Diseases – Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for 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* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

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.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

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

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
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 (2019).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).

Corrected 5/16/23

Umatilla School District 6

Code: GBEB-AR
Revised/Reviewed:

Communicable Diseases – Staff

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 and include but are not limited to COVID-19¹, 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 if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.
2. “Susceptible” for an employee means lacking evidence of immunity to the disease.
3. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. An administrator shall exclude an employee if the administrator has reason to suspect that an employee has 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 will report the occurrence to the local health department.
3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department.
7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the 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 a student has been exposed to a restrictable disease that 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 guidance³.
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse 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 5/16/23

³ Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.

Umatilla School District 6

Code: GBEBA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GBEBA

Staff - HIV, AIDS and HBV

The district will strictly adhere in its policies and procedures, to the Oregon law Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The district recognizes a staff member has no obligation under any circumstance to report ~~this/her~~ condition to the district, and the staff member has a right to continue working.

If the staff member reports ~~this/her~~ condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed.

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

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

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

~~The district shall also develop policies and/or procedures for rumor control, infection control and public relations/media.~~

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850\(8\)](#)
[ORS 433.008](#)

[ORS 433.045](#)
[ORS 433.260](#)
[OAR 333-017-0000](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-2220](#)

Corrected 5/16/23

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

Umatilla School District 6

Code: GBEBD/JHCCD
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GBEBD/JHCCD

Staff/Students - Rumor Control - HIV, AIDS and HBV**

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

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

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

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

The district shall appoint a district spokesman who shall be responsible for responding to staff, students, parents, media and the general public.

END OF POLICY

Legal Reference(s):

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

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

[OAR 333-018-0030](#)
[OAR 581-015-0005](#)

Corrected 5/16/23

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

Umatilla School District 6

Code: GBEBE/JHCCE/KBCAA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GBEBE/JHCCE/KBCAA

News/Media - HIV, AIDS or HBV**

The district shall appoint a district spokesman who shall respond to media inquiries regarding rumored or identified HIV, AIDS or HBV¹ cases.

The release/conference shall stress:

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

The district shall ask the local health department or other health authorities to assist the district spokesman in responding to media inquiries.

END OF POLICY

Legal Reference(s):

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

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

Corrected 5/16/23

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

Umatilla School District 6

Code: GBEC
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GBEC

Drug-Free Workplace (Version 1)

No employee engaged in work in connection with a direct federal grant or contract of \$100,000 or more 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 the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation at 21 CFR 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 school district where work on a federal grant is performed.

¹Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, 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.

¹Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, shall abide by the terms of this district policy establishing a drug-free workplace.

¹An 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 non-renewed or non-extended or he/she may be dismissed, at the discretion of the Board.

END OF POLICY

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\(5\)\(e\)](#)

¹~~Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.~~

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Umatilla School District 6

Code: GBEC
Adopted:

Drug-Free Workplace

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.¹

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.

¹ 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 Remedies²

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.

² 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 Conviction³

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

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).

Corrected 5/16/23

³ Ibid. p. 1

Umatilla School District 6

Code: GBEDA
Adopted: 7/11/96
Readopted: 2/11/04
Orig. Code: 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 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. (OTETA).

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).

The contractor will develop administrative regulations as needed to implement the district's program including such provisions for pre-employment, reasonable suspicion, random, and 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 5/16/23

Umatilla School District 6

Code: GBG
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: GBG

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/citizen 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/campaigning, nor will he/she use any time during the work/working day for such political activities/campaign purposes.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Corrected 5/16/23

Umatilla School District 6

Code:
Adopted:

GBH/JECAC

Staff/Student/Parent Relations**

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 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.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

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 5/16/23

Umatilla School District 6

Code: GBI
Adopted: 11/06/08
Orig. Code: 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 giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or ~~for~~ retirement gifts. Staff-initiated “sunshine funds” are exempt from this policy.

No staff member may solicit funds in the name of the 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 superintendent.

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

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

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

Corrected 5/16/23

Umatilla School District 6

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 superintendent using the fund-raising request form.

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 district in the name of the 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 5/16/23

Umatilla School District 6

Code: GBK/JFCG/KGC
Adopted: 3/08/07
Readopted: 3/13/08; 4/21/11
Orig. Code: GBK/JFCG/KGC

Tobacco-Free Environment (Version 1)

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. In light of scientific evidence that use of tobacco is hazardous to health, and to be consistent with district curriculum and Oregon law, it is the intent of the Board to establish a tobacco-free environment. Consequently, student possession, use, distribution or sale of tobacco, including any smoking device, on district premises, at school-sponsored activities on or off district premises, in district-owned, rented or leased vehicles, or otherwise while the student is under the jurisdiction of the school, is prohibited. Tobacco use, distribution or sale by staff on district property, at district sponsored events, in district owned, rented or leased vehicles or otherwise while on duty on or off district premises is prohibited. Tobacco use, distribution or sale by others on district property, in district vehicles or at district sponsored events on or off district premises is also prohibited. Staff and/or all others authorized to use private vehicles to transport district students to school-sponsored activities are prohibited from using tobacco in those vehicles while students are under their care.

For the purposes of this policy, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form, nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes). This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Tobacco advertising is prohibited in all school-sponsored publications in all school buildings and at all school-sponsored events. District acceptance of gifts or funds from the tobacco industry is similarly prohibited. The district will not contract with other public or private alternative schools that allow student tobacco use on campus.

Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement maybe made. Parents shall be notified of all violations involving their student and action taken by the school.

Staff violations of this policy will lead to disciplinary action up to and including dismissal. When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting. Violations by others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Information about community resources and/or cessation programs to help staff and students overcome tobacco use will be provided.

The district will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at district schools. Attendance or completion of tobacco use

[Date]: [Initials]

Tobacco-Free Environment – GBK/JFCG/KGC

cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco at the discretion of the principal. Attendance at cessation programs not offered by the district is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health-care system.

As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, Tobacco Prevention and Education Program and the Oregon Department of Education are an integral part of its drug and alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades six through eight. It is the expectation of the Board that tobacco use prevention concepts will be integrated into the instruction of other subject areas as practicable.

Staff responsible for teaching tobacco use prevention will be encouraged to collaborate with agencies and groups that conduct tobacco use prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of tobacco use, effective instructional techniques and program-specific activities.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the possession of tobacco by minors on or off district grounds.

This policy shall be enforced at all times. The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the district's policy, through such means as student/parent and 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.

The superintendent shall ensure that the district's tobacco use prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 433.835 - 433.990](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-0413](#)

[OAR 581-053-0015](#)
[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)
[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

Corrected 5/16/23

Umatilla School District 6

Code:
Adopted:

GBK/KGC

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems (Version 2)

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on district premises, in any building or facility, on district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district, school or public charter school and at all district- or school-sponsored activities.

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

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

Violation of this policy by staff may result in discipline up to and including dismissal.

Violation of this policy by the public may result in the individuals removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

This policy shall be enforced at all times.

END OF POLICY

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 581-053-0230\(9\)\(s\)](#)

[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 5/16/23

Umatilla School District 6

Code: GBL
Adopted: 9/09/99
Revised/Readopted: 2/11/04; 6/09/22
Orig. Code: 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 placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees'¹ 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;

¹ Includes former employees.

8. Attorneys for the district or the district's designated representative on matters of district business;
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 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 Board policy KBA - Public 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 5/16/23

Umatilla School District 6

Code: GBLA
Adopted: 4/11/96
Readopted: 2/11/04; 2/10/11
Orig. Code: GBLA

Disclosure of Information

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

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil rights.
2. The disclosure is of the disciplinary records¹ of a district employee who has been convicted of a crime listed in ORS 342.143. These records are not exempt from disclosure under ORS 192.501 or ORS 192.502 and shall be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.
3. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.
4. Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.375](#)
[ORS 339.388\(7\)](#)
[ORS Chapter 659](#)
[ORS Chapter 659A](#)

Corrected 5/16/23

¹ Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

Umatilla School District 6

Code: GBM
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: 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 ~~content and they have been subject to 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 ~~non-renewal~~ or contract non-extension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations ~~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 GBM-AR – Staff Complaints to address any alleged violations of this policy.

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GBM-AR
Adopted: 11/14/96
Revised/Readopted: 2/11/04
Orig. Code: GBM-AR

Staff Complaints

The purpose of this procedure is to afford every employee, subject to the limits specified in policy GBM - Staff Complaints, the means to seek formal discussion of problems arising out of an alleged violation, interpretation or inappropriate application of Board policies and procedures. 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. Concerns regarding Board policies are subject to this procedure through Step 4. Administrative rules, regulations and procedures are subject to this procedure only through Step 3. The employee must be present at all proceedings and may be represented by a person of his/her/their choice at any proceeding. The employee must start the procedure at the appropriate level. All days in the procedure refer to working days of the district. Failure to proceed to the next step within the time limits specified will automatically be construed as acceptance of the decision at the previous step.

Step 1: The employee will submit a letter to his/her/their immediate supervisor indicating the nature of the concern and requesting a conference. The letter must be sent within 10 days of the occurrence or perception of the problem. A conference will be held between the employee and his/her/the immediate supervisor within five days of receipt of the request. Written results of the conference will be sent to the employee within five days of the conference.

Step 2: If the results are unacceptable to the employee, he/she/they may make a written request, within five days of the receipt of the results, for a conference with the appropriate administrator. A conference will be held between the employee, the immediate supervisor and the appropriate administrator within five days of receipt of the request. Written results of this meeting will be sent to the employee and the immediate supervisor within five days of the conference.

For matters outside the jurisdiction of the immediate supervisor, the employee may start the proceedings at Step 2.

Step 3: If the results are unacceptable to the employee, he/she/they may make a written request, within five days of receipt of the results, for a conference with the superintendent. A conference will be held between the employee, the immediate supervisor, the administrator and the superintendent or designee within five days of the request. At this time, the parties may present their cases. Written results of this conference will be sent to the employee, the immediate supervisor and the administrator within five days of the conference.

Step 4: If the results are unacceptable to the employee, he/she/they may make a written request to the Board, within five days of receipt of the results, for a conference with the Board. The written request shall be submitted to the superintendent. A conference will be held between all parties involved and the Board within 40-30 days of receipt of the request. The Board will send its written decision to the employee within 40-10 days of the conference. All decisions of the Board shall be final.

Corrected 5/16/23

Umatilla School District 6

Code: GBMA
Adopted: 6/14/17
Orig. Code: 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 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

Legal Reference(s):

[ORS 192.501 - 192.505](#)

[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 5/16/23

Umatilla School District 6

Code: GBN/JBA
Adopted: 4/11/96
Revised/Readopted: 2/11/04; 11/18/14; 6/09/22
Orig. Code: 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 ~~JBA~~/GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and ~~JBA~~/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.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

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

¹ "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.

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 action, 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):

Name	Position	Phone	Email
Heidi Sipe	Superintendent	541-922-6501	sipeh@umatillasd.org

This/These individual(s) is/are 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 JBA/GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall 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 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 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 person² 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 include³:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or 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 activity⁴;
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;

⁴ "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))

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 ~~JBA~~/GBN/~~JBA~~-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

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.

Heidi Sipe is designated as the Title IX Coordinator and can be contacted at 541-922-6501. The Title IX Coordinator will coordinate the district’s efforts to comply with its responsibilities related to this AR. 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.⁵ The district shall treat complainants and respondents equitably by providing supportive measures⁶ to the complainant and by following a grievance procedure⁷ 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.⁸

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.⁹ 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.

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.

No Retaliation

Neither the district or any person may retaliate¹⁰ 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 shall be prominently published in the student handbook 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 person upon request.

⁹ 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))

¹⁰ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

END OF POLICY

Legal Reference(s):

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

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

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

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

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

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

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

Corrected 5/16/23

Umatilla School District 6

Code: GBN/JBA-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
Heidi Sipe	Superintendent	541-922-6501	sipeh@umatillasd.org

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.

P

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final¹.

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.

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.

¹ [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).]

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.

Umatilla School District #6R
1001 6th Street, Umatilla OR 97882 | 541-922-6500

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: _____

Umatilla School District #6R
1001 6th Street, Umatilla OR 97882 | 541-922-6500

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 5/16/23

Umatilla School District 6

Code:
Adopted:

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.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ 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 parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the 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.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ 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 Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The 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.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the 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 questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the 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.

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.

⁹ This includes the evidence upon which the district does not intent 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.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the clear and convincing evidence¹¹ standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the 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.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹¹ 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.

¹² Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

The 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 activity¹⁴; 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.

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:

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁴ Includes locations, events, or circumstances over which the district exercised substantial control over both 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))

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The 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 cause¹⁵ 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).¹⁶

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the 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 evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

Corrected 5/16/23

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁶ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the 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.

Umatilla School District 6

Code: GBN/JBA-AR
Adopted: 4/11/96
Revised/Readopted: 2/11/04; 11/18/14
Orig. Code: GBN/JBA-AR

Sexual Harassment Complaint Procedure

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

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

Step II The district official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The district official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step III If a complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

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

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA

[Date] [Initials]

Sexual Harassment Complaint Procedure – GBN/JBA-AR

98174-1099. Additional information regarding filing of a complaint may be obtained through the building principal, compliance officer or superintendent.

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

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR 584-015-0070 or 584-016-0075 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 the Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chairman or designee.

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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 of 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 5/16/23

Umatilla School District 6

Code: GBNA
Adopted: 2/11/10
Revised/Readopted: 11/18/14
Orig. Code: GBNA

Hazing, Harassment, Intimidation, Bullying, Menacing 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, students or third parties by staff, students or third parties is strictly prohibited and shall not be tolerated in the district.~~

~~Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.~~

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by staff, students, 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 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 ~~Board~~.

Individuals may also be referred to law enforcement officials. Licensed staff ~~may~~ will be reported to Teacher Standards and Practices Commission if required, as provided 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 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](#)

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)

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 5/16/23

Umatilla School District 6

Code: GBNA-AR
Adopted: 2/11/10
Revised/Readopted: 3/10/22
Orig. Code: 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, work group 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 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

working environment may also be considered cyberbullying. 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 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, 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. Reports against the principal shall be filed with the superintendent. 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 15 working days of receipt of the information or report, and parents as appropriate, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, 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 person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within 10 working days.

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~~ 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, t~~The Board shall decide, within 30 days of receipt of the report, 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, t~~The Board shall decide, within 30 days of receipt of the report, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the ~~district counsel~~ Board vice chair on behalf of the Board. The ~~district counsel~~ 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, t~~The Board shall decide, within 30 days of receipt of the report, 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. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the district office.

Corrected 5/16/23

Umatilla School District 6

Code: GBNAA/JFCFA
Adopted: 9/13/12
Orig. Code: GBNAA/JFCFA

Cyberbullying

The Board, in its commitment to providing a positive and productive learning and working environment, will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes. Any form of harassment using electronic devices, commonly known as “cyberbullying,” by students, staff or third parties is prohibited and will not be tolerated in the district. “Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate 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 educational or working environment may also be considered cyberbullying. Students and staff will refrain from using personal communication devices or district property to harass or stalk another.

The district will take any report of cyberbullying seriously and will investigate credible reports promptly. Students or volunteers are encouraged to report an incident immediately to a teacher or principal, who will take appropriate action. Students or volunteers who make a report are expected, but not required, to preserve evidence of cyberbullying. For example, a student may save or bring a copy of an email, text message, picture or other electronic transmission that the student believes was intended harm, insult or humiliate. Students or volunteers may report cyberbullying anonymously. Remedial action shall not be based solely on an anonymous report.

Failure of an employee to report an act of cyberbullying to the building supervisor may be subject to remedial action, up to and including dismissal.

The district may revoke the privilege of a student or third party, who uses district equipment or electronic communication system to engage in cyberbullying, to use any district electronic equipment under the procedures for policy IIBGA - Electronic Communications System.

“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.

Students whose behavior is found to be in violation of this policy will be subject to loss of privileges, discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board. The district may also report individuals to law enforcement if necessary.

The district shall incorporate into existing training programs for students and staff information related to cyberbullying and the prevention of, and the appropriate response to acts of cyberbullying.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 to-166.165](#)
[ORS 174.100\(6\)](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351 to-339.364](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

[OAR 581-021-0055](#)
[OAR 581-022-1140](#)

SB 1555 (2012)

Corrected 5/16/23

Umatilla School District 6

Code: GBNAA/JHFF
Adopted: 4/08/21
Revised/Readopted: 3/10/22
Orig. Code: GBNAA/JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

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

⁴“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 90 days prior to the sexual conduct.

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.

¹ “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.

² “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.

³ “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.

⁴ 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.

Any district employee 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 or the alternate designated licensed administrator, 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 school principal 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 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.

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

END OF POLICY

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 2136 (2021).

Senate Bill 51 (2021).

Corrected 5/16/23

Umatilla School District 6

Code: GBNAA/JHFF-AR
Revised/Reviewed: 4/08/21; 3/10/22
Orig. Code: 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 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 a designated licensed administrator¹ receives a report of suspected sexual conduct that may have been committed by a commission licensee², 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 building principal 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 leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC⁴ or ODE⁵ 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, an agent or a volunteer, the district may 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

¹ 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.

² "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.

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ TSPC investigates reports on commission licensees.

⁵ ODE investigates reports on persons who are not commission licensees.

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 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.

Umatilla School District #6R
1001 6th Street, Umatilla OR 97882 | 541-922-6500

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: _____

Umatilla School District #6R
1001 6th Street, Umatilla OR 97882 | 541-922-6500

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 5/16/23

Umatilla School District 6

Code: GBNAB/JHFE
Adopted: 3/10/22
Orig. Code: 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 abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain 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, contractors³, agents⁴, volunteers⁵, 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 regulation.

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 the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

³ "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.

⁴ "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.

⁵ "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.

If the superintendent is the alleged perpetrator the report shall be submitted to the building principal 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 local law enforcement and the local DHS office or its designee, 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, or its designee, 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

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 (9th Cir. 2011).
Senate Bill 51 (2021).

Corrected 5/16/23

Umatilla School District 6

Code: GBNAB/JHFE-AR(1)
Adopted: 3/10/22
Orig. Code: 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 abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee 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**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

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 the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain 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 building principal 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.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "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 leave³ 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 be 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 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 investigated⁴ 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 recognizes these and other types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
 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 this policy, 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) – 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 the 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 5/16/23

Umatilla School District 6

Code: GBNAB/JHFE-AR(2)
Revised/Reviewed: 3/10/22
Orig. Code: 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.

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.

Umatilla School District 6

Code: GC
Adopted: 4/11/96
Readopted: 2/11/04; 11/18/10
Orig. Code: GC

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the district's instructional goals.

Positions so established may include those which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#) [OAR 581-021-0045](#)

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

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.

Corrected 5/16/23

Umatilla School District 6

Code: GCA
Adopted: 6/11/98
Revised/Readopted: 2/11/04
Orig. Code: 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. ~~Those offered employment in the district must present their original teaching license to the superintendent's office before the Board will consider approving their employment.~~

If an applicant's teaching license application with the TSPC is pending, the applicant may teach 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.

~~Applicants not presenting their license prior to the beginning of school or the first day employment is to begin will not be employed until such license is presented to the superintendent's office.~~

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.

The verification of licensure includes all ~~The district requires licensed staff to submit copies of all license endorsements, to the superintendent's office.~~ It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the ~~superintendent's district~~ office.

END OF POLICY

Legal Reference(s):

11/22/19 | PH

License Requirements – GCA

[ORS 332](#).505
[ORS 339](#).374

[ORS 342](#).120 - 342.203
[OAR 584](#)-050-0035

[OAR 584](#)-200-0020

Corrected 5/16/23

Umatilla School District 6

Code: GCAA
Adopted: 10/13/22
Orig. Code: 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:

- a. Sexual advances or requests for sexual favors directed toward the student; or
- b. 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:

- a. Touching or other physical contact:
 - (1) 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
 - (2) For which there is no sexual intent.
 - b. Verbal, written or electronic communications that are provided as part of an education program that meets the state educational standards or a policy approved by the Board
 - c. Conduct or communications described in above if the district employee, contractor, agent or volunteer is also a student and the conduct or communications:
 - (1) Arise out of a consensual relationship between students;
 - (2) Do not create an intimidating or hostile educational environment; and
 - (3) Are not prohibited by law, any policies of the district or any applicable employment agreements.
6. "Sexual harassment": any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. 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:
- a. In any grade from kindergarten through grade 12; or
 - b. 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
 - c. Who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 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

Legal Reference(s):

[OAR 584-020-0000](#) - 0035

Corrected 5/16/23

Umatilla School District 6

Code: GCAB
Adopted: 4/12/12
Revised/Readopted: 11/18/14
Orig. Code: 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.

A “personal electronic device” is a device not issued by the district, and 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.¹ 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-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students. Texting a studentstudents during work hours is discouraged. Texting a studentstudents while off duty is strongly discouraged.

¹ 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 disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”² for purposes of this policy includes, but is not limited to, one or more parent threatens 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 for Teachers. (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 5/16/23

² Ibid. p. 1

Umatilla School District 6

Code: GCBDA/GDBDA
Adopted: 5/07/09
Revised/Readopted: 2/11/10; 6/14/17
Orig. Code: GCBDA/GDBDA

Family Medical Leave

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

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

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

In order for an employee to be eligible for the benefits under FMLA, the employee~~he/she~~ must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, the employee~~he/she~~ must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

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

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

Legal Reference(s):

R4/13/17 | RS

Family Medical Leave – GCBDA/GDBDA

[ORS 332.507](#)
[ORS 342.545](#)
[ORS 659A.090](#)

[ORS 659A.093](#)
[ORS 659A.096](#)
[ORS 659A.099](#)

[ORS 659A.150 to -659A.186](#)
[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).
Americans with Disabilities Act Amendments Act of 2008.
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Corrected 5/16/23

Umatilla School District 6

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 5/07/09; 2/11/10; 3/15/12;
4/08/21
Orig. Code: GCBDA/GDBDA-AR(1)

Federal Family and Medical Leave/State Family 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. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the 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 need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ 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 purposes of OFLA during a period of time covered by a public health emergency except:

¹ 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 worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who worked for the 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:

1. Separates from employment with the 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 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 a 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 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.

An employee who has previously qualified for and has taken some portion of OFLA 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 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
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. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

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, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

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 leave² (separate from eligible leave as a result of a 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. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

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);

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- 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. 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 closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴
4. Bereavement Leave: leave related to the death of a covered family member.⁵
5. Eligible employees may access OMFLA 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.
6. 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 requested.

Definitions

1. Family member:
 - a. For the purposes of FMLA, "family member" means:
 - (1) Spouse⁶;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are "in loco parentis".

³ "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).

⁴ 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.

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

⁶ "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.

- b. For the purposes of OFLA, “family member” means:
 - (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”.

2. Child:

- a. For the purposes of FMLA, “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 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 impairment.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s son or daughter on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means a biological, adopted, foster child or stepchild of the employee, the child of the employee’s 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 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 servicemember’s spouse, parent, son or 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 servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- c. Grandparents;
- d. Aunts and uncles; and

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 receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability ~~retired~~ retire list for a serious injury or illness.

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who 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 before the eligible employee first takes FMLA, 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, the district will use the 12-month period measured forward from the date the employee’s leave begins. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. 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 period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or

⁷ 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.

the care for an adopted or foster child after placement, or to care for the employee's 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 12 weeks of qualified leave during the district's designated leave period. However, ~~an eligible employee~~ ~~a woman~~ 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~~ ~~she~~ 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.⁸ 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.⁹

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.

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.

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 12¹⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. 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.

Intermittent Leave

With the exception of parental leave 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but 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.

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:

1. The employee accepts the 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 agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee 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;

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. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA 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.

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.

Special Rules for School Employees

For the purposes of FMLA, "instructional school 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 for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, 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. In any such situation, the eligible 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 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 servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee 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 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 original position.

2. Limitation on Leave Near the End of the School Year

When an eligible school employee requests leave near the end of the 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:
 - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) 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.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the 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 school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement,¹² the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the 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 who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA or OFLA 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 employer's policy provide otherwise.¹³ 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.

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

¹³ See also ORS 342.934(4)(d) in reduction force situations.

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 Certification

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. Failure to provide the certification may result in a delay or denial of reinstatement.

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

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.

The district may request additional information 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 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 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.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours 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.

Medical Certification

The district may require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, other than 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. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. 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.

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 superintendent.

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 FMLA¹⁴ and OFLA¹⁵ leave requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when 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.

¹⁴ Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

¹⁵ Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

Corrected 5/16/23

Umatilla School District 6

Code: GCBDA/GDBDA-AR(2)
Revised/Reviewed: 5/07/09, 2/11/10; 4/08/21
Orig. Code: GCBDA/GDBDA-AR(2)

Request for Family and 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 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.

Name _____ Effective date of the leave _____

Department _____ Title _____

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:¹

1. ☐ Because of the birth of my child and to care for ~~my child~~ him or her. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Expected date of birth _____
Leave to start _____

Actual date of birth _____
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 _____
Leave to start _____

Date of placement _____
Expected return date _____
3. ☐ To care for a family member² with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

Leave to start _____

Expected return date _____

¹ A physician's certification may be required to support a request for family and medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

² "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.

Please check one: ☐ Spouse³ ☐ Child ☐ Parent ☐ Individual who was in *loco parentis* when the employee was a child ☐ Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) ☐ Custodial parent ☐ Noncustodial parent ☐ Adoptive parent ☐ Stepparent ☐ Foster parent ☐ Grandparent (OFLA leave only) ☐ Grandchild (OFLA leave only).

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 a child's school or child care provider.
5. ☐ For a 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: _____

6. ☐ To care for a child with a 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. ☐ A qualifying exigency arising from an employee's spouse, ~~childson, daughter~~, 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)
8. ☐ To care for a spouse, ~~childson, daughter~~, parent, or next of kin⁴ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed 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? _____
9. ☐ For the death of a family member (OFLA only).

I understand that the district requires me to use any available accrued sick leave, vacation, personal leave days or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking leave without pay during the leave period.

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. (A fitness-for-duty certification may be required.)

³ "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.

⁴ "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: _____ Date: _____

Corrected 5/16/23

Umatilla School District 6

Code: GCBDA/GDBDA-AR (3)(A)
Revised/Reviewed: 5/07/09
Orig. Code: GCBDA/GDBDA-AR (3)(A)

Certification of Health Care Provider

(Version 1)

Employees Serious Health Condition

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).

Employee's 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: () _____

Email: _____

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?
☐ No ☐ Yes If yes, dates of admission: _____

Dates(s) you treated the patient for condition _____

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition?
☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
☐ No ☐ Yes

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ No ☐ Yes

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:
☐ No ☐ Yes 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? ☐ No ☐ Yes

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? ☐ No ☐ Yes

If yes, are the treatments or the reduced number of hours of work medically necessary?

☐ No ☐ Yes

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

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? ☐ No ☐ Yes

Is it medically necessary for the employee to be absent from work during the flare-ups?

☐ No ☐ Yes

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):

Signature of health care provider

Date

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Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(A)
Revised/Reviewed:

Certification of Health Care Provider

(Version 2)

Employee's Serious Health Condition

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, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Discrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or their 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.

Employee's 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. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e) or the manifestation of disease or disorder in the employee's family members, as defined in 29 C.F.R. 1635.3(b). 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: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the 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: _____

List the date(s) you treated the patient for the 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 their job functions.

Is the employee unable to perform any of their 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 their 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:

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 their 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):

Signature of health care provider

Date

Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(B)
Revised/Reviewed: 5/07/09
Orig. Code: GCBDA/GDBDA-AR(3)(B)

Certification of Health Care Provider (Version 1)

Family Member's Serious Health Condition

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.

Providers’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?
☐ No ☐ Yes If yes, dates of admission: _____

Dates(s) you treated the patient for condition _____

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition?
☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
☐ No ☐ Yes
If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ No ☐ Yes

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):

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? ☐ No ☐ Yes

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? ☐ No ☐ Yes

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? ☐ No ☐ Yes

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? ☐ No ☐ Yes

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? ☐ No ☐ Yes

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? ☐ No ☐ Yes

Explain the care needed by the patient, and why such care is medically necessary _____

Additional Information – Identify the question number with your additional answer:

Signature of Health Care Provider

Date

Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(B)
Revised/Reviewed:

Certification of Health Care Provider

(Version 2)

Family Member's Serious Health Condition

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 the 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, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or their 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.

Employee's name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____
Relationship

First Middle Last

If the family member is your child, please provide their date of birth: _____

Describe the care you will provide to your family member and estimate the leave needed to provide such 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. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). 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: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the 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: _____

List the date(s) you treated the patient for their 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):

Amount of Leave Needed

When answering these questions, keep in mind that your patient's need for care from 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: _____

Additional Information (Identify the question number with your additional answer):

Signature of health care provider

Date

Umatilla School District 6

Code: GCBDA/GDBDA-AR (3)(C)
Revised/Reviewed: 5/07/09, 2/11/10
Orig. Code: GCBDA/GDBDA-AR (3)(C)

Military Family Leave

(Version 1)

Certification of Qualifying Exigency for Military Family Leave

Section 1: To be completed by the district:

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide 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 or 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):

2. Describe the reason you are requesting OMFLA (include specific reason below):

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 is: _____

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:

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 the nature of the 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

Section 1: To be completed by the district:

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide 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 or 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:

D

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:

- E**
- ☐ 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):

2. Describe the reason you are requesting OMFLA (include specific reason below):

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:

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

Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(C)
Revised/Reviewed:

Military Family Leave (Version 2)

Certification of Qualifying Exigency for Military Family Leave

Section 1: (To be completed by the district)

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide 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 Name and Address: _____

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 or 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 and attach the indicated document to support that the military member is on covered active duty or called to covered active duty status:

- ☐ 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).

- ☐ I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status.

Part A: Qualifying Reason for Leave

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (include the specific reason you are requesting leave):

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment):

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 the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available written documentation supporting this request for leave attached? ☐ Yes ☐ No ☐ None available

Part B: Amount of Leave Needed

1. The approximate date the qualifying exigency or deployment commenced or will commence is:

_____.

The probable duration of such exigency or deployment is: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency or 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 or deployment?
☐ Yes ☐ No

If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

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 the nature of the meeting: _____

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of employee

Date

Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(D)
Revised/Reviewed: 5/07/09, 2/11/10
Orig. Code: GCBDA/GDBDA-AR(3)(D)

Military Family Leave (Version 1)

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

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:

If a qualifying 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: _____

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: _____

Section 2:

To be completed by United States Department of Defense (DOD) health care provider or a health care provider who is either: 1) A United States Department of Veterans Affairs (VA) health care provider; 2) A DOD TRICARE network authorized private health care provider; or 3) A DOD non-network TRICARE authorized private health care provider.

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: _____

Type of practice/medical specialty: _____

Please state whether you are either: 1) DD health care provider; 2) A VA health care provider; 3) A DOD TRICARE network authorized private health care provider; 4) A DOD non-network TRICARE authorized private care provider: _____

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 healthcare 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 service member is being treated incurred in 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

D

E

L

E

T

E

Umatilla School District 6

Code: GCBDA/GDBDA-AR(3)(D)
Revised/Reviewed:

Military Family Leave (Version 2)

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

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 29 C.F.R. § 825.310. 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 their 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 for:

First

Middle

Last

Relationship of employee to covered servicemember requesting leave to care for:

☐ Spouse ☐ Parent ☐ Child ☐ 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:

If a qualifying 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:

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:

Section 2:

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

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:

Type of practice/medical specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

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 health care 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 Forces? ☐ 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

Umatilla School District 6

Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 5/07/09, 2/11/10; 4/08/21
Orig. Code: GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

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 ☐ spouse¹, ☐ 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 the closure of a child's school or child care 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, child 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 or 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, child, parent or next of kin;
9. _____ For the death of a family member (OFLA only).

¹ "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.² The district will use the 12-month period measured forward from the date the employee's leave begins. 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 and OFLA 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 and/or OFLA leave.

This is to inform you that *(check appropriate boxes, explain where indicated)*:

1. You are ☐ eligible ☐ not eligible for leave under ☐ FMLA ☐ OFLA ☐ both FMLA and OFLA.
2. The requested leave may be counted against your annual ☐ FMLA leave entitlement ☐ OFLA leave entitlement ☐ FMLA and OFLA leave entitlements.
3. You ☐ will ☐ will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the 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)*
5. a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month or pay periods, etc., that specifically cover the agreement with the employee.)*
5. b. 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 canceled. 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 your FMLA and/or OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you 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.

² Oregon Military Family Leave Act allows for 14 days of leave per deployment.

5. c. 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.
5. d. 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 C.F.R. § 104 (c)(2)(B) of the FMLA.
6. ☐ You will be required to present a fitness-for-duty certification 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 certification prior to being restored to employment following leave for your own serious health condition.
7. a. You ☐ are ☐ are not a “key employee” as described in C.F.R. § 825.218 of the FMLA regulations. If you are a “key employee,” reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the district. (FMLA leave only.)
7. b. 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 C.F.R. § 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.

Umatilla School District 6

Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed: 5/07/09
Orig. Code: GCBDA/GDBDA-AR(5)

Sample Designation Letter to Employee - FMLA/OFLA Leave

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 – FMLA/OFLA form GCBDA/GDBDA-AR(6), FMLA/OFLA or the FMLA/OFLA Eligibility Notice form 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 that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leave/leaves of absence that qualifies/qualify for family and medical leave under federal law (FMLA), may/ may not 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. A leave/Leaves of absence that qualifies/qualify for family and medical leave under state law (OFLA) may/may not run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation/compensatory injury or illness (unless you refuse a light-duty assignment).

[IF APPROVED: We have determined/understand the purpose of your requested leave qualifies as family or 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 titled/entitled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]

[IF NOT APPROVED: We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]

If you have any questions regarding your leave, now or at any time during your leave, please contact, [the personnel office] as soon as possible.

Sincerely,

Business Manager/Human Resource Specialist

Enclosure (FMLA and/or OFLA Designation Notice form)

Corrected 5/16/23

Umatilla School District 6

Code: GCBDA/GDBDA-AR(6)
Revised/Reviewed: 5/07/09, 2/11/10
Orig. Code: GCBDA/GDBDA-AR(6)

Designation Notice – FMLA/OFLA (Version 1)

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.
-

- ☐ 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.

Umatilla School District 6

Code: GCBDA/GDBDA-AR(6)
Revised/Reviewed:

Designation Notice – FMLA/OFLA (Version 2)

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 physician's certification. If the certification is incomplete or insufficient, the district will state in writing what additional information is necessary to make the certification complete and sufficient.

Employee Name: _____ 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 _____.

Please be advised:

- ☐ 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 requested 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 to 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 certification to be reinstated to your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position ☐ is ☐ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions:
-

- ☐ Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.
-

- ☐ The certification you have provided is incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 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 is¹:
-
-

- ☐ 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.

¹ If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.

Umatilla School District 6

Code: GCBDA/GDBDA-AR(7)
Revised/Reviewed:

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 health care 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: _____

Printed name of health care provider

Type of practice

Signature of 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).

Corrected 5/16/23

Umatilla School District 6

Code: GCBDB/GDBDB
Adopted: 4/11/96
Readopted: 2/11/04; 10/13/22
Orig. Code: 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 superintendent will develop procedures as necessary to implement this policy.

END OF POLICY

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.

Corrected 5/16/23

Umatilla School District 6

Code: GCBDC/GDBDC
Adopted: 9/13/12
Orig. Code: GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault or Stalking Leave

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 ~~worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee has taken leave and 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 ~~to~~ 107.735, 124.005 ~~to~~ 124.040 or 163.730 ~~to~~ 163.750 or any other order that restrains an individual from contact with an eligible employee ~~or~~ of 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~~ describe in ORS 166.065 ~~805~~ 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 659A.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~~ victims assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault ~~or~~ of 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~~^{dependant}, 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~~^{victims} services ~~provider~~^{providers} for the eligible employee or the employee's ~~employees~~ 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~~^{dependant}.

The district may limit the amount of leave, if the employee's leave creates an ~~undue~~^{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~~^{their} 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 ~~or~~^{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 ~~police~~^{police} report from law enforcement indicating the employee or child or ~~or~~^{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~~^{victims} services provider that the

employee, employee's child or dependent was ~~undergoing~~~~under going~~ 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~~release~~ without the employee's ~~express~~~~expressed~~ 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~~~~any~~ paid leave, including personal, sick, or accrued vacation leave or may use any other paid leave that is offered by the district in lieu of 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

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

Corrected 5/16/23

Umatilla School District 6

Code: GCBDC/GDBDC-AR
Revised/Reviewed:

Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave (For employers who employ six or more employees)

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary Hire Date _____ Length of Service _____

The requested leave is for:

- ☐ Myself
- ☐ My minor child or dependent

The leave is for:

- ☐ To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
- ☐ To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To obtain or assist the eligible employee's 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.
- ☐ To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

- ☐ A copy of a report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.

- ☐ A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750.
- ☐ Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee's minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave.

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 if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

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 law.

Signature of Employee: _____ Date: _____

Corrected 5/16/23

Umatilla School District 6

Code: GCBDD/GDBDD
Adopted: 6/09/16
Orig. Code: GCBDD/GDBDD

Sick Time

“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. 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.

A district employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. 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.

~~The employee may carry up to 40 hours of unused sick time from one year to the subsequent year.~~

Sick time shall be taken in minimum increments not to exceed four hours and may be used for the employee’s or a family member’s¹ 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 the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

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 three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When 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).

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

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 as soon as practicable.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 to -653.661](#)

[ORS 659A.150 to -659A.186](#)

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).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 5/16/23

Umatilla School District 6

Code: GCBE/GDBE
Adopted: 2/11/04
Orig. Code: GCBE/GDBE

Vacations and Holidays

Holidays and vacation periods, both paid and unpaid, are determined as a result of negotiations between the district and the employees' exclusive bargaining representatives.

Holidays and vacation periods, both paid and unpaid, shall be established by the Board for nonrepresented employees to include supervisory and confidential staff and the superintendent.

At the year's end, nonrepresented employees may be reimbursed for unused vacation days.

Upon termination from the district, employees with unused accrued vacation will be paid for unused accrued vacation.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)

[ORS 336.010](#)

Corrected 5/16/23

Umatilla School District 6

Code: GCC
Adopted: 11/18/10
Orig. Code: GCC

Recruitment of Licensed Staff

The superintendent will develop and maintain a recruitment program designed to attract licensed personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the personnel needs of the district and to locate suitable candidates to recommend for employment by the district. Those factors considered will include, but not be limited to, the diverse characteristics of the district.

The search for licensed staff members may extend to a variety of educational institutions and geographical areas.

Present employees who meet the stated requirements are encouraged to apply for any vacant district position.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.505](#)

[ORS 342.934](#)

[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](#)

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.

Corrected 5/16/23

Umatilla School District 6

Code: GCC/GDC-AR
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: GCC/GDC-AR

Recruitment of Staff

The Board and administration will adhere to the following procedures for hiring staff and filling vacancies as they occur:

1. Classified Personnel

- a. The administrator/supervisor will obtain superintendent approval to fill any available position(s);
- b. The administrator/supervisor will advertise, accept applications, screen, interview and make recommendations to the superintendent for hiring;
- c. The final decision will rest with the superintendent.

2. Licensed Personnel

a. Teachers

- (1) The administrator will obtain superintendent approval to solicit filling any position(s);
- (2) The administrator will advertise and accept applications;
- (3) The administrator and the superintendent/designee will screen, interview candidates and make the selection of the candidates for each position;
- (4) The superintendent will make recommendations on hirings for licensed positions to the for Board approval.
- (5) The Board will have the opportunity to meet the new employee at a future Board meeting.

b. Administrators

- (1) The superintendent will obtain Board approval to fill any available position(s);
- (2) The superintendent or designee will advertise and accept applications;
- (3) The superintendent and other administrators will screen, interview candidates and the superintendent will make recommendation(s) of no less than three final candidates for the position(s) to the Board for approval;
- (4) The Board will interview the recommended candidates and authorize hiring;
- (5) In the event the Board does not approve of any of the recommended candidates, the superintendent will recommend an alternate candidate to be interviewed by the Board.

c. Superintendent

The Board will advertise, accept applications, screen, interview and hire the superintendent.

Corrected 5/16/23

Umatilla School District 6

Code: GCDA/GDDA
Adopted: 4/11/96
Revised/Readopted: 2/11/04; 8/14/08; 11/19/09;
11/15/12; 11/21/19
Orig. Code: GCDA/GDDA

Criminal Records Checks and Fingerprinting

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 employees¹ 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/or 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 or fingerprint-based criminal records checks shall be required of the following individuals²:

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 grade 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. ³Any 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.

¹ Any individual hired within the last three months. A subject individual 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).

² Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

³ ~~[If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct criminal records checks on these volunteers.]~~

The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Overnight chaperone unless accompanied by a fingerprinted school staff;
2. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity.

The procedure for processing fingerprint collection 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 the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks.

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 may ~~will not~~ be employed or contracted with by the district, or if employed by the district may ~~will not~~ 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 ~~will not~~ 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 may begin on a probationary basis pending the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check may begin on a probationary basis pending the return and disposition of a state and national criminal records check based on fingerprints.

A volunteer 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 may 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

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

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

Corrected 5/16/23

Umatilla School District 6

Code: GCDA/GDDA-AR
Adopted: 10/14/97
Revised/Readopted: 2/11/04, 8/14/08, 11/19/09;
10/10/19; 10/13/22
Orig. Code: GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee¹ and not requiring licensure under Oregon Revised Statute (ORS) 342.223 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 a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the 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 contractor² into a position 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 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. Any 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. Any individual ~~volunteer~~ allowed by the district into a ~~volunteer position that has direct, unsupervised contact with students~~ shall ~~undergo~~ submit to an in-state criminal records check.
8. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.

¹ Any individual hired within the last three months. A subject individual 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).

² 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.

³ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

9. ~~A volunteer that is not likely to have direct, unsupervised contact with students will be required to undergo an in-state criminal records check.~~

Exceptions

A newly hired employee⁴ 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. ⁵The 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;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting 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 a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status, or the ability to volunteer in the district;
 - 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) may result in immediate termination 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 may 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.
2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing and 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

⁴ Any individual hired within the last three months.

⁵ This revision to TSPC rules sunsets July 1, 2024.

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 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, or 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 and not requiring licensure, including persons hired as or by contractors⁶, shall be paid by the district.
2. Fees associated with required criminal records checks for volunteers shall be paid by the district.
3. Fees associated with a required fingerprinting for volunteers shall be paid by the district.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. A subject individual required to submit to a criminal records check 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. Notification⁷ 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 those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual may 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.

⁶ 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.

⁷ 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.

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, when required, 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 may 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 may 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 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.

Corrected 5/16/23

Umatilla School District 6

Code: GCI/GDI
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GCI/GDI

Assignments and Transfers

Initial assignment of employees will be made by the superintendent or his/her designee. Assignment of all licensed and classified personnel employed by the district will be under direction subject to the approval of the superintendent/Board.

The superintendent/designee shall be responsible for any and all staff transfers within the district. These transfers will be based on filling implemented for the district's personnel needs good of the schools or whenever the best interest of the district will be served. Requests for transfer may be made by the individual employee through his/her supervisor to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 236.610](#) to -236.630

[OAR 581-022](#)-2405

Corrected 5/16/23

Umatilla School District 6

Code: GCKA/GDKA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GCKA/GDKA

Overtime

The district may budget funds for overtime.

Overtime is defined as time worked over 40 hours in one week starting at 12:01 a.m. on Monday of each week.

Overtime will be compensated at one and one-half times the rate of pay. A rate of pay will be calculated for each employee working overtime.

Compensatory time at not less than time and one-half will be allowed at the district's discretion and with the approval of the employee.

The district will develop procedures to implement this policy to include overtime request procedures, establishing rate of pay and scheduling compensatory time.

END OF POLICY

Legal Reference(s):

ORS 279.340
ORS 653.268

Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sections 206 and 207.

Corrected 5/16/23

Umatilla School District 6

Code: GCL-AR
Adopted: 1/11/01
Readopted: 2/11/04
Orig. Code: GCL-AR

Staff Development - Licensed (Version 1)

All district staff contracted by the district in positions requiring TSPC licensure, excluding substitutes, will follow the procedures provided below for meeting continuing professional development (CPD) requirements.

Board policy GCL - Staff Development - Licensed, this regulation and related district-issued materials are recognized as the district's qualified Continuing Professional Development Program.

1. The district and each school site shall identify instructional needs of students and relate those needs to the practices and CPD activities of the licensed staff.
2. Licensed employees shall maintain an active individual CPD plan. All licensed employees shall participate in the district's CPD program and use the district-approved forms. Modifications to the employee's plan may be made at any time, after consultation with his/her supervisor, as provided by OAR 584-090-0010 through -0040.
 - a. Each plan shall be designed to assist the employee to:
 - (1) Achieve district, state and national standards;
 - (2) Keep current with the development and use of best practices; and
 - (3) Develop ways to enhance learning for a diverse student body.
 - b. Each plan shall identify CPD activities and experiences that address one or more of the following professional growth domains:
 - (1) Content of the subject matter or specialty area directly related to the employee's current assignment(s) or to responsibilities he/she reasonably expects to be assigned, or is assigned by the district;
 - (2) Strategies for assessment of student performance in achieving school and district objectives and state content standards and interpretation and application of the results;
 - (3) Methods for effective teaching, classroom management, counseling, supervision, leadership and curriculum development;
 - (4) Understanding of diversity in abilities, social and/or cultural background and use of such knowledge to promote achievement of high standards for all students;
 - (5) Knowledge of state and national education priorities and the application of that knowledge to one's school and district programs;
 - (6) Competence in the uses of technology in schools and the application of that knowledge to one's assignment.
 - c. Each plan shall also include the following:

- D
- (1) Identified goals/objectives to be achieved through the CPD plan;
 - (2) Proposed activities and experiences to meet the goals;
 - (3) Resources that will be used to complete the plan;
 - (4) List of completed activities, related domain and number of professional development units of credit earned;
 - (5) Employee's reflection on the completed plan and its relationship to student learning and modifications of the employee's performance;
 - (6) Signature of supervisor indicating review and approval of the proposed plan and verification of plan completion.

3. The employee's plan shall be proposed and initiated at the beginning of the individual employee's new license renewal period. Successive cycles of the plan shall be annual and run concurrent to the evaluation cycle. The final cycle shall conclude at the point at which the employee submits the completed approved plan to the district office as part of the license renewal process.

During the annual cycle, the plan shall be reviewed by the employee and the supervisor during the preevaluation conference. At this time, the employee and the supervisor will sign off on activities completed in the prior cycle, review any changes to the plan and plan an upcoming cycle's activities.

4. Each plan shall propose to earn a minimum of 25 CPD units of credit annually. CPD should directly relate to the immediate needs of the district, school site and individual.
5. Plans may be developed that totally utilize district professional growth activities and some outside district activities, or are totally completed in non-district-sponsored activities. All such plans shall be proposed to the employee's supervisor for review and approval.
6. The responsibility for completing a plan and meeting licensure renewal requirements rests with the employee. The employee shall provide documentation that the plan has been completed.
7. Acceptable CPD activities shall be those reviewed and approved by the employee's supervisor and for which evidence is submitted to verify completion.
8. The superintendent or his/her designee shall verify completion of the required plan(s) and PDUs for renewal at the time the employee requests district verification of educational experience on the TSPC- provided Professional Educational Experience Report (PEER) form.
9. Following plan completion and submission to the district office, the completed form will be retained in the district personnel file until the license has lapsed.

Corrected 5/16/23

Umatilla School District 6

Code: GCL-AR
Revised/Reviewed:

Staff Development - Licensed (Version 2)

The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.

1. Each professional licensed staff member employed by the district shall meet the standards as stated in OAR 584-420-0030 for:
 - a. Learner and Learning
 - (1) Learner development;
 - (2) Learning differences;
 - (3) Learning environments.
 - b. Content
 - (1) Content knowledge;
 - (2) Application of content.
 - c. Instructional Practice
 - (1) Assessment;
 - (2) Planning for instruction;
 - (3) Instructional strategies.
 - d. Professional Responsibility
 - (1) Professional learning and ethical practice;
 - (2) Leadership and collaboration.
2. The continuing professional development of each licensed staff member shall conform to the following standards for professional development as stated in OAR 584-255-0020:
 - a. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;
 - b. Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning;
 - c. Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring and coordinating resources for educator learning;

- P
- d. Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;
 - e. Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research and models of human learning to achieve its intended outcomes;
 - f. Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change;
 - g. Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.
3. Each employee is responsible for acquiring the number of continuing professional development units (PDUs) to meet the requirements as stated by the TSPC.
4. The district will attempt to offer as many professional development activities as recognized needs warrant and resources permit.
5. Acceptable professional development activities shall be those reviewed and approved by the employee's supervisor or professional development advisor and for which evidence is submitted to verify completion.
6. Licensed individuals transferring to the district from other districts, including those educators hired without previous district experience, shall submit any PDUs of credit earned to their supervisor or professional development advisor for review.
7. Upon receipt of evidence from an employee, the employee's supervisor or professional development advisor shall verify completion of the required PDUs for license renewal on the TSPC-provided Professional Educational Experience Report (PEER) form, and submit the form to the superintendent or designee.
8. The superintendent shall ensure that the required forms are submitted to the TSPC.
9. Completed TSPC, PEER forms shall be filed in the employee's personnel file.

Corrected 5/16/23

Umatilla School District 6

Code: GCL/GDL
Adopted: 6/14/17
Orig. Code: 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.

Building site councils will be encouraged to participate in the development and implementation of the district's staff development program including provisions for the professional growth of staff.

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.

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 5/16/23

Umatilla School District 6

Code: GCN/GDN
Adopted: 2/11/04
Revised/Readopted: 11/15/12
Orig. Code: 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 for ~~Evaluation of~~ licensed staff shall be based on ~~conducted to conform with applicable Oregon Revised Statutes and any applicable collective bargaining provisions.~~

~~Teachers' evaluations shall be customized based on collaborative efforts and include 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.~~

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 during their first year of employment and at least once a per year thereafter.

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GCN/GDN-AR
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GCN/GDN-AR

Evaluation of Staff

UMATILLA SCHOOL DISTRICT 6 Classified Evaluation Form

Name: _____ Employee Status _____ (circle one)
Permanent Probationary

Assignment: _____ School _____

Instructions: This evaluation is based on the employee's performance as it relates to the job description and assigned duties.

1. In what ways has the employee met, failed to meet or exceeded the performance as it relates to the job description and assigned duties?
2. In what areas has the employee shown improvement and/or growth?
3. In what areas does the employee need to demonstrate improvement and/or growth?
4. Immediate supervisor's recommendations: _____ Comments: _____
____ Continued employment
____ Terminating employment
____ Other
5. Employee's response if desired:

This is to certify that we have read and discussed the above report.

Employee's Signature

Administrator's/Supervisor's Signature

Date

Date

Teacher Evaluation

Name: _____ **Employee Status** (circle one) Contract Probationary

Assignment: _____ School _____

General instructions: This evaluation is based on the individual's performance goals, job description and performance standards. Use the reverse side or additional pages as needed.

1. In what ways has the teacher met, failed to meet or exceeded the performance standards, performance goals and teaching responsibilities?
2. In what areas has the teacher shown development and growth in the teaching profession?
3. In what specific areas does the teacher need to demonstrate additional development and growth?
4. Supervisor's comments: Contract Extension _____
Contract Non-Extension _____
Contract Renewal _____
Contract Non-Renewal _____
Termination _____
Other _____
5. Teacher's response, if desired, as provided by law.
6. The following attachments are a part of this report:

This is to certify that we have read and discussed the above report.

Teacher's Signature

Supervisor's Signature

Date

Date

CRITERIA USED IN EVALUATING TEACHERS

Domain I. Instructional Strategies

Criterion 1. Provides opportunities for students to participate successfully

Indicator	a.	Appropriately varies activities.
	b.	Interacts with students in group formats, as appropriate.
	c.	Solicits student participation.
	d.	Extends students' responses/contributions.
	e.	Provides ample time for students to respond to teacher questions/solicitations and to consider content as it is presented.
	f.	Implements instruction at an appropriate level of difficulty.

Criterion 2. Evaluates and provides feedback on student progress during instruction

Indicator	a.	Communicates learning expectations.
	b.	Monitors students' performances as they engage in learning expectations.
	c.	Solicits responses of demonstrations from specific students for assessment purposes.
	d.	Reinforces correct responses/performances.
	e.	Provides corrective feedback/clarifies, or none needed.
	f.	Reteaches, or none needed.

Domain II Classroom Management and Organization

Criterion 3. Organizes materials and students

Indicator	a.	Secures student attention, or students are attentive.
	b.	Uses administrative procedures and routines which facilitate instruction.
	c.	Gives clear administrative directions for classroom procedures or routines, or none needed.
	d.	Maintains seating arrangements grouping appropriate for the activity and the environment.
	e.	Has materials, aids and facilities ready for use.

Criterion 4. Maximizes amount of time available for instruction

Indicator	a.	Begins promptly/Avoids wasting time at the end of the instructional period.
	b.	Implements appropriate sequence of activities.
	c.	Maintains appropriate pace.
	d.	Maintains focus.
	e.	Keeps students engaged.

Criterion 5. Manages student behavior

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Indicator	a.	Specifies expectations for class behavior, or none needed.
	b.	Uses techniques to prevent off-task behavior, or none needed.
	c.	Uses techniques to redirect/stop inappropriate/disruptive behavior, or none needed.
	d.	Applies rules consistently and fairly, or none needed.
	e.	Reinforces desired behavior when appropriate.

Domain III. Presentation of Subject Matter

Criterion 6. Teaches for cognitive, affective and/or psychomotor learning

E

Indicator	a.	Begins instruction/activity with an appropriate introduction.
	b.	Presents information in an appropriate sequence.
	c.	Relates lesson content to prior or future learning.
	d.	Provides for definition of concepts and description of skills and/or attitudes and interests.
	e.	Provides for elaboration of critical attributes of concepts, skills and/or attitudes and interests.
	f.	Stresses generalization, principle or rule as a relationship between or among concepts, skills or attitudes/interests.
	g.	Provides opportunities for application.
	h.	Closes instruction appropriately.

Criterion 7. Uses effective communication skills

Indicator	a.	Makes no significant errors.
	b.	Explains content and/or learning tasks clearly.
	c.	Stresses important points and dimensions of content.
	d.	Uses correct grammar.
	e.	Uses accurate language.
	f.	Demonstrates skill in written communication.

Domain IV. Learning Environment

Criterion 8. Uses strategies to motivate students in learning

Indicator	a.	Relates content to student interests/experiences.
	b.	Emphasizes the value/importance of the activity or content.
	c.	Reinforces/Praises learning efforts of students.
	d.	Challenges students.

Criterion 9. Maintains supportive environment

Indicator	a.	Avoids sarcasm and negative criticism.

E

- b. Establishes climate of courtesy and respect.
- c. Encourages slow and reluctant student.
- d. Establishes and maintains positive rapport with student.

Domain V.

Professional Growth and Responsibilities

Criterion 10. Plans for and engages in professional development

- Indicator
- a. Shows progress in completing professional growth requirements as agreed upon with appraise(s), or none needed.
 - b. Stays current in content taught.
 - c. Stays current in instructional methodology.

Criterion 11. Interacts and communicates effectively with parents

- Indicator
- a. Initiates communications with parents about student performance and/or behavior, when appropriate.
 - b. Conducts parent-teacher conferences in accordance with local district policy.
 - c. Reports student progress to parents in accordance with local district policy.
 - d. Maintains confidentiality unless disclosure is required by law.

Criterion 12. Complies with policies, operating procedures and requirements

- Indicator
- a. Follows statutory and Oregon Department of Education rules.
 - b. Follows district and campus policies and procedures.
 - c. Performs assigned professional duties.
 - d. Follows district promotion/retention policy and procedures.

Criterion 13. Promotes and evaluates student growth

- Indicator
- a. Participates in campus goal-setting for student progress.
 - b. Plans instruction in accordance with district requirements.
 - c. Documents student progress.
 - d. Maintains accurate records.
 - e. Reports student progress at appropriate intervals.

TEACHER OBSERVATION

Name: _____ Date: _____

Classification: _____ Time: _____

Grade Level: _____ Subject Observed: _____

Observer: _____

Goals

The goals of the classroom observation instrument are to assist teachers in improving their performance and to aid administrators in the evaluation of staff.

Definitions

“Meets District Expectation” - The observer determined that the teacher’s performance was at a level expected of an experienced, well-trained teacher in the Umatilla School District.

“Needs Improvement” - The observer determined that a discrepancy existed between the expected level of performance of an experienced, well-trained teacher in the Umatilla School District.

Directions

Each sub statement is to be checked as “Meeting District’s Expectations” or “Needs Improvement.”

The observer will provide written comments appropriate to the observation. An item marked “Needs Improvement” will be explained, including a statement of corrective action.

Instructional Strategies

1. Provides opportunities for students to participate actively and successfully.
2. Evaluates and provides feedback on student progress during instruction.

Meets District Expectations	Needs Improvement

Comments:

Classroom Management and Organization

1. Organizes materials and students.
2. Maximizes amount of time available for instruction.
3. Manages student behavior.

Comments:

Presentation of Subject Matter

1. Teaches for cognitive, affective and/or psychomotor learning.
2. Uses effective communication skills.

Comments:

Learning Environment

1. Uses strategies to motivate students in learning.
2. Maintains supportive environment.

Comments:

Professional Growth and Responsibilities

1. Plans for and engages in professional development.
2. Interacts and communicates effectively with parents.
3. Complies with policies, operating procedures and requirements.
4. Promotes and evaluates student growth.

Comments:

Observer's Overall Comments:

D

E

L

E

Teacher's Acknowledgment: _____ Date: _____

Observer's Signature: _____ Date: _____

E

PERFORMANCE GOAL SETTING

Employee: _____ Evaluator _____

1. What desired change or inquiry do you want to achieve? (Identify performance to be checked or acquired.)
2. What action will you need? (Specify the conditions.)
3. What resources will you need? (Example: time, materials, training, supervision, etc.)
4. What indicators will you use to assess achievement of the performance goal?
5. When should the target be completed? (Timeline)

a. Change or Inquiry Desired:

b. Action:

c. Resources Needed:

d. Indicators:

e. Timeline:

Employee's response, if desired: _____

This is to certify that I have read and discussed the above performance goals.

Employee's Signature: _____ Date: _____

CLASS OBSERVATION PRECONFERENCE FORM

Teacher: _____ Evaluator: _____

Date and Time of Visit: _____ Subject Taught: _____

1. Objective(s) of the lesson:

2. Procedure(s):

3. Teacher's plan to evaluate student achievement objective(s):

4. Specific request for observation; e.g., skills, techniques, student interaction, etc.:

5. Other information necessary or pertinent to understand the lesson:

UMATILLA SCHOOL DISTRICT
Coach Evaluation

Season _____

Coach's Name: _____ Assignment: _____

Years in present coaching assignment _____

Part I

Coach's self-evaluation: (To be completed prior to start of coaching assignment.)

1. Personal goals and/or program goals relating to your coaching assignment: _____

2. Accomplishments: In relationship to personal or program goals listed prior to start of season. (To be completed at the conclusion of your coaching assignment.) _____

Part II

Athletic director's evaluation (To be completed subsequent to the coaching assignment then reviewed with the coach.) (Ranking: 1 High - 5 Low)

1. Administration

a.	Care of equipment (issue, inventory, cleaning, etc.).	1	2	3	4	5
b.	Organization of staff.	1	2	3	4	5
c.	Organization of practices.	1	2	3	4	5
d.	Communication with coaches.	1	2	3	4	5
e.	Adherence to district and school philosophy and policies (eligibility reports, inventories, budgets, rosters, insurance forms, and follow-up scores reported).	1	2	3	4	5

2. Skills

a.	Knowledge of fundamentals.	1	2	3	4	5
b.	Presentation of fundamentals.	1	2	3	4	5
c.	Conditioning.	1	2	3	4	5
d.	Game preparation.	1	2	3	4	5
e.	Prevention and care of injuries (follow-up with parents).	1	2	3	4	5

3. Relationships

a.	Enthusiasm					
	(1) For working with students.	1	2	3	4	5
	(2) For working with staff (support of other programs).	1	2	3	4	5
	(3) For working with academic staff.	1	2	3	4	5
	(4) For the sport itself.	1	2	3	4	5
b.	Discipline					
	(1) Firm but fair.	1	2	3	4	5
	(2) Consistent.	1	2	3	4	5
c.	Communication with players					
	(1) Individual.	1	2	3	4	5
	(2) As a team.	1	2	3	4	5

4. Performance

a.	Appearance of team on the field or floor.	1	2	3	4	5
b.	Execution of the team on the field or floor.	1	2	3	4	5
c.	Attitude of the team.	1	2	3	4	5
d.	Conduct of coach during contests.	1	2	3	4	5

5. Self-Improvement

a.	Attends in-district meetings and clinics.	1	2	3	4	5
b.	Attends out-of-district clinics.	1	2	3	4	5

6. Supervisor's Comments: (Strengths, weaknesses, prescribed improvement)

D

Principal's Signature: _____

Athletic Director's Signature: _____

Coach's Signature: _____

Recommendations:

E

1. Renewal of Contract
2. Place on Probation
3. Non-Renewal of Contract

L

Copy to: Principal
Athletic Director
Coach

E

T

E

Umatilla School District 6

Code: GCP/GDP
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GCP/GDP

Termination of Staff

The Board, upon recommendation of the administration, will dismiss staff only for good cause shown. When the Board authorizes dismissal, the material reason(s) shall be recorded in the appropriate manner.

The Board reserves the right to terminate probationary teachers and contract teachers in accordance with the laws of the state of Oregon.

END OF POLICY

Legal Reference(s):

[ORS 342.934](#)

Corrected 5/16/23

Umatilla School District 6

Code: GCPA
Adopted: 3/19/98
Revised/Readopted: 2/11/04; 10/13/22
Orig. Code: GCPA

Reduction or Recall of Licensed Staff

When the Board is considering a reduction of staff due to a lack of funds to continue the educational program at its anticipated level or due to the elimination or adjustment of classes due to an administrative decision, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision.

Using the goals and priorities of the district, the Board shall direct the superintendent to prepare a reduction plan identifying which programs are to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval. The district shall consider cultural or linguistic expertise and seniority, and may consider merit and competence, in accordance with Oregon law.¹

Nothing in this policy is intended to interfere with the right of the district to discharge, remove or fail to renew the contract of a probationary teacher, or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law².

END OF POLICY

Legal Reference(s):

[ORS 342.805 - 342.910](#)

[ORS 342.934](#)

Corrected 5/16/23

¹ See ORS 342.934 (HB 2001 (2021)) for definitions and requirements.

² ORS 342.805 ~~to~~ 342.937.

Umatilla School District 6

Code: GCPA-AR
Revised/Reviewed: 10/13/22
Orig. Code: GCPA-AR

Reduction or Recall of Licensed Staff

The Board will make the final decision on programs to be kept, cut or eliminated following a review of the reduction plan developed by the superintendent. The Board will determine when staff layoffs become necessary, and will approve positions to be cut or limited as after receiving a recommendation from the superintendent.¹ Individuals that may be impacted by the layoff shall not be discussed by the Board. The affected employees shall be notified within a reasonable time.

Definitions

1. “Competence” means the ability of a teacher to teach a subject or grade level based on consideration of any of the following:
 - a. Teaching experience within the past five years related to the subject or grade level;
 - b. Educational attainments, which may not be based solely on being licensed to teach; or
 - c. The teacher’s willingness to undergo additional training or pursue additional education.
2. “Cultural or linguistic expertise” means the expertise of one teacher, as measured against the expertise of another teacher, based on consideration of any of the following factors:
 - a. A teacher’s linguistic ability in relation to an in-district language, as determined by the district using a method of verification or attestation of fluency for all in-district languages;
 - b. A teacher’s completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
 - c. A teacher’s current work assignment that requires the teacher to work at least 50 percent of the teacher’s work assignment time:
 - (1) At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or
 - (2) At programs, schools or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools or school districts.
3. “In-district language” means a heritage language or a language other than English that is spoken:
 - a. By five percent or more of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the students enrolled in the schools of the district; or
 - b. At five percent or more of the homes of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the homes of the students enrolled in

¹ Districts are encouraged to consult with legal counsel and any applicable collective bargaining agreements prior to taking any action on reductions of staff.

the schools of the district. “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.

4. “Qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force.
5. “Qualified teacher with cultural or linguistic expertise” means a teacher who:
 - a. Has more cultural or linguistic expertise than a teacher with more or equal seniority; and
 - b. Holds proper licenses or other credentials to fill a remaining position.
6. “Student from a historically underserved background” includes a student who:
 - a. Is an English language learner;
 - b. Is from a racial or ethnic group that has historically experienced academic disparities, including racial or ethnic groups for which a statewide education plan has been developed under ORS 329.841, 329.843 or 329.845 for students who are black, African-American, American Indian, Alaska Native, Latino or Hispanic;
 - c. Is economically disadvantaged; or
 - d. Has a disability.
7. “Teacher” has the meaning given that term in ORS 342.120.

Procedures

When determining which teachers will be retained when the district reduces staff, the district shall prioritize seniority, except as follows:

1. A district shall retain a qualified teacher with cultural or linguistic expertise who has less seniority if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to teachers without cultural or linguistic expertise.
2. If a qualified teacher with cultural or linguistic expertise is retained as described above and the district is determining which teachers to retain who do not have cultural or linguistic expertise, the district shall prioritize:
 - a. Seniority²; or
 - b. Competence or merit in accordance with law.
3. The district may retain a teacher with less seniority than a teacher being released if the district determines that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

The district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about reduction in staff or recall of staff. Retained teachers will be properly licensed and qualified, as defined in Oregon statutes, for the positions they fill.

² Seniority shall be calculated from the first day of actual service as teachers with the district, inclusive of approved leaves of absence. In the event there is a tie in calculating seniority, it shall be broken by drawing lots.

The district will develop criteria and procedures for identifying in-district languages, verifying teacher language abilities, reviewing teacher pathway programs and determining which teachers teach in schools with 25 percent or more students from a historically underserved population. Procedures and timelines will be communicated to teachers.

Recall

A teacher who was released due to a reduction in staff will be eligible for recall for 27 months after the last date of release, unless waived by a rejection of a specific position. No new teacher shall be hired to any position until all staff who remain on a recall list who are licensed and qualified for the position have been given an opportunity to accept the position.

The district shall notify teachers on the recall list of a position opening by registered letter, return receipt requested, at their last known address. Teachers shall have 7 calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional 14 days from date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

If the teacher rejects any position offered for which the teacher is licensed and qualified, or the teacher fails to respond within the specified timeline, the teacher shall forfeit all recall rights.

Staff returning to work shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the release.

Teachers will have recall rights for a maximum 27-month period. If they choose, released teachers may maintain their district insurance and health plans by paying their own premiums as prescribed by law, subject to the rules of the insurance carrier.

Corrected 5/16/23

Umatilla School District 6

Code: GCPB/GDPB
Adopted: 4/11/96
Revised/Readopted: 2/11/04; 11/19/09
Orig. Code: GCPB/GDPB

Resignation of Staff

A licensed staff member who wishes to resign from their position with the district must give a written notice of at least 60 days upon or at prior to the time of resignation date he/she wishes to leave district employment. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that they/he/she must continue teaching for part or all of the 60-day period.

Where less than a 60-day notice is given, the Board may request the Teacher Standards and Practices Commission to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

The superintendent is authorized to accept resignations of classified employees effective the day they are received.

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 5/16/23

Umatilla School District 6

Code: GCPC/GDPC
Adopted: 2/11/04
Revised/Readopted: 4/08/21
Orig. Code: 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 will develop requirements, limitations and procedures for employment as a PERS-retiree.¹

When an employee of the district retires under PERS, that employee's employment with the district will terminate. PERS-retired individuals may apply for open positions with the district.²

END OF POLICY

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.

Corrected 5/16/23

¹ The law that allows PERS-retired employees to continue to work for PERS-employers without hour restrictions is set to expire in 2024.

² There must be a break in service for retired employees returning to work.

Umatilla School District 6

Code: GCPC/GDPC-AR
Adopted: 2/11/04
Revised/Readopted: 11/21/19
Orig. Code: GCPC/GDPC-AR

Reemployment of PERS-Retired Staff

1. Current District Employees

- a. Decisions to retain or re-employ a PERS-retired staff member shall be made by the superintendent.
- b. When a licensed employee retires, ~~she/he~~ the person reverts to probationary status.
- c. When an employee retires and is rehired, ~~she/he~~ the person loses all accumulated seniority.
- d. PERS-retired staff retiring mid-year shall be rehired on temporary contracts to complete the school year at the superintendent's discretion.
- e. PERS-retired staff wishing to apply for open positions will follow the same application process as other applicants. An email expressing interest is sufficient for application for current employees and/or employees who retired from the Umatilla School District. PERS-retired staff members shall be hired at the discretion of the superintendent. Such hires will be approved by the Board.
- f. Rehired retirees shall be granted full experience on the pay scale.

2. Former District Employees

A district employee who retired and left district employment may apply for a subsequent vacancy with the district under the same application and interview procedures as all other applicants for district employment.

Corrected 5/16/23

Umatilla School District 6

Code: GCQA/GDQA
Adopted: 4/11/96
Revised/Readopted: 2/11/04
Orig. Code: GCQA/GDQA

Nonschool Employment

All employees are expected to accomplish those tasks required by the district.

Outside activity or employment which adversely affects one's performance or ability to perform his/her their assigned duties is not acceptable. If such a situation exists, the employee will be notified and will be expected to make a choice between district employment and outside employment.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 5/16/23

Umatilla School District 6

Code: GCQBA
Adopted: 4/11/96
Readopted: 2/11/04
Orig. Code: 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.

END OF POLICY

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 5/16/23

Umatilla School District 6

Code: GD
Adopted: 4/11/96
Readopted: 2/11/04; 11/18/10
Orig. Code: GD

Classified Staff/Classified Staff Positions

“Classified employee” means any district employee not required to hold a teaching license. The superintendent or designee will designate classified employee positions. The essential job functions, ~~and~~ titles and examples of work performed, are to be prescribed in a written job description for each position classification.

END OF POLICY

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.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).
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.

Corrected 5/16/23

Umatilla School District 6

Code: GDA
Adopted: 10/13/22
Orig. Code: GDA

Instructional Assistants

Instructional assistants shall be hired by the superintendent.

All instructional assistants¹ 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 assistants² 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.

¹ "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.

² 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

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[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).

Corrected 5/16/23

Umatilla School District 6

Code: GDC
Adopted: 11/18/10
Orig. Code: GDC

Recruitment of Classified Staff

The superintendent 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

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.

Corrected 5/16/23

Umatilla School District 6

Code: GDIA
Adopted: 2/11/04
Orig. Code: GDIA

Notice of Employment

The Board shall give, in writing, individual notices by May 30 to all employees 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

Legal Reference(s):

[ORS 332.554](#) [OAR 581-022-2405\(4\)](#)

Corrected 5/16/23

Summary Results Report
Umatilla County May 16, 2023 Election

UNOFFICIAL RESULTS

Umatilla

Director, Position 4 Ukiah School District, 80R

Vote For 1	TOTAL
Amie Gulden	19
Write-In Totals	4
Not Assigned	4
Total Votes Cast	23
Overvotes	0
Undervotes	3
Contest Totals	26

Director, Position 2 Umatilla School District, 6R

Vote For 1	TOTAL
Steve Warr	182
Veronica Gutierrez	177
Write-In Totals	2
Not Assigned	2
Total Votes Cast	361
Overvotes	0
Undervotes	23
Contest Totals	384

Director, Position 3 Umatilla School District, 6R

Vote For 1	TOTAL
Toby D Cranston	324
Write-In Totals	6
Not Assigned	6
Total Votes Cast	330
Overvotes	0
Undervotes	54
Contest Totals	384

Director, Position 4 Umatilla School District, 6R

Vote For 1	TOTAL
Jon Lorence	319
Write-In Totals	3
Not Assigned	3
Total Votes Cast	322
Overvotes	0
Undervotes	62
Contest Totals	384

Director, Position 5 Umatilla School District, 6R

Vote For 1

TOTAL

Josiah Barron	303
Write-In Totals	13
Not Assigned	13
Total Votes Cast	316
Overvotes	0
Undervotes	68
Contest Totals	384

Director, Position 1 East Umatilla Fire & Rescue District

Vote For 1

TOTAL

Chris Williams	422
Write-In Totals	2
Not Assigned	2
Total Votes Cast	424
Overvotes	0
Undervotes	63
Contest Totals	487

Director, Position 2 East Umatilla Fire & Rescue District

Vote For 1

TOTAL

Carol Kirk	390
Write-In Totals	6
Not Assigned	6
Total Votes Cast	396
Overvotes	0
Undervotes	91
Contest Totals	487

Director, Position 2 Echo Fire District, 7-403

Vote For 1

TOTAL

Justin Morris	127
Write-In Totals	2
Not Assigned	2
Total Votes Cast	129
Overvotes	0
Undervotes	15
Contest Totals	144

Umatilla School District Board and Staff Operating Principles

Operating principles define the beliefs, values and methods of working together. Successful organizations are the result of effective and dynamic leadership. In order to promote such leadership, we must agree on a basic ways of working together- as a Board and as a District. The Board serves as a model for the entire District. The topics that follow outline the manner in which we agree to conduct our Board business and foster positive District relations.

Communication

Through appropriate channels, frequent, shared with Board/Superintendent team:

Superintendent to Board: The superintendent will inform the Board of pertinent activities and any potentially “newspaper worthy” news. The superintendent will use email to communicate routine matters to the Board weekly. During crisis situations, the superintendent will send an email alert and text/phone members beginning with the Board chair. The superintendent will communicate individual board questions/concerns/responses to the entire Board in the weekly notes.

Board to Superintendent: Board members are encouraged to inform the superintendent of any communications they receive from district patrons (positive or negative). The Superintendent takes directions from the Board as a whole- individual Board members should refrain from making requests of the superintendent (except for minor clarifications, explanations, etc.) and from giving direction to the superintendent regarding District business. Individual Board members will give a courtesy call or email to the superintendent prior to visiting a school.

Board to Other District Administrators/Employees: Board members are encouraged to channel formal communications to district administrators or other employees through the superintendent. Any substantial requests for information or action should come through the Board chair to the superintendent, and should reflect the Board as whole. Individual Board members shall not give directives to any school administrator or employee, publicly or privately.

Follow the chain of command:

All: The last stop, not the first, will be the Board. We follow the chain of command and insist that others do too. Try to resolve all issues at the lowest level possible and honor the role and responsibilities of those closest to the situation.

Effective Meetings

No surprises:

Board: Board members should share ideas about new programs and new directions with the superintendent (who may involve key staff) or other members of the Board before presenting them publicly.

Administration: Bring matters to the Board in a timely fashion. Present programs and projects far enough in advance so Board members suggestions can be addressed without upsetting activities already in progress.

Be prepared:

Board: Read materials and seek clarification and information as needed from the superintendent or Board chair prior to the Board meeting. When possible, explain all major concerns about a proposal to the superintendent in advance.

Administration: Develop recommendations that combine the best interests of students and the needs of the District with the focus and direction the Board desires. Board input during work sessions and during the discussion component of a meeting may provide direction.

When a situation is controversial, exemplify the governance role, own the decision making process and support one another:

Board: Use a variety of strategies in dealing with controversy or sensitive issues. Examples: 1) the chair may call a short recess to allow for regrouping or regaining of composure, 2) a special meeting could be organized to address the topic that may need more time, 3) the chair may ask the superintendent to investigate the complaint or concern.

Generally, the Board does not take final action on a complaint during the meeting at which it is presented. The Board does not hear complaints related to individuals in open session. To protect the rights of individuals, such complaints are dealt with in executive session with the appropriate parties present.

Administration: Resolve complaints at appropriate administrative levels. Prepare and forewarn the Board of any concern likely to come its way. Write follow-up notes to patrons with concerns and inform them of any follow-up action the Board or administration may take.

Decision Making

Practice efficient decision making:

Board: In order to formulate and execute sound decisions, we agree to:

- Resolve problems at the lowest level possible following the chain of command.
- Clearly communicate decisions.
- Build a point of reevaluation into decisions.
- Provide input from all concerned.
- Make decisions consistent with our expressed goals.
- Move to the question when the discussion is repetitive.
- Executive session will be held only for appropriate subjects.

The Board acts only as a body:

Board: No Board member has the authority to speak for the Board without Board action and direction. Board members will act only as member of the Board and do not assume individual authority when the

Board is not in session unless authorized and directed by Board vote. Board members should review essential facts, consider others' ideas, and present personal opinions during Board deliberations; but, once the Board vote has been taken, all Board members should support Board decisions regardless of how individuals voted.

Superintendent: It is the Board's job to see that the schools are well run, but not to run the schools. Day to day work and decisions are the responsibility of the superintendent. The superintendent will follow Board policy when making daily decisions and will keep the Board apprised of key initiatives, decisions and personnel changes.

We all work collectively for the benefit of students in the district and agree to keep children at the focus of our work and decisions.

UMATILLA SCHOOL DISTRICT 6
2023-24 FISCAL YEAR
ORGANIZATION AND PROCEDURAL RESOLUTION
July 20, 2023

The Umatilla School District 6 Board of Directors resolves the following:

DESIGNATES:

Heidi Sipe, Superintendent

- Chief Administrative Officer/Clerk
- Representative for Federal Funds
- Authorized LEA Official
- Affirmative Action Officer
- District Election Authority

Kim Gilsdorf, Business Manager

- Custodian/Investor of Funds
- Administrator of Business Services/Deputy Clerk
- Budget Officer

Vincent Stefani, Maintenance Director

- Asbestos Hazard Emergency Response Act Designated Person
- Health and Safety Officer
- Integrated Pest Management Coordinator
- Radon and Lead Testing Coordinator

Rikkilynn Larsen, Child Nutrition Director

Julie Hunt, Special Education Director

- Section 504 Compliance Officer

Karyna Lopez Meraz, Administrative Receptionist

- Confidential Employee

Natalie Aufdermauer, Board/Superintendent Secretary

- Confidential Employee

Josy Chavez, HR Specialist

- Confidential Employee
- American Disabilities Act Coordinator

Delma Bernal, Payroll Clerk

- Confidential Employee

Iridiana Campos, Accounts Payable Clerk
- Confidential Employee

Budget Committee -
Board Members and
Daren Dufloth
Arnell Eynon
Becky Finck
Randi Garrett
Dave Wickstrom
Dauna Griggs
Susana Sotelo

ESTABLISHES:

Legal Notices and Publications:	East Oregonian and/or Umatilla School District website if most cost effective
Auditor:	Cockburn & McClintock, LLC
Insurance Agency of Record:	Graybeal Group, Inc.
Workers' Compensation Carrier:	SAIF Corporation
Legal Counsel:	GHR Law Firm
Depository of Funds: Branch	Banner Bank, Umatilla U.S. Bank Local Government Investment Pool/State Treasury
Regular Monthly Meetings:	Second Thursday of each month, 7:00 P.M. Umatilla School District Office

AUTHORIZES:

Bond Coverage - \$50,000
- Heidi Sipe, Superintendent

- Kim Gilsdorf, Business Manager

Blanket bond - \$10,000

- All employees

Signatures on Checks

- Heidi Sipe, Superintendent
- Kim Gilsdorf, Business Manager
- Bob Lorence, High School Principal (ASB accounts only)
- Rick Cotterell, Middle School Principal (ASB accounts only)
- Nicole Coyle, Elementary School Principal (ASB accounts only)

Board Chairperson or Vice Chairperson - Signature on documents

Application for grants/funds as available

Interfund loans to special funds

Substitute teacher pay rate - \$206.35 per day for first ten consecutive days and \$206.35 11 days or more of consecutive substitute teaching

Mileage Reimbursement Rate - allowable rate per IRS

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity available at the Umatilla School District on the basis of race, color, sex, religion, creed, political belief, age, national origin, linguistic and language difference, sexual orientation, socio-economic status, height, weight, marital or familial status or disability. For Nondiscrimination concerns or questions, please contact Heidi Sipe at 541-922-6500 or sipeh@umatillasd.org.

Surplus

Pitching Machines - Thought to be damaged in the flood but seem to be in working order.



Umatilla School District 6

Code: BDDH
Adopted: 10/11/95
Revised/Readopted: 2/11/04; 3/10/22
Orig. Code: BDDH

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment only on agenda items.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to help@umatillasd.org. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but will not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

[ORS 332.107](#)

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

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

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

Cross Reference(s):

BDDC - Board Meeting Agenda

KC - Community Involvement in Decision Making