LINCOLN COUNTY
SCHOOL DISTRICT

Dr. Majalise Tolan
Superintendent

District Office | Teaching & Learning Center
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www.lincoln.k12.or.us

Board of Directors
NOTICE OF A BOARD MEETING
Lincoln County School District Business Meeting of the Board

Date	**Tuesday, October 10, 2023**
Time	**Executive Session- 5:30 Re: (ORS 192.660(2)(i)), (ORS 192.660(2)(b)), & (ORS 332.061(1)) Regular Business Meeting- 6:30**
Place	**Toledo Elementary, 600 SE Sturdevant Rd, Toledo, OR 97391**

The Lincoln County School District Board of Directors has scheduled a Lincoln County School District Business Meeting of the Board of the Board beginning at Executive Session- 5:30 Re: (ORS 192.660(2)(i)), (ORS 192.660(2)(b)), & (ORS 332.061(1)) Regular Business Meeting- 6:30.

Public comment will only be heard if a specific public comment time is designated on the agenda. Not all meetings of the Board have public comment.
If you are a member of the community and wish to speak before the Board, please email the following information to eddie.symington@lincoln.k12.or.us by **12:00 pm on the business day prior to the meeting: Name, address and phone number (optional), and topic.** Once your request is received, you will be contacted with details regarding making the comment during the meeting. Public comment cards will also be available at the door and must be completed and given to the Board Secretary. All public comment will follow Board Policy BDDH – "Public Comment at Board Meetings."

The session will be streamed and can be accessed by visiting our website.

The agenda is attached.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting.

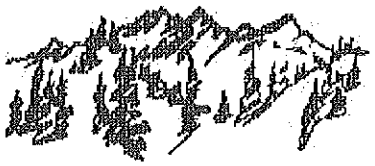
THIS NOTICE SATISFIES THE REQUIREMENTS OF ORS 192.630, 192.640 AND 332.045.
For further information or to request accommodations, please contact:

Eddie Symington, Assistant to the Superintendent and School Board
Lincoln County School District | 1212 NE Fogarty | Newport, OR 97365

LINCOLN COUNTY SCHOOL DISTRICT
Board of Directors – Lincoln County School District Business Meeting of the Board
Tuesday, October 10, 2023 - Executive Session- 5:30 Re: (ORS 192.660(2)(i)), (ORS 192.660(2)(b)), & (ORS 332.061(1)) Regular Business Meeting- 6:30
Toledo Elementary, 600 SE Sturdevant Rd, Toledo, OR 97391

Agenda

1. Executive Session 5:30-6:30
2. Business Meeting - Call to Order & Reading of Land Acknowledgment
3. Roll Call- Establishment of a quorum
4. Introductions
5. Communications
   5.a. Written



Knappa School District No. 4
William Fritz Superintendent

September 12, 2023

Larry Robeson
Fire Chief
Toledo Volunteer Fire Department
285 NE Burgess Road
Toledo, OR 97391

Dr. Majalise Tolan
Superintendent
Lincoln County School District
P.O. Box 1110
Newport, OR 97365

Dear Chief Robeson and Superintendent Tolan:

The Knappa High School football team played at Toledo High School on September 1, 2023. During the game, one of the Knappa players experienced extreme medical distress.

We are writing to thank the Toledo Volunteer Fire Department for the quality response to this incident and precautions taken to provide care for our student athlete during this incident. I also wish to complement the Toledo High School athletes and school leadership for their sportsmanship during the event.

The involved athlete is recovering and back to school now.

We appreciate the dedication and training showed by the medical team and the fact that Toledo High School students, athletes and community were a "class act."

When it comes to high school athletics, we all want what is best for the student athletes, those representing our own school or those of the "opposing team." The events of that night demonstrate that we are all in this together and for that we are thankful.

With gratitude,

Bill Fritz, Ph.D.
Superintendent
Knappa School District

Paul Isom
Principal
Knappa High School

Jenny Smith
Athletic Director
Knappa High School

Cc: Chloe' Minch, Principal, Toledo Jr/Sr High School
Chris Jackson, Head Football Coach, Knappa High School
Bruce Marthaller, Head Football Coach, Toledo Jr/Sr High School
Lindsay DeVries, Athletic Director, Toledo Jr/Sr High School

5.b. From the Audience (This time is reserved for public comment on topics published on the Board's agenda)

5.c. Recognition

5.c.1. Regional Teacher of The Year

LINCOLN COUNTY
SCHOOL DISTRICT

Adam Galen Named Regional Teacher of the Year! / ¡Adam Galen nombrado Profesor Regional del Año!

POSTED ON **SEPTEMBER 20, 2023**

Congratulations to Sam Case Elementary 5th grade teacher Adam Galen who was named Oregon's 2023-24 Regional Teacher of the Year!

At a school assembly Wednesday, Oregon Lottery officials announced Galen's win and presented him with a $1,000 check. Galen said he is honored to be recognized. "I am really excited," Galen said. "I love to be able to inspire people and this is just one more way to hopefully inspire teachers here as well as kids and young adults to become teachers."

According to a media release from Linn-Benton-Lincoln Education Service District, the Oregon Teacher of the Year Program recognizes and honors teacher excellence, with the state Teacher of the Year serving as the face and voice of exemplary educators across Oregon. Candidates for Oregon Teacher of the Year are exceptionally dedicated, knowledgeable and skilled licensed public school educators in grades preK-12.

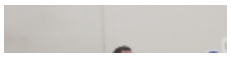
"I believe that relationships are the most important aspect of student success. Students that know you care about them and have high expectations for them will reach for the stars." Galen is quoted from his application. This is Galen's 26th year teaching with the last 10 years spent at Sam Case.

Co-workers, friends, family, students, community members and parents can nominate a teacher for Oregon Teacher of the Year. Galen was nominated by an anonymous parent. Nominees are notified and invited to apply. Each of Oregon's 19 Education Service Districts review applications from their area and choose a winner for their region. Finalists are chosen from among the regional winners, and then the designated candidate will be recommended to the Director of the Oregon Department of Education as the next Oregon Teacher of the Year.

As one of 17 regional winners, Galen is in the running for Oregon's 2023-24 Oregon Teacher of the Year – to be announced in October.

Since 1995, when the Oregon Lottery began allocating revenue to public education, more than $9 billion has been transferred to school districts across the state. This past year, nearly $3 million dollars of Oregon Lottery funding went to the Lincoln County School District.

For more information, visit oregonteacheroftheyear.org.



¡Felicitaciones al maestro de 5to grado de Sam Case Elementary Adam Galen quien fue nombrado el Maestro Regional del Año 2023-24 de Oregon!

En una asamblea escolar el miércoles, los funcionarios de la Lotería de Oregon anunciaron el premio de Galen y le entregaron un cheque de $1,000 dólares. Galen dijo que se siente honrado de ser reconocido. “Estoy muy emocionado”, dijo Galen. “Me encanta ser capaz de inspirar a la gente y esto es sólo una manera más de inspirar a los maestros aquí, así como a los niños y adultos jóvenes a convertirse en maestros”.

Según un comunicado de prensa del Distrito de Servicios Educativos Linn-Benton-Lincoln, el Programa Maestro del Año de Oregón reconoce y honra la excelencia de los maestros, y el Maestro del Año del estado sirve como la cara y la voz de los educadores ejemplares en todo Oregón. Los candidatos a Maestro del Año de Oregón son educadores licenciados de escuelas públicas excepcionalmente dedicados, conocedores y hábiles en los grados preK-12.

“Creo que las relaciones son el aspecto más importante del éxito de los estudiantes. Los alumnos que saben que te preocupas por ellos y tienes grandes expectativas puestas en ellos alcanzarán las estrellas”. cita Galen de su solicitud. Este es el año 26 de Galen enseñando con los últimos 10 años pasados en Sam Case.

Compañeros de trabajo, amigos, familia, estudiantes, miembros de la comunidad y padres pueden nominar a un maestro para Maestro del Año de Oregon. Galen fue nominado por un padre anónimo. Los nominados son notificados e invitados a postularse. Cada uno de los 19 Distritos de Servicios Educativos de Oregón examina las candidaturas de su zona y elige un ganador para su región. Los finalistas se eligen entre los ganadores regionales y, a continuación, el candidato designado será recomendado al Director del Departamento de Educación de Oregón como próximo Profesor del Año de Oregón.

Como uno de los 17 ganadores regionales, Galen está en la carrera para el Maestro del Año de Oregón 2023-24, que se anunciará en octubre.

Desde 1995, cuando la Lotería de Oregón comenzó a asignar ingresos a la educación pública, se han transferido más de 9.000 millones de dólares a los distritos escolares de todo el estado. El año pasado, casi 3 millones de dólares de la Lotería de Oregón se destinaron al distrito escolar del condado de Lincoln.

Para obtener más información, visite oregonteacheroftheyear.org.

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5.d. LCEA Report

HOW MANY M&Ms fill the GRAND CANYONS?

I like how you guys separated the categories.

Karl, Thy Taylor

Assumptions

- Its a lot of M&Ms
- We are measuring the "normal" siz M&Ms
- How big is the grand cany
- The Measure of Unit is (CM)

Why did you use centimeters?

I Liked how you used your own calculations to find the answer

they are organized and used color!

Caculations

We Found the Volume of the grand cuton (4170 trillion Cm^3)

Divided by the Volume of an M&M ($0.000636 [m^3]$)

The quotient was

6 and a half quadrillion

M&Ms

Estimate

The grand canyon in cm is 4170 trillion Cm^3

&

each M&M is ~1.5 cm per M&M so.....

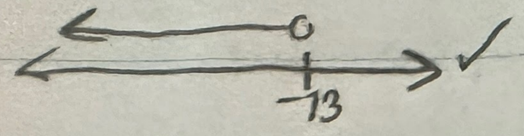
4170 trillion · 1.5 = ~6255 trillion cm^3 worth of M&M

I like how you were organized and showed your visuals

Multiplication ✓

$\frac{-4}{-4} x \geq \frac{52}{-4}$

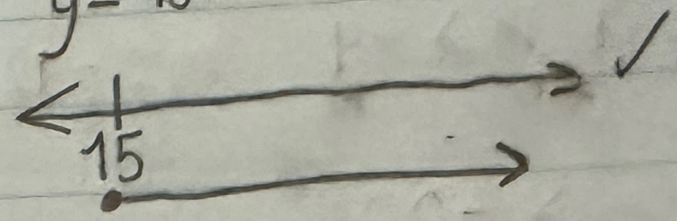
$x \geq -13$ ✓



✓

$\frac{y}{3} \geq \frac{5}{(3)}$

$y \geq 15$ ✓



✓

Summary reflection: ✓

Solving inequalities is similar to solving equations because they both use inverse operations. one difference is the Symbols are different. Another difference is I need flip inequality symbols wher I multiply or ~~divide~~ a negitive

Hint: only flip the inequality symbols if you multiply or divide a Negitive.

6. Consultant Reports/Staff Reports/Student Reports
    6.a. Area Report

North Area Board Report Sept 2023

OCEANLAKE

Oceanlake: Current State and Goals for the Year

	Beginning of the Year	Middle of the Year	End of the Year
Kindergarten	N/A		
First Grade	At Grade Level: 22 out of 79 students; +14 Above (total 46%)		
Second Grade	At Grade Level: 12 out of 102 students; +18 Above (total 30%)	15	

LCSD & OLES Goal Focus for 23-24:

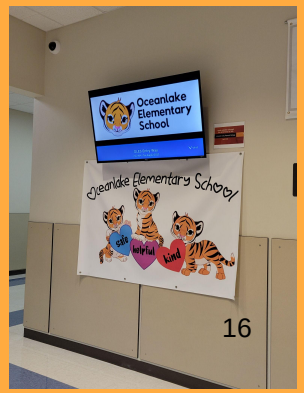
- Increase Graduation Rate

23-24 Focus:

- Increase Teacher understanding around the Science of Reading through professional development
- Increase Rigor in Reading and Math instruction
- AVID Alignment with Taft Elem and Taft 7-12
- Strengthen Tier 1 structures to engage our students in learning

Oceanlake: NEW THIS YEAR

- Extended the Bus Lane to streamline the bus loading/unloading process
- New fence along the south side of the building creating a secured schoolyard
- Digital display in the lobby is up and running!!
- New t-shirts for parents and students!
- Garden is being revamped!



Oceanlake: Plans for the 23-24 school year

Winter and Spring music concerts!

We have filled our Makerspace position, very excited to increase Art opportunities with our students this year!

Increased volunteer opportunities with the addition our school garden being refreshed and SMART readers continuing their partnership.

NORTH AREA
TAFT ELEMENTARY

Taft Elementary: Current State & Goal

LCSD CIP Goal:
Goal #1: Graduation Rate

TAES Goal:
By May 2024, all students in grades 3-6 at Taft Elementary will increase reading proficiency to average 75%, as measured by the RfR Benchmark Assessments.

Measure:

- Acadiance
- Reading Benchmark
- iReady Math Diagnostic

Strategies:

- Focused Professional development
- Intentional PLC
- Purposeful teacher collaboration

Acadiance Reading
(Composite Score)

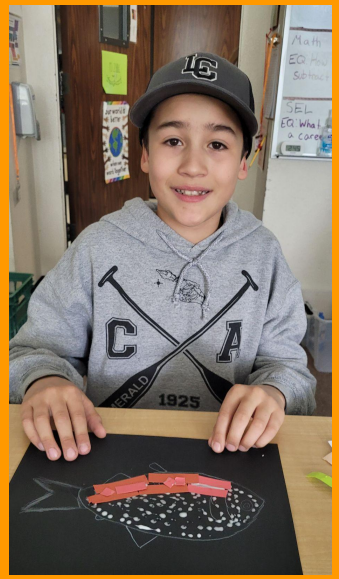
	Spring 2023	Fall 2023	Winter 2024	Spring 2024
3rd	40%			
4th	37%			
5th	41%			
6th	36%			

Taft Ele: Next Steps

- **Teacher Professional Development:**
  - Reading:
    - Explicit Reading Instruction for upper elementary students
    - ODE Literacy Framework: Science of Reading
  - AVID: Rigorous Instruction and Focused Note Taking
  - Language Acquisition
  - Math:
    - Productive Struggle & problem solving
- **Behavior:**
  - Restorative Practices
  - Tier 2 and Tier 3 Interventions

Taft Ele: Opportunities for the year

- **Fall Family Night:**
  - Hispanic Family Night: September 15th
  - AVID Night on September 28th
- **Student Advisory Team:**
  - Community service project: Rainy Day Recess
  - Volunteer Opportunities
- **Art Integration:**
  - Collaboration with Lincoln City Cultural Center
  - Portland Opera (fall)



Taft 7-12

We model passionate learning in a safe and respectful environment, empowering students to be resilient and prepared for future opportunities in a global society.

100 Day Plan : **GOALS & PLAN**

GOAL 2:

Reading across all grade levels:

Taft will increase the number of students on grade level by 21% going from 29% of students on grade level to 50%

Action Items:

- Increase teachers knowledge of instructional strategies (WICOR)
- Embedded Formative Assessments in every classroom
- Tier 1 access to iReady MyPath

iReady Reading

2021-2022:

- 32% On grade level
- 23% One grade level Below

2022-2023:

- 29% On grade level
- 22% One grade level Below

2023-2024:

- Goal - 50% on grade level

WHY YONDR?

Yondr Pouch: They have received responses to our annual surveys from over 1,200 school partners, and after implementing the Yondr Education Program:

- **84% saw a change in student engagement**
- **72% saw a positive change in student behavior**
- **68% saw a positive change in academic performance**

Phone Free Campus

Personal Electronic Device Policy

NEW - Students will be following the current LCSD “Personal Electronic Device” policy at Taft. To assist with this policy, Taft will be issuing a Yondr Pouch to all student for the duration of the school day.

How it works?

The Yondr Program utilizes a simple, secure pouch that stores a phone. Every student will secure their phone in a personally assigned Yondr pouch when they arrive at school. Students will maintain possession of their phones and will not use them until their pouches are opened at the end of the school day. Students are required to bring their Yondr pouch to and from school each day and are responsible for their pouch at all times.

As students enter school, they place their phone in their assigned Yondr Pouch.

Students close and secure their Pouch, keeping it on them throughout the day.

When leaving school, students tap their Pouch on a Base to retrieve their phone.

Questions...

East Area

Toledo Elementary

Toledo Jr/Sr High School

Compass School

Compass 6-12 Online School MARINERS

ENGAGE & ELEVATE

TOLEDO JR/SR HIGH

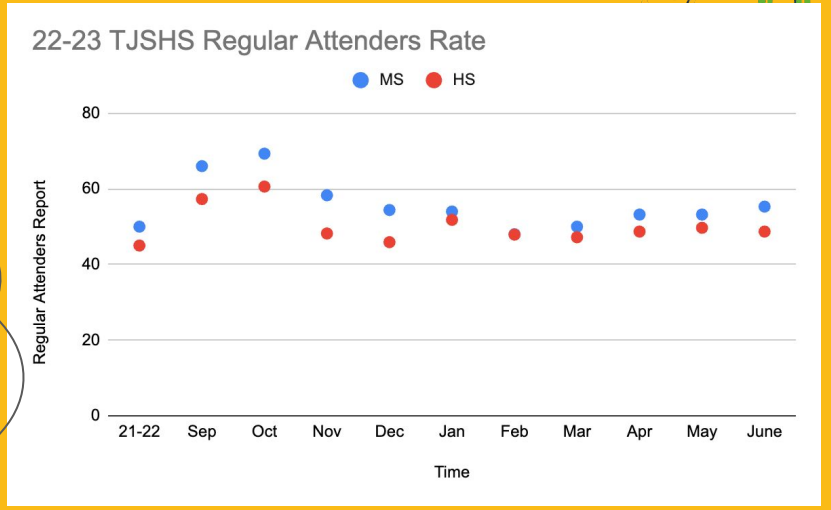
Toledo Jr/Sr High School

Vision for Student Learning/Experience

At TJSHS, the classroom is an emotionally secure space where students hear and include each other, practice empathy, value diversity, and promote respect. Students take ownership over their education and intentionally pursue growth with equitable access to interactive, collaborative, and inquiry-based learning.

Toledo Jr/Sr High School

Our goal is to increase our rate of Regular Attenders by 5% by the end of the school year.



RIGHT NOW (as of 9/27):
78% of our students have a 90% attendance rate, or higher!

Goal 2	**Each school will increase attendance of regular attenders by 5% each year or reach and maintain 90%, which will be measured by 90% of the students attending 90% of the time each year for the next three years.**

Tardy Data :)

Last year (22-23 year) we had the following data:

- 9 Days into the school year, we had a TOTAL of **1,516** tardies NOT including 1st per
- This equates to **168 tardies/day**

This year (23-24) we have the following data:

- 9 days into the school year, we have had a TOTAL of **123** tardies NOT including 1st per
- This equates to **13.6 tardies/day**

This year (23-24) we have the following data:

- 19 days of school into the school year, we have a TOTAL of **398** tardies NOT including 1st per
- This equates to **20.9 tardies/day**

Action Steps

- Activity Eligibility
- Tier I on Expectations
- PD in August for Staff re: Attendance
- Homeroom!
- Attendance lessons in each Homeroom
- Rewards: Student Athlete of the Week, Weekly Attendance Raffles, Recognition Assemblies, etc.
- Synergy Support - Remind Messages

Fun Things @ TJSHS

Instructional Coach
- Tracker
- Coaching Document

Communication
- Remind & Mass Email in Synergy

Meetings with Seniors & Juniors

Food Services

GEAR UP
- Field trips to trade, 2 & 4 year
- HR Lessons
- Working in OVERGRAD

Class Representatives

Parking Passes

Homecoming Week! Now!

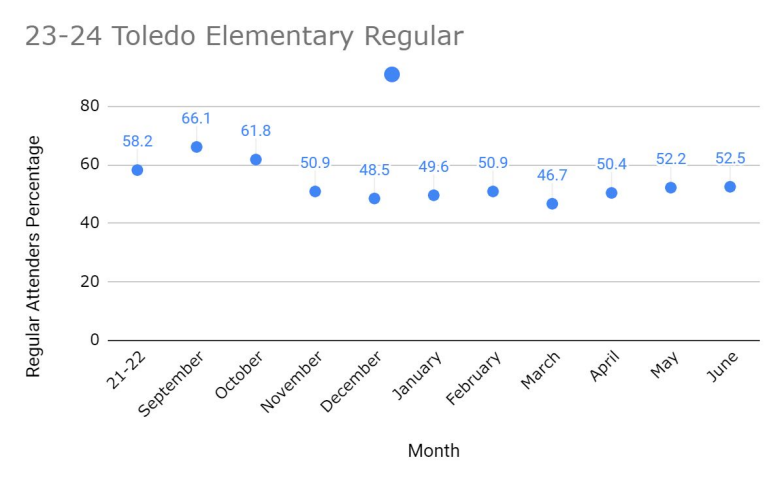
Senior Newsletter

TOLEDO BOOMERS

Toledo Elementary School

Toledo Elementary School

Our goal is to increase our rate of Regular Attenders by 5% by the end of the school year.



RIGHT NOW (as of 9/27):
76% of our students have a 90% attendance rate, or higher!

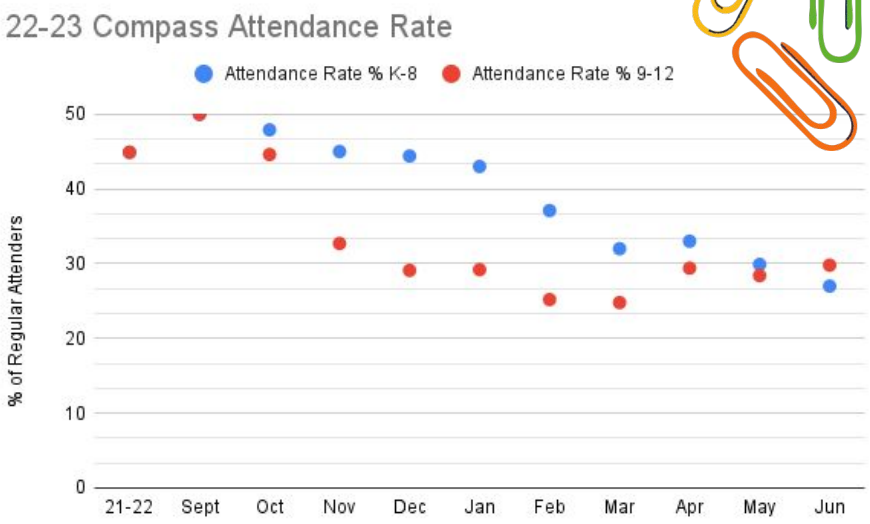
Goal 2	**Each school will increase attendance of regular attenders by 5% each year or reach and maintain 90%, which will be measured by 90% of the students attending 90% of the time each year for the next three years.**

Action Steps

- Personal Phone calls
- Attendance reminders on the daily announcements
- TAPP - Tribal Attendance Promising Practices
- Tier II - Attendance small groups and punch cards
- Classrooms tracking attendance on a graph for perfectish attendance
- Synergy Support - Remind Messages

Compass Online

Compass Online



Our goal is to increase our rate of Regular Attenders by 5% by the end of the school year.

Currently:
52% of our 6-8 students have a 90% attendance rate, or higher while 43% of our 9-12 grade students have a 90% attendance rate, or higher

Goal 2

Each school will increase attendance of regular attenders by 5% each year or reach and maintain 90%, which will be measured by 90% of the students attending 90% of the time each year for the next three years.

Action Steps

- Attendance rewards as a class
- Tier I on Expectations
- Continuous PD for staff re: Attendance
- Individual meetings w/Teacher or Counselor
- Synergy Support-Remind Messages, Personal Phone calls home after 3 days of absences

Questions...

6.b. Student Report

6.c. Financial Report

6.c.1. September Board Financial Report

General Fund Revenue & Expenditure Summary (Unaudited)
Fiscal Year 2023-24
Year To Date Transactions as of September 30, 2023

	Period 1 Actual July '23	Period 2 Actual Aug '23	Period 3 Actual Sept '23	Period 4 Projected Oct '23	Period 5 Projected Nov '23	Period 6 Projected Dec '23	Period 7 Projected Jan '24	Period 8 Projected Feb '24	Period 9 Projected March '24	Period 10 Projected April '24	Period 11 Projected May '24	Period 12 Projected June '24	Period 13 Projected July '24	Projected 2023-24 Totals		Adopted 2023-24 BUDGET	Year-To-Date 2023-24 Actuals	% of YTD Diff Budget vs. Projected	% of Budget
REVENUES																			
LOCAL SOURCES:																			
Current year's levy		267		336	31,032,370	7,235,663	515,075	280,699	1,026,342	155,045	175,196	1,088,227	368,690	41,877,910	*	41,878,114	267	(204)	0%
Prior years' taxes		168,049	150,279	106,324	64,762	100,489	34,262	37,035	96,375	(36,429)	37,656	78,170	53,189	890,162	*	805,000	318,328	85,162	40%
Interest on Investments	157,070	168,033	156,991	12,717	20,240	56,327	53,169	45,656	47,193	31,260	37,640	34,650	15,697	836,642		400,000	482,094	436,642	121%
Fees Charged to Grants				27,406	28,912	36,489	46,956	42,779	50,703	65,496	29,382	132,169	74,394	534,686		550,000	-	(15,314)	0%
Rentals				1,457	1,510		1,446			1,446		1,221	217	7,297		10,000	-	(2,703)	0%
Contributions														0		0	-	-	#DIV/0!
Other Local Income	17,557	623	7,431	110,937	102,086	102,897	106,493	84,838	99,286	104,760	146,035	120,339	258,489	1,261,771		1,334,218	25,611	(72,447)	2%
INTERMEDIATE SOURCES:																	-		
ESD - Severe Disab Support					21,508	26,743	37,826	26,757		30,290	24,765	27,112		195,000		195,000	-	-	0%
County School Fund				42,947	68,817	39,728		37,116			67,541	24,411	19,439	300,000	*	300,000	-	-	0%
Other, Hvy Eq Rent Tax, etc		65	1,192											1,257			1,257	1,257	#DIV/0!
STATE SOURCES:																	-		
SSF- Current Year	3,958,011	1,977,818	1,977,818	1,921,812	1,951,917	1,891,138	1,891,376	1,911,680	1,894,980	1,931,348	1,934,662			23,242,560		23,130,549	7,913,647	112,011	34%
SSF- Prior Year														0			-	-	#DIV/0!
Common School Fund							141,491	141,169	122,344					405,004	*	701,538	-	(296,534)	0%
State Timber				71,070	118,330	68,327		63,425			115,728			436,880	*	500,000	-	(63,120)	0%
Unrstd Grants, HCD, Wildfire														0		910,136	-	(910,136)	0%
FEDERAL SOURCES:																	-		
Federal Forest Fees														0			-	-	#DIV/0!
Foster Care Transp Reimb									32,627			41,373		74,000		74,000	-	-	0%
OTHER RESOURCES:																	-		
Interfund Transfer														0		10	-	(10)	0%
Sale of Assets/Ins Proceeds														0			-	-	#DIV/0!
Beginning Fund Balance	16,990,984													16,990,984		14,115,000	16,990,984	2,875,984	120%
Total Monthly Revenues	**21,123,621**	**2,314,855**	**2,293,711**	**2,295,006**	**33,410,452**	**9,557,801**	**2,828,094**	**2,671,155**	**3,369,850**	**2,283,216**	**2,568,604**	**1,547,672**	**790,115**	**87,054,153**		**84,903,565**	**25,732,188**	**2,150,588**	**30%**
CUMULATIVE RESOURCES	**21,123,621**	**23,438,477**	**25,732,188**	**28,027,194**	**61,437,646**	**70,995,447**	**73,823,541**	**76,494,696**	**79,864,546**	**82,147,762**	**84,716,367**	**86,264,038**	**87,054,153**						
EXPENDITURES																			
Salaries (100)	602,384	794,932	2,630,859	2,588,094	2,709,743	2,617,229	2,585,234	2,678,310	2,607,465	2,565,843	2,691,761	6,432,074		31,503,927		31,281,886	4,028,175	222,041	13%
Employee benefits (200)	267,886	358,026	1,341,779	1,498,999	1,551,949	1,501,529	1,502,698	1,531,770	1,543,891	1,530,048	1,567,513	3,955,523	10,088	18,161,697		18,374,837	1,967,690	(213,140)	11%
Purchased services (300)	986,152	997,439	986,922	1,459,354	1,468,019	1,795,050	1,544,165	1,557,172	1,596,294	1,580,985	1,819,240	1,622,897	398,860	17,812,550		18,356,147	2,970,514	(543,597)	16%
Supplies (400)	105,077	183,578	216,157	220,161	182,910	160,021	149,530	141,805	138,828	195,198	302,785	353,263	219,521	2,568,834		2,750,414	504,812	(181,580)	18%
Capital outlay (500)	11,704			6,882	12,701	9,492		5,191	12,755	8,308	10,808	500	20,887	99,228		143,000	11,704	(43,772)	8%
Insurance/Other (600)	818,463	85,876	34,845	20,149	17,673	14,288	10,391	8,495	5,678	9,394	36,275	12,758	13,956	1,088,240		1,002,281	939,184	85,959	94%
Interfund Transfers (700)							4,305,000							4,305,000		4,305,000	-	-	0%
Contingency (800)														0		3,750,000	-		0%
Unappropriated Funds (800)														0		4,940,000	-		0%
Total Monthly Expenditures	**2,791,666**	**2,419,851**	**5,210,562**	**5,793,639**	**5,942,994**	**6,097,610**	**10,097,017**	**5,922,743**	**5,904,910**	**5,889,775**	**6,428,381**	**12,377,014**	**663,312**	**75,539,476**		**84,903,565**	**10,422,079**	**(674,089)**	**12%**
CUMULATIVE EXPENDITURES	**2,791,666**	**5,211,518**	**10,422,079**	**16,215,718**	**22,158,712**	**28,256,322**	**38,353,340**	**44,276,083**	**50,180,993**	**56,070,768**	**62,499,149**	**74,876,163**	**75,539,476**						
Month-end Fund Balance	**18,331,955**	**18,226,959**	**15,310,108**	**11,811,476**	**39,278,933**	**42,739,124**	**35,470,201**	**32,218,613**	**29,683,553**	**26,076,994**	**22,217,217**	**11,387,875**	**11,514,678**	**11,514,678**				**15,310,108**	

Revenue Assumptions:

Projection amounts based on Adopted Budget and avg % received during same time period over past 8 years

Beginning Fund Balance is estimated as of 9-7-23 & subject to change. It represents the bulk of current Excess Ending Fund Balance.

June ADM is final at 5,072.2, it has been adjusted down from 5,086.2

Local Revenue no longer includes Federal Forest Fees per OR legislation.

*** Local Revenue - Projected**	**43,909,956**	
Local Revenue included in 6/26/23 SSF Estimate	44,194,830	
Estimated 2023/24 SSF Adjustment (May 2025)	**284,874**	Depends on Actual Local Revenue at Yr End
Anticipated Ending Fund Balance	**11,799,551**	
Less Unappropriated Ending Fund Balance (7% Required) & Contingency	(8,690,000)	
Excess Ending Fund Balance	**3,109,551**	

Expenditure Assumptions:

Projection amounts based on Adopted Budget and avg % expended during same time period over past 8 years

Monthly ADM - Prior Years

2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
5,489.2	5,523.3	5,567.9	4,892.4	5,163.5	5,095.5
5,487.6	5,549.3	5,586.5	4,945.8	5,189.8	5,111.6
5,477.9	5,541.6	5,596.7	4,968.0	5,191.8	5,109.0
5,480.6	5,538.8	5,585.9	5,089.1	5,192.9	5,098.5
5,480.8	5,512.2	5,577.6	5,054.0	5,184.1	5,095.4
5,470.6	5,491.0	**5,569.1**	5,052.3	5,180.8	5,103.0
5,438.7	5,476.0	COVID-19	5,048.6	5,170.4	5,101.0
5,411.8	5,447.3	ADM Frozen	5,048.6	5,167.2	5,097.6
5,378.6	5,401.7	2nd Qtr (Dec)	5,049.0	5,157.0	5,093.8
5,332.9	5,482.5		5,090.2	5,122.6	5,007.0
5,443.2	5,482.5		5090.2	5122.6	5072.2

Monthly ADMr Comparison	Monthly ADM 2023-24	YTD ADM 2023-24
September	4,959.1	4,959.1
October		
November		
December		
January		
February		
March		
April		
May		
June		
June YTD		

Lincoln County School District
2023-24 Monthly Comparison - General Fund Projected to Actual
September 2023

REVENUES	Projected**	Actual	Actual Compared to Projected		Comments
LOCAL SOURCES:					
Current year's levy	194		(194)	*	
Prior years' taxes	101,808	150,279	48,471	*	
Interest on Investments	15,330	156,991	141,661		Seg JE's not completed
Fees Charged to Grants	12,027		(12,027)		
Rentals	1,362		(1,362)		
Contributions			-		
Other Local Income	58,701	7,431	(51,270)		
INTERMEDIATE SOURCES:					
ESD - Severe Disability Support			-		
County School Fund			-	*	
Other, Hvy Eq Rent Tax, etc		1,192	1,192		
STATE SOURCES:					
SSF- Current Year	1,921,812	1,977,818	56,006	*	
SSF- Prior Year			-	*	
Common School Fund			-	*	
State Timber			-	*	
Unrestricted Grants			-	*	
FEDERAL SOURCES:					
Federal Forest Fees			-		No longer Local Revenue
Foster Care Transport Reimb			-		
OTHER RESOURCES:					
Interfund Transfer			-		
Sale of Assets/Ins Proceeds			-		
Beginning Fund Balance					
Total Monthly Revenue	**2,111,234**	**2,293,711**	**182,477**		
EXPENDITURES					
Salaries (100)	2,530,958	2,630,859	99,900		Contract Increases
Employee benefits (200)	1,485,660	1,341,779	(143,882)		
Purchased services (300)	1,046,617	986,922	(59,694)		
Supplies (400)	235,403	216,157	(19,245)		
Capital outlay (500)	3,509		(3,509)		
Insurance/Other (600)	17,259	34,845	17,586		
Interfund Transfers (700)					
Contingency (800)					
Unappropriated Funds (800)					
Total Monthly Expenditures	**5,319,406**	**5,210,562**	**(108,845)**		

*Indicates SSF formula revenue -- excesses are returned to the State

** Projections based on budget and average % received/expended during same time period over past 8 years

Lincoln County School District
2023-24 General Fund - Purchased Services Monthly Comparison
September 2023

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD Total
Prof Instruction Svcs	9,730	10,351	12,120										32,200
Cleaning Services		343,923	18,300										362,223
Repairs & Maint	5,104	48,291	18,620										72,015
Rentals	602	13,860	13,900										28,362
Utilities	7,603	37,963	97,251										142,816
Transportation	778	6,791	298,354										305,923
Travel	1,405	10,739	5,712										17,857
Telephone		8,000	8,761										16,761
Postage	559	1,893	3,555										6,007
Advertising		70	150										220
Printing & Binding		9,813	16,867										26,680
Data Lines		60	177										237
Charter School Pmts	914,194	457,783	457,783										1,829,760
Tuition		28,396	28,396										56,792
Audit Services													-
Legal Services			917										917
Architect/Engr Svcs			2,620										2,620
Neg/Labor Consltg													-
Managemnt Svcs													-
Data/Tech Svcs		3,000	1,500										4,500
Election Services													-
Other Gen Prof Svcs	46,178	16,508	1,940										64,625
Total	**986,152**	**997,439**	**986,922**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**2,970,514**
For Reference Only:													
Less Transportation	(778)	(6,791)	(298,354)	-	-	-	-	-	-	-	-	-	
Charter Sch Pmts	(914,194)	(457,783)	(457,783)	-	-	-	-	-	-	-	-	-	
Purchased Services	**71,180**	**532,866**	**230,785**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**A**

Notes:

A: Removing Transportation & Charter Payments with their irregular payment patterns from the totals smooths the monthly totals for comparison purposes. For Reference Only.

LINCOLN COUNTY SCHOOL DISTRICT

2023-24 SPECIAL REVENUE FUNDS FINANCIAL STATEMENTS as of September 30, 2023 UNAUDITED

Special Revenues & Grants (200-285 & 900-994)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Local	754,099		42,199	711,900
Intermediate				
State	4,058,911			4,058,911
Federal	12,641,146			12,641,146
Fund Tfrs/Asset Sales				
Beg. Fund Balance *	1,384,117		1,509,745	(125,628)
Total Revenues	18,838,273		1,551,944	17,286,329
Expenditures:				
Instruction	7,848,625	2,464,159	550,562	4,833,905
Support Services	5,806,756	1,857,379	454,439	3,494,938
Enterprise	636,587	228,418	29,715	378,454
Facilities Acq & Const	3,446,650	584,695	1,755,230	1,106,725
End Fund Bal/Tfrs	1,099,655			1,099,655
Total Expenditures	18,838,273	5,134,651	2,789,945	10,913,677
Fund Balance			**(1,238,001)** ***	

Indigenous Peoples (286)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Local				
Fund Tfrs/Asset Sales				0
Beg. Fund Balance*	103,050		103,049	1
Total Revenues	103,050	0	103,049	1
Expenditures:				
Instruction	81,050			81,050
Support Services	22,000			22,000
End Fund Balance				0
Total Expenditures	103,050	0	0	103,050
Fund Balance			**103,049**	
Less Encumbered			0	
Available for Expenditure			**103,049**	

Musical Instruments (287)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Transfers				
Beg. Fund Balance*	505,000		301,643	203,357
Total Revenues	505,000		301,643	203,357
Expenditures:				
Instruction	295,000	45,294	2,644	247,062
Support Services	110,000		3,077	106,923
End Fund Balance	100,000	100,000		0
Total Expenditures	505,000	145,294	5,721	353,985
Fund Balance			**295,922**	
Less Encumbered			145,294	
Available for Expenditure			**150,628**	

Pre-School Promise (288)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
State	523,800			523,800
Beg. Fund Balance*			12,229	(12,229)
Total Revenues	523,800		12,229	511,571
Expenditures:				
Instruction	372,943	343,341	31,265	(1,664)
Support Services	58,544	9,720	2,072	46,752
Enterprise	92,313			92,313
Facilities Acq & Const				
End Fund Balance				
Total Expenditures	523,800	353,061	33,337	137,401
Fund Balance			**(21,108)** ***	

Student Investment Account (289/989)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
State	4,228,625			4,228,625
Beg. Fund Balance*			283,265	(283,265)
Total Revenues	4,228,625		283,265	3,945,360
Expenditures:				
Instruction	1,942,573	1,391,118	253,264	298,191
Support Services	2,284,052	1,985,421	367,846	(69,215)
Enterprise	2,000		46,565	(44,565)
Facilities Acq & Const				0
End Fund Balance				
Total Expenditures	4,228,625	3,376,539	667,675	184,411
Fund Balance			**(384,410)** ***	

Curriculum (290)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Transfers	1,600,000			1,600,000
Beg. Fund Balance*	1,900,000		1,900,000	0
Total Revenues	3,500,000		1,900,000	1,600,000
Expenditures:				
Instruction	360,000			360,000
Contingency	3,140,000			3,140,000
End Fund Balance				
Total Expenditures	3,500,000		0	3,500,000
Fund Balance			**1,900,000**	
Less Encumbered			0	
Available for Expenditure			**1,900,000**	

Small Schools Grant (291) WHS & Toledo 7-12	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Local				
State	67,000			67,000
Beg. Fund Balance *	143,000		128,759	14,241
Total Revenues	210,000		128,759	81,241
Expenditures:				
Instruction	123,483	18,570	4,399	100,513
Support Services	19,517		2,360	17,157
Enterprise				0
Facilities Acq & Const				
End Fund Balance	67,000			67,000
Total Expenditures	210,000	18,570	6,759	184,670
Fund Balance			**122,000**	
Less Encumbered			18,570	
Available for Expenditure			**103,429**	

High School Success (292)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
State	1,589,075			1,589,075
Beg. Fund Balance *			2,100	(2,100)
Total Revenues	1,589,075		2,100	1,586,975
Expenditures:				
Instruction	742,590	368,197	56,855	317,538
Support Services	846,485	511,788	166,565	168,132
End Fund Balance				
Total Expenditures	1,589,075	879,984	223,421	485,670
Fund Balance			**(221,321)** ***	

Building Maintenance (293)	Budget	Encumb'd	YTD Actual	Remaining
Revenues:				
Local	25,000			25,000
State				
Federal				
Fund Tfrs/Asset Sales	905,000			905,000
Beg. Fund Balance *	1,373,000		912,253	460,747
Total Revenues	2,303,000		912,253	1,390,747
Expenditures:				
Support Services	681,587	5,794	278,320	397,473
Enterprise				
Facilities Acq & Const	1,621,413	7,130	202,874	1,411,409
End Fund Bal/Tfrs				
Total Expenditures	2,303,000	12,924	481,194	1,808,882
Fund Balance			**431,059**	
Less Encumbered			12,924	
Available for Expenditure			**418,135**	

*** Beginning Fund Balances are Unaudited**
**** Fund Balances do NOT include encumbered expenditures**
***** Reimbursement Basis Grants, revenue received after funds expended, negative or low fund balance is normal**

LINCOLN COUNTY SCHOOL DISTRICT

2023-24 SPECIAL REVENUE FUNDS FINANCIAL STATEMENTS as of September 30, 2023 UNAUDITED

	Budget	Encumb'd	YTD Actual	Remaining
Food Services (294)				
Revenues:				
Local	190,100			190,100
State	35,000		43,412	(8,412)
Federal	3,663,253			3,663,253
Beg. Fund Balance *	900,000		1,377,555	(477,555)
Total Revenues	4,788,353		1,420,967	3,367,386
Expenditures:				
Instruction	115,160	66,245	22,999	25,916
Support Services	33,482	25,589	8,480	(587)
Enterprise	4,089,711	3,192,630	265,868	631,212
Facilities Acq & Const	300,000			300,000
End Fund Balance	250,000	250,000		0
Total Expenditures	4,788,353	3,534,464	297,347	956,541
Fund Balance			**1,123,619** ***	
Student Activities (295)				
Revenues:				
Local	1,300,000		194,047	1,105,953
Beg. Fund Balance *	1,325,000		1,243,422	81,578
Total Revenues	2,625,000		1,437,469	1,187,531
Expenditures:				
Instruction	1,315,000	62,248	180,200	1,072,551
Support Services	95,000	33	852	94,115
Enterprise	45,000		45,000	0
Contingency	1,170,000			1,170,000
Total Expenditures	2,625,000	62,281	226,053	2,336,666
Fund Balance			**1,211,416**	
Less Encumbered			62,281	
Available for Expenditure			**1,149,135**	
Outdoor School for All (296)				
Revenues:				
State	149,098			149,098
Total Revenues	149,098		0	149,098
Expenditures:				
Instruction	142,398		5,883	136,515
Support Services	6,700			6,700
Total Expenditures	149,098	0	5,883	143,215
Fund Balance			**(5,883)** ***	
ODE Facilities Grants (297)				
Revenues:				
State Sources	10,000			10,000
Total Revenues	**10,000**	**0**	**0**	**10,000**
Expenditures:				
Support Services	10,000			10,000
Total Expenditures	**10,000**	**0**	**0**	**10,000**
Fund Balance				

	Budget	Encumb'd	YTD Actual	Remaining
Technology (298)				
Revenues:				
Local	136,015			136,015
Local - Tech Fees	45,900		28,721	17,179
Transfers	1,600,000			1,600,000
Beg. Fund Balance*	1,446,893		1,715,212	(268,319)
Total Revenues	3,228,808		1,743,933	1,484,875
Expenditures:				
Instruction	37,500			37,500
Support Services	729,739	242,578	82,528	404,633
Contingency	2,461,569			2,461,569
End Fund Balance				0
Total Expenditures	3,228,808	242,578	82,528	2,903,702
Fund Balance			**1,661,405**	
Less Encumbered			242,578	
Available for Expenditure			**1,418,827**	
Vehicle Replacement (299)				
Revenues:				
Local	29,500			29,500
Sale of Assets				0
Beg. Fund Balance *	51,900		40,276	11,624
Total Revenues	81,400		40,276	41,124
Expenditures:				
Support Services	81,400			81,400
End Fund Balance				
Total Expenditures	81,400	0	0	81,400
Fund Balance			**40,276**	
Less Encumbered			0	
Available for Expenditure			**40,276**	
PERS Bonds Debt Service (320)				
Revenues:				
Local	5,082,765		587,284	4,495,481
Beg. Fund Balance *	10,563,450		10,595,489	(32,039)
Total Revenues	15,646,215		11,182,773	4,463,442
Expenditures:				
Debt Service	6,116,208			6,116,208
End Fund Balance	9,530,007	9,530,007		0
Total Expenditures	15,646,215	9,530,007	0	6,116,208
Fund Balance			**11,182,773**	
GO Bonds Debt Service (330 & 331)				
Revenues:				
Local	6,104,995		45,079	6,059,916
Transfers	1,431,655			1,431,655
Beg. Fund Balance *	1,354,500		1,320,605	33,895
Total Revenues	8,891,150		1,365,684	7,525,466
Expenditures:				
Debt Service	5,290,500			5,290,500
Transfers	1,431,650			1,431,650
End Fund Balance	2,169,000	2,169,000		0
Total Expenditures	8,891,150	2,169,000	0	6,722,150
Fund Balance			**1,365,684**	

	Budget	Encumb'd	YTD Actual	Remaining
Capital Construction Fund (405)				
Revenues:				
Local	1,095,672		104,374	991,298
Beg. Fund Balance *	1,563,700		1,779,558	(215,858)
Total Revenues	2,659,372		1,883,932	775,440
Expenditures:				
Support Services	459,372			
Facilities Acq & Const	2,200,000	18,362	494,643	1,686,994
End Fund Balance				
Total Expenditures	2,659,372	18,362	494,643	2,146,366
Fund Balance			**1,389,288**	
Less Encumbered			18,362	
Available for Expenditure			**1,370,926**	
Future Property Purchases Reserve (420)				
Revenues:				
Local	15,000			15,000
Fund Tfrs/Asset Sales				
Beg. Fund Balance *	1,061,018		1,068,738	(7,720)
Total Revenues	1,076,018		1,068,738	7,280
Expenditures:				
Facilities Acq & Const	1,076,018			1,076,018
Total Expenditures	1,076,018			1,076,018
Fund Balance			**1,068,738**	
Dental/Vision Self Insurance (610)				
Revenues:				
Local	963,000		103,201	859,799
Beg. Fund Balance *	1,215,000		1,176,546	38,454
Total Revenues	2,178,000		1,279,747	898,253
Expenditures:				
Support Services	870,000		194,536	675,464
Contingency	1,308,000			1,308,000
Total Expenditures	2,178,000		194,536	1,983,464
Fund Balance			**1,085,211**	
Less Encumbered			0	
Available for Expenditure			**1,085,211**	
District Medical Group HRA (620)				
Revenues:				
Local	874,600		93,752	780,848
Beg. Fund Balance	2,120,000		2,122,797	(2,797)
Total Revenues	2,994,600		2,216,549	778,051
Expenditures:				
Support Services	440,000	39,480	72,879	327,641
End Fund Balance	2,554,600			2,554,600
Total Expenditures	2,994,600	39,480	72,879	2,882,241
Fund Balance			**2,143,671**	
Less Encumbered			39,480	
Available for Expenditure			**2,104,190**	

*** Beginning Fund Balances are Unaudited**

**** Fund Balances do NOT include encumbered expenditures**

***** Reimbursement Basis Grants, revenue received after funds expended, negative or low fund balance is normal**

LINCOLN COUNTY SCHOOL DISTRICT
Bills & Claims Over $10,000 - All Funds
2023-24 Fiscal Year
September 2023

Date	Payee	Description	Amount
9/1/2023	FIRST STUDENT, INC.	MONTHLY CONTRACT SVCS - STUDENT TRANSPORTATION	299,666.68
9/1/2023	SODEXO, INC & AFFILIATES (CUST)	MONTHLY CONTRACT SERVICES	18,299.89
9/8/2023	AED MARKET	AED DEVICES FOR ATHLETICS TEAMS	33,978.00
9/8/2023	APPLE INC.	IPADS - VARIOUS LOCATIONS	19,229.00
9/8/2023	CDW GOVERNMENT, INC.	GOOGLE WORKSPACE SOFTWARE	24,107.00
9/8/2023	INTERMOUNTAIN LOCK AND SECURITY SUPPLY	LOCKS - CVH VESTIBULE/OFFICES, NHS GRANDSTANDS	12,415.40
9/8/2023	JOHNSON & SONS DRYWALL & ACOUSTICS LLC	DRYWALL - CVH VESTIBULE/OFFICES, NHS GRANDSTANDS	10,228.00
9/8/2023	OETC	ADOBE CREATIVE CLOUD SOFTWARE	12,125.00
9/8/2023	OMLID & SWINNEY	NHS GRANDSTANDS	38,942.00
9/8/2023	SCHOOL OUTFITTERS LLC	CAFETERIA TABLES	41,120.53
9/8/2023	SILETZ VALLEY CHARTER SCHOOL	23-24 STATE SCHOOL FUNDS	291,652.52
9/8/2023	TOM STEVENS BOILER REPAIR, INC.	GAS BOILER - NHS	191,893.00
9/8/2023	YONDR INC	CELL PHONE BAGS - TAHS	12,500.00
9/8/2023	ZCS ENGINEERING INC	CONTRACT SERVICES - YVE SEISMIC RETROFIT	19,572.00
9/15/2023	BTW FLOORING LLC	FLOORING - YVE, SCE, CVH	15,779.20
9/15/2023	CASCADE CASEWORK CORP.	COUNTERS & CABINETS - YVE OFFICES	51,800.00
9/15/2023	GTS INTERIOR SUPPLY	SUPPLIES - YVE & CVH	10,267.82
9/15/2023	LINCOLN GLASS CO., INC	CVH VESTIBULE	16,400.00
9/15/2023	QUALITY CONCRETE CONSTRUCTION CO	FRAMING & LABOR - CVH, NHS GRANDSTANDS	46,162.00
9/15/2023	WOOZ FLOORING	FLOORING - YVE, SCE, CVH	20,607.70
9/22/2023	AVID CENTER	23-24 MEMBERSHIP FEES	52,647.00
9/22/2023	BSN SPORTS	ATHLETIC UNIFORMS - TAHS, WHS, NHS	15,066.00
9/22/2023	COMMUNITY SERVICES CONSORTIUM	23-24 STATE SCHOOL FUNDS	12,299.00
9/22/2023	EDDYVILLE CHARTER SCHOOL	23-24 STATE SCHOOL FUNDS	227,988.48
9/22/2023	INTERMOUNTAIN LOCK AND SECURITY SUPPLY	LOCKS - CVH VESTIBUILE & NHS GRANDSTANDS	18,090.97
9/22/2023	JERRY PRATER CONSTRUCTION, INC	ROOFING - TAES & TOHS	39,200.00
9/22/2023	LATHAM CENTERS, INC.	SPECIAL ED TUITION - OUT OF STATE PLACEMENT	28,396.00
9/22/2023	MATTERHACKERS, INC.	21ST CLC - 3D PRINTER & FILAMENT	14,508.80
9/22/2023	O'BRIEN & COMPANY, LLC	CM/GC YVE SEISMIC RETROFIT	728,453.73
9/22/2023	SILETZ VALLEY CHARTER SCHOOL	23-24 STATE SCHOOL FUNDS	211,172.00
9/22/2023	WARD'S MEDIATECH INC	INTERACTIVE PANELS - VAROUS LOCATIONS	67,614.00
9/22/2023	WEBSTAURANT	FOOD SERVICES EQUIPMENT - VARIOUS LOCATIONS	16,668.78
9/29/2023	COMMUNITY SERVICES CONSORTIUM	ESSER III PASS THROUGH	80,267.20
9/29/2023	IMAGINE LEARNING LLC	COMPASS ONLINE & DISTANCE LEARNING SOFTWARE	132,660.00
9/29/2023	ZCS ENGINEERING INC	YVE SEISMIC RETROFIT	18,710.75

LINCOLN COUNTY SCHOOL DISTRICT
INVESTMENT REPORT
September 2023

Oregon State Treasury - Local Government Investment Pool

Beginning Balance	$ 29,930,569
Additions	1,705,453
Reductions	5,000,000
Ending Balance	**$ 26,636,022**

Oregon Coast Bank - Money Market Account

Beginning Balance	$ 12,267,016
Additions	5,041,809
Reductions	6,200,000
Ending Balance	**$ 11,108,825**

Oregon Coast Bank - 13 Month Time CD (Fund 331 QSCB Sinking Fund)

.75% APY

Beginning Balance	$ 377,801
Additions	714
Reductions	-
Ending Balance	**$ 378,515**

Monthly Totals

Beginning Balance	$ 42,621,729
Additions	6,748,063
Reductions	11,246,430
Ending Balance	**$ 38,123,362**

Interest Rates	**July**	**August**	**September**
LGIP	**4.11%**	**4.42%**	**4.63%**
Oregon Coast Bank	**4.22%**	**4.59%**	**4.72%**

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6.d. First Student Report (Written)

Board Meeting 10/10/2023-Report Prepared by Darleen Van Riper, Location Manager First Student

Talking Points-Please contact me at Darleen.vanriper@firstgroup.com with any comments or questions.

1. **With Experience Comes Skill**
   This is the second start-up our current team coordinated, and we believe that it went well despite the minor hiccups we experienced with timing, parents not registering their student in a timely manner, and some software access issues. We were and continue to be able to make quick changes for smooth route flow, and everyone's access issues received one-on-one assistance by Darleen Van Riper. I am also proud to say that our routers have been able to route 99% of all students, who registered late, sooner than the advised ten business days. With the help of First Student team and LCSD secretaries, we were running smoothly by the second week and will continue to adapt operations for Thank you, team!

2. **FS Safety Update: Regional Safety Training Managers**
   First Student is continuing to focus on Safety and commitment to operational excellence with the addition of the Region Safety Training Manager role. This role represents a vital piece of our Safety Training & Development Team's vision, which is centered around prioritizing employee safety performance and fostering a culture of care to ensure unmatched safety and reliability for our students and their families.
   Our new Region Safety Training Managers will play a pivotal role in our journey toward continuous improvement in driver training. They will provide direct leadership and support to all locations, including Lincoln County, focusing on standardization, change management, and enhancing the Candidate First Experience for our new drivers.
   For Lincoln County this means that we will have Ambassadors in all areas who will be the mentors for candidates entering the program and who will be point of contact for those who wish to become a member of the First Student family. The RSTM for our area is Jeff Heaton. Darleen Van Riper and Sheila Morris, Location Safety Manager, have worked with Jeff before and appreciate his desire to help his locations and their customers.

3. **FirstActs & the New Referral Process**
   The new referral process is in full swing, and I am seeing good results on our end. Our employees are diligent with reporting behaviors, and FS management steadily reads and weeds through the reports to determine the appropriate approach for each child. We have also had a few meetins and, unfortuantely, a few bus supensions. Time will tell if the process helps teach students and families that riding a school bus comes with responsibilities and consequesces if safety rules cannot be followed.

4. **Driver/Candidate Comparison Report (as of 10/04/2023)**

	9/7/2023		10/4/2023	
Lincoln County Bus Routes	73	Driver Shortage	73	Driver Shortage
Drivers on hand (as of 10/04/2023, LOA excluded)	46	27	45	28
Out of Town Drivers	0	27	0	28
Routes not currently serviced (combos)	20	7	20	8
Other Considerations:				
Cover Drivers positions not staffed	4	31	4	32
Route Monitor positions not staffed	5		5	
Drivers on LOA/FMLA/WC (Regular & Casual)	3		0	
Casual Drivers with limited availability	6		11	
LCSD & FS Staff (1 & 9) Available to Drive	10		10	

Please note that this information is subject to frequent changes.

We continue to cover routes with all hands on deck, and Annette as needed. Trips and Activities are covered by staff and other locations. Working with the ADs is a variable in the equation of making it work. We are lucky to have ADs who are willing and able to work with us to make transporting their athletes possible. On 10/09/2023, we are reintroducing one route.

5. **Losing a Driver**
   On Sept. 28, 2023, after a short but courageous battle with a serious illness, David Snyder passed away. David was a lifelong resident of Lincoln City, Oregon, growing up on Sand Point and graduating from Taft High School with the class of 1977.
   David's parents, Don and Babe, were pillars within the Lincoln City community participating in many community groups including the Elks Club, the Taft Boosters Club and Don served as the President of the Lincoln City Little League. They passed these values on to David and he continued their legacy within the community.
   David was a ninth-generation plumber, working with his father Donald at Coast Plumbing. After Donald's passing, David with business partner, Jim Diehl, created Arrowhead Plumbing. Both Coast Plumbing and Arrowhead Plumbing served the local community for over 50 years and worked on many local buildings and projects including Oregon Coast Bank, Oceanlake School, Lincoln City Police Station and jail, the Comfort Inn, and the Taft Fire Hall. Arrowhead plumbing also completed plumbing jobs at banks, schools, motels, and post offices all over the state of Oregon.

David always said that if he had not been a plumber, he would have loved to be a teacher. He volunteered at Oregon Coast Community College as a plumbing instructor for plumbing apprentices. In a way he got his wish by spending his last working years as a school bus driver for First Student, servicing Lincoln County School District.

6.e. Food Services Report (Written)

7. Board Reports

8. Superintendent's Report

8.a. 2021-2022 Division 22 Assurance Review

DIVISION 22 STANDARDS/EVIDENCE

Internal Tracking Tool for Lincoln County School District

2022-2023 School Year Compliance

Please Note: The rule summaries included below are high-level and do not outline all requirements spelled out in rule. To ensure an accurate assessment of the district's compliance, access the linked rule for details and specifics. All schools operating in an online or remote capacity should refer to the Online and Remote Learning Guidance to ensure alignment with current policy.

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Teaching & Learning					
Curriculum & Instruction					
581-022-2030 District Curriculum	Outlines all required components of a district's planned K–12 instructional program.	School master schedules Instructional materials		Compliant	Katie Barrett / Aaron Belloni
581-022-2045- Prevention Education in Drugs and Alcohol	Requires a comprehensive plan for alcohol and drug abuse prevention program that emphasizes prevention strategies, availability of school/community resources, management of peer pressure, responsible decision-making, positive health choices.Includes staff training on referral procedures and staff responsibilities.	Instructional materials Counseling program		Compliant	Katie Barrett / Aaron Belloni

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581-022-2050 Human Sexuality Education	Districts must plan for and implement a K-12 comprehensive sexuality education program that meets the Health Education Standards, including providing instruction on child abuse prevention, healthy relationships, and healthy sexuality.	Instructional materials K-8 Support from nurses and counselors. Curriculum is in place for Secondary and is supported by District Nurses, as well as school counselors.		Compliant	Katie Barrett / Aaron Belloni
581-022-2055 Career Education	K-12 Career Education as part of Comprehensive School Counseling.	Overgrad. Campus visits. College and Career support in the Counseling Center. Graduation coaches. Aspire Programs		Compliant	Aaron Belloni
581-022-2060 Comprehensive School Counseling	Comprehensive district and school counseling program at each school based on Oregon's Framework for Comprehensive School Counseling Programs to support the academic, career, social-emotional and community involvement development of every student. Education and career plan and profile for all students in grades 7-12, that builds upon itself each year. Annual review of the district and each schools' comprehensive counseling program. ODE recommends that Superintendents meet with school counseling team or district team lead to determine compliance.	Plan is in place and is ongoing.		Compliant	Susan Van Liew
*581-022-2263 Physical Education Requirements	Grade level time requirements for PE instruction. K-8 students shall receive PE instruction throughout the entire school year.	PE in specials rotation with additional staff added to	Corrections already in place	Non - Compliant	Katie Barrett

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	• K-5 requirement: 150 minutes/week (4 day week = 120 minutes). • **6-8 requirement for 2022-23 SY: 225 minutes/week (4 day week = 180 minutes).*	some schools to ensure 150 min K-5 in all schools.	for 23-24 school year to have K-8 in compliance for the year.		and Aaron Belloni
581-022-2320 Required Instructional Time	Requirements for instructional time in grades K-12: Grade 12 — 966 hours; Grades 9–11 — 990 hours; and Grades K–8 — 900 hours. For specific information related to instructional time requirements for online and remote learning models, refer to the Online and Remote Learning Guidance.	Elementary School Schedules Secondary Schedules		Compliant	Katie Barrett Majalise Tolan
581-022-2340 Media Programs	Provides guidelines for a cohesive K-12 media program, including expectations around facilities and materials, staffing, program development, instructional goals, and program maintenance. **Staffing Guidelines**: at minimum, a district must employ a classified employee to oversee and maintain the media program at each school site. Ideally, the district would have a certificated media specialist overseeing the program. If a certificated media specialist is not employed by the district, the district may consult with Jennifer Maurer, the School Library Consultant at the State Library of Oregon, and should either consult with the local ESD, or a local public librarian to assist with program development, implementation, and maintenance.	District Media Specialist meets with classified Media Assistants in each school on a bi-weekly basis, plus 4 full day PD events for library staff. Data is reviewed with school and district admins annually. Media Center upgrades happening in the secondary schools.	The District Librarian is using an emergency license while she earns her degree for this requirement.	Compliant	Bryan Freschi

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*581-022-2500 Programs and Services for TAG Students	Written plan required. Must include identification process, services, district philosophy and goals, description of nature of services to meet goals, and evaluation plan. Student plans must address level and rate of learning. Other rule requirements defined. *Revised standard adopted in 2022 (SB 486).* **New for 2022-23 SY: Districts shall post current TAG plan on the district website and have it available on request. Districts shall update ODE annually with district TAG contact information. Parents and students have the right to discuss the TAG plan. Updated TAG plans were due to ODE by May 1, 2023.*	Current TAG Plan submitted May of 2023 to ODE and linked on websites		Compliant	Carol Stock
Instructional Materials					
581-022-2350 Independent Adoptions of Instructional Materials	Requirements for conducting an independent adoption of instructional materials. Districts that use digital content as core curriculum for a course of study or any part thereof must complete an independent adoption of the digital instructional materials.	No curriculum adopted in the 22-23 school year		Compliant	Katie Barrett
581-022-2355 Instructional Materials Adoption	Districts must follow the adoption cycle established by the State Board of Education and provide free and appropriate instructional materials that meet the NIMAS guidelines.	ODE approved adoption cycle plan K-12		Compliant	Katie Barrett
581-022-2360 Postponement of	Postponement of instructional materials adoption, based on the state adoption cycle, requires an	Application plan in place		Compliant	Katie Barrett

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Purchase of State-Adopted Instructional Materials	application to the State.				
Assessment & Reporting					
581-022-2100 Administration of State Assessments	Definitions and policies related to Test Administration.	The district has a district test coordinator and follows the assessment admin guide (TAM) and the Oregon accessibility manual		Compliant	Vince Dye
581-022-2110 Exception of Students with Disabilities from State Assessments	Applies to students with disabilities with an IEP or a Section 504 plan. States that a public entity cannot exempt a student from state testing, unless the parent has made a request for exemption.	A review of the Oregon State Assessment System would show that we have set the exemptions that are possible controlled via that ODE assessment management site.		Compliant	Vince Dye
581-022-2115 Assessment of Essential Skills	**Waiver – Assessment of Essential Skills graduation requirement for class of 2023 and 2024. See section (22) of the rule.* ***Section 2: Local Performance Assessment requirement is not waived.*** Policies governing the Assessment of Essential Skills, including diploma requirements and local	Work samples completed in grades 3-6 according to state guidelines using scoring guides. Scores entered into gradebook Secondary provides work samples with state scoring		Compliant	Katie Barrett / Aaron Belloni

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	performance assessments. One worksample per grade must be provided to students in grades 3-8 and one offered in high school, using Official State Scoring Guides, in the following areas: writing, speaking, math problem-solving, and scientific inquiry; or, comparable measure adopted by the district. Also defines Assessment of Essential Skills Review Panel (AESRP) policies/practices.	guides. Work sample bank is used.			
581-022-2120 Essential Skill Assessments for English Language Learners	Districts must adopt a policy delineating whether a student may demonstrate proficiency in the student's language of origin.	Policy IKF		Compliant	Katie Barrett
581-022-2130 Community Informed Information Gathering Process at Kindergarten	Volunteer school districts will pilot a Family Conversation where an educator and family meet at the start of kindergarten. The ultimate goal is to begin the process of developing meaningful relationships between educators and families while also collecting information about children's experiences prior to kindergarten to address programs and policy at all levels. ***Districts will not be required to report on this rule until the pilot has concluded and the new Community Informed Information Gathering Process is being implemented statewide.***			n/a - no requirements for districts at this time	
581-022-2270 Individual Student Assessment.	Includes requirements for proficiency-based instruction and assessment, grading systems, and annual reports on student progress.	Grade reports, transcripts, iReady assessment data, Acadiance data, staff PLCs,		Compliant	Katie Barrett Aaron Belloni

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Recordkeeping and Reporting		family conferences			
581-022-2445 Universal Screenings for Risk Factors of Dyslexia	School districts must universally screen for risk factors of dyslexia in kindergarten, and for students entering Oregon schools for the first time in first grade, using a screening test that is on the Department's approved list. Districts may select a tool not on the approved list through a petition process outlined in the rule.	Acadience Universal screener including RAN conducted fall, winter, spring. Intervention and progress monitoring for students at risk		Compliant	Katie Barrett
Program & Service Requirements					
581-022-2315 Special Education for Children with Disabilities	Mandates a district provide an educational program to serve eligible students with disabilities in accordance with all applicable OARs.	Special education programs are staffed and implemented in each district school and sponsored charter.		Compliant	Carol Stock
*581-022-2325 Identification of Academically Talented and Intellectually Gifted Students	Guidelines for TAG identification. Revised standard adopted in 2022. **New for 2022-23 SY: Person who is responsible for identification must be trained.*	TAG identification methods revised to meet revised OAR May of 2023		Compliant	Carol Stock
581-022-2330 Rights of Parents of TAG Students	Parent right to notification at time of identification regarding services and programs offered, opportunity to provide input on their child's plan. Parents may opt their student out at any time.	TAG Parent Rights are provided to parent upon eligibility		Compliant	Carol Stock

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581-022-2505 Alternative Education Programs	Policies and procedures relative to alternative education programs.				
High School Diploma					
581-022-2000 Diploma Requirements	All requirements for a standard diploma.	LCSD Board Policy with graduation requirements. Transcripts. Policy: IKF		Compliant	Aaron Belloni
581-022-2005 Veterans Diploma	Basic information regarding the requirement to offer Veterans Diploma.	Veteran would be in contact with local high school principal and registrar. Policy: IKF		Compliant	Aaron Belloni
581-022-2010 Modified Diploma	All requirements for the Modified Diploma.	LCSD Board Policy: IKF		Compliant	Aaron Belloni
581-022-2015 Extended Diploma	All requirements for the Extended Diploma.	LCSD Board Policy: IKF		Compliant	Aaron Belloni
581-022-2020 Alternative Certificate	All requirements for the Alternative Certificate.	LCSD Board Policy: IKF		Compliant	Aaron Belloni
581-022-2025 Credit Options	Elective or content credit may be earned based on mastery of recognized standards, competencies and skills.	Proficiency earned credit by project or portfolio or work experience.		Compliant	Aaron Belloni
Health & Safety					

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Policies & Practices					
581-022-2205 Policies on Reporting of Child Abuse	School Boards must adopt policies on Child Abuse Reporting. Outlines all requirements that the policy must include.	Policy is adopted.		Compliant	Susan Van Liew
**581-022-2220 Health Services	Policies/practices that govern district health, including: school nurses services, prevention of communicable disease, availability of health rooms/space, vision and hearing screenings, health records, staff CPR training requirements, medically fragile student services, medication administration, and medical emergency response for each building. ***New requirements were adopted by the State Board on June 15, 2023. More detailed information about the changes will be forthcoming.* ***Districts will report on compliance with the new requirements in November 2024.***	Communicable disease plan is complete.		Compliant	Susan Van Liew & Sandy Mummey
581-022-2307 Educational Equity Advisory Committees **D22 reporting for the 2022-23 SY is only required for school districts with an average daily membership (ADM) of 10,000 or more.**	Requires that districts establish a committee composed of parents, employees, students and community members to be selected by the school board and superintendent; outlines guidelines for member selection and the duties of the committee. For school districts with an average daily membership (ADM) of less than 10,000, the school district is required to first convene an educational equity advisory committee by September 15, 2025.			NA until 2025	

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581-022-2310 Equal Education Opportunities	Policies regarding Equal Opportunity and prohibition of harassment, intimidation, bullying, and cyberbullying				
581-022-2312 Every Student Belongs	Requires adoption of a policy that (among other things) prohibits the use or display of hate symbols, establishes procedures for addressing bias incidents. Districts that sponsor public charter schools are also assuring their charter schools have adopted the appropriate policy.	LCSD Board Policy: ACB		Compliant	Susan Van Liew & Natalia Aguilar
581-022-2345 Auxiliary Services	Compliance with statute and rules regarding transportation, food, custodial, facilities, equipment and materials services.	LCSD Board Policies EEA, EEAB, EEAC, EEACC,EEACCA,EEACD,EEACE,EEAE,EFA,EFAA, EFAA-AR,EFD, EFD-AR, Section F Food, Custodial & Transportation Contracts & Audits, Budgets & Financials.		Compliant	Kim Cusick and Rich Belloni
Plans & Reports					
*581-022-0107 Operational Plans for the 2022-23 School Year	COVID-19 Management Plan: School districts and public charter schools must periodically submit to the Department a plan for operation during the 2022-23 school year. The plan must be submitted on a timeline to be determined by the Department and on a form provided by the Department.	Plans are complete and online at each school and the district website. Plans have been submitted to ODE.		Compliant	Susan Van Liew

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581-022-2223 Healthy and Safe Schools Plan	Regulations for establishing and updating HASS Plans, annual statements/final test results re: lead in water tested as per ODE schedule outlined in the HASS plan.	Scheduled followed by facilities and maintenance staff.		Compliant	Rich Belloni
581-022-2225 Emergency Plans and Safety Programs	Requirements for Emergency and Safety Plan, which includes staff and student safety training. Procedure for Accident Reports. Required drills for fire, earthquake, lockdown, lockout, shelter in place, and evacuation.	Plans are complete. There is a process developed for tracking drills and ensuring training has occurred.	Plans with pertinent information are posted in each classroom across the district.	Compliant	Susan Van Liew
581-022-2230 Asbestos Management Plans	Asbestos Management Plan requirements. Training requirement for custodial and maintenance staff-OSHA.	Plan outlined and maintained by facilities and maintenance.		Compliant	Rich Belloni
581-022-2267 Annual Report on Restraint and Seclusion	Public education programs must submit an annual report completed via the ODE Restraint and Seclusion Incidents Data Collection and the ODE Seclusion Rooms Data Collection. Reports must be available at the local level, including on the district website.	Submitted annually by administrative assistant to SPED Director and posted to website		Compliant	Carol Stock
581-022-2510 Suicide Prevention Plan	Requires adoption of a policy and plan for suicide prevention for students in K-12. The plan must include: 1. Procedures for prevention, intervention, postvention, and reentry into school after an event. 2. Identified school/district designee and	Policy is adopted. A plan has been created as part of the comprehensive school counseling plan.		Compliant	Susan Van Liew

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	flowchart for referrals 3. Procedure to request a review of response. 4. Equity and racial equity centered procedures to support youth who are at high risk of suicide, specifically youth from historically and currently underserved communities 5. Staff training plan in suicide prevention 6. Plans must be publicly available and posted on district website.				
Athletics & Interscholastic Activities					
581-022-2210 Anabolic Steroids and Performance Enhancing Substances	Includes training requirements for coaches and athletic directors and utilization of evidence-based programs, e.g. ATLAS and ATHENA.	Per OSAA regulations for training of coaches and AD's this requirement is fulfilled as scheduled.		Compliant	Susan Van Liew
581-022-2215 Safety of School Sports–Concussions	Definitions and policies for athletic participation, including training requirements.			Compliant	Susan Van Liew
*581-022-2308 Agreements Entered Into with Voluntary Organizations	New rule in 2022-23: Requires adoption of a policy governing participation in a voluntary organization that administers interscholastic activities. Voluntary organization must adopt and implement policies prohibiting discrimination, maintain a complaint process with sanctions, and administer an annual survey.	Discussed with ODE for clarification.		Compliant	Majalise Tolan
District Performance & Accountability					

Rule Number & Title *New Rules/Requirements for reporting on the 2022-23 SY are highlighted in yellow **New Rules/Requirements for implementation in the 2023-24 SY are highlighted in blue	Summary ** Changes and waivers for 2022-23 are in italics and highlighted in yellow* ***Changes for 2023-24 are in italics and highlighted in blue*	Evidence that supports meeting requirements of the rule (policy, program, systems/process, etc.)	Notes	Compliance Status	Status Verified By:
581-022-2250 District Improvement Plan	Definitions and guidelines for requirements for district CIP. Must be done once every 4 years, unless there are substantial changes, which are defined in the Standard. Community input and evaluation of the plan are critical components.	District Implementation Team meets to review CIP every four years. Community input is gathered annually through Site Councils, surveys, board reports, etc.		Compliant	Majalise Tolan
581-022-2255 School and District Performance Report Criteria	Definitions and required components of state, district and school report cards, based on identified performance standards. School districts must make a copy of the state provided district and school report available to parent(s) or guardian(s) by 1/15. They may be mailed, sent electronically, or posted on the school or district website.	We place the reports on the school and district websites and make available at the school and district.		Compliant	Vince Dye
581-022-2260- Records and Reports	Requirements for filing state records and reports; maintaining student records and policy for Student Activity Funds.	Business Office Handbook - Student Body Accounts. District has an administrator responsible for state accountability reporting student records management		Student Activity Funds Compliant and Record Keeping Compliant	Kim Cusick and Vince Dye
581-022-2265 Report on PE Data	Provide data to ODE annually on PE minutes, physical capacity and facilities. **Note for the 22-23 SY: These collections are suspended from July 1, 2022 through June 30,*			Suspended for the 2022-23 SY	

Rule Number & Title *New Rules/Requirements for reporting on the 2022-23 SY are highlighted in yellow **New Rules/Requirements for implementation in the 2023-24 SY are highlighted in blue	Summary ** Changes and waivers for 2022-23 are in italics and highlighted in yellow* ***Changes for 2023-24 are in italics and highlighted in blue*	Evidence that supports meeting requirements of the rule (policy, program, systems/process, etc.)	Notes	Compliance Status	Status Verified By:
	2023.				
581-022-2300 Standardization	Outlines methods of verifying compliance with Division 22 standards.	Compliant process for verification of status on standards.		Compliant Process	Majalise Tolan
581-022-2305 District Assurances of Compliance with Public School Standards	Requirements for annual Division 22 Standards assurances process: make report to board in September or October, report to ODE by November 15, post community report on district website.			Compliant	Majalise Tolan and Susan Schytema
581-022-2370 Complaint Procedures	Each district must have a written complaint policy describing the process; must be linked on website.				
Human Resources/Staffing					
581-022-2335 Daily Class Size	Must maintain class sizes that promote effective practices consistent with expected outcomes.	Class size committee 9/30/2022 Class size committee 2/15/2023		Complaint	Tiana DeVries
581-022-2400 Personnel	All teachers, specialists and administrators employed must be licensed	Policy: GCA 9/5/2022		Complaint	Tiana DeVries
581-022-2405 Personnel Policies	District must adopt personnel policies that include: Affirmative action, staff development, Equal Employment Opportunity, Evaluation Procedures,	Policies: GBA, GCN, CCG, GCAB,		Complaint	Tiana DeVries

Rule Number & Title *New Rules/Requirements for reporting on the 2022-23 SY are highlighted in yellow **New Rules/Requirements for implementation in the 2023-24 SY are highlighted in blue	Summary ** Changes and waivers for 2022-23 are in italics and highlighted in yellow* ***Changes for 2023-24 are in italics and highlighted in blue*	Evidence that supports meeting requirements of the rule (policy, program, systems/process, etc.)	Notes	Compliance Status	Status Verified By:
	Employee Communication System, release of information in employee file for anyone convicted of a crime under ORS 342.143. Includes requirements for bonded employees.	GBLA			
581-022-2410 Teacher and Administrator Evaluation and Support	Districts must establish local evaluation systems aligned to the requirements in the Oregon Framework for Teacher and Principal Evaluation and Support.	Policy: GCN Handbook (Educators) Handbook (Administrator)		Complaint	Tiana DeVries
581-022-2415 Core Teaching Standards	Core teaching standards must be used to evaluate teachers. InTASC standards defined. 1. The Learner and Learning. 2. Content 3. Instructional Practice 4. Professional Responsibility	Policy: GCN Handbook (Educators)		Complaint	Tiana DeVries
581-022-2420 Educational Leadership - Administrator Standards	Administrators must be evaluated on adopted leadership standards. 1. Visionary Leadership 2. Instructional Improvement 3. Effective Management 4. Inclusive Practice 5. Ethical Leadership 6. Socio-political context	Policy: CCG Handbook (Administrator)		Complaint	Tiana DeVries
581-022-2430 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure	Compliance with OAR 581-021-0510	Policy: GCDA		Complaint	Tiana DeVries

Rule Number & Title *New Rules/Requirements for reporting on the 2022-23 SY are highlighted in yellow **New Rules/Requirements for implementation in the 2023-24 SY are highlighted in blue	Summary * *Changes and waivers for 2022-23 are in italics and highlighted in yellow* ***Changes for 2023-24 are in italics and highlighted in blue*	Evidence that supports meeting requirements of the rule (policy, program, systems/process, etc.)	Notes	Compliance Status	Status Verified By:
as Teachers, Administrators, Personnel Specialists, School Nurses					
581-022-2440 Teacher Training Related to Dyslexia	School districts must ensure that at least one kindergarten through grade five teacher in each kindergarten through grade five school has received training related to dyslexia. The training must be from the Department's approved list. A waiver may be obtained using the process outlined in 581-002-1810.	All K-5 schools had at least one teacher trained using Ashlock.		Compliant	Katie Barrett

8.b. First Read of Policy

Code: BD/BDA
Adopted:

Board Meetings

{Optional policy. School boards must follow public meeting law regardless of whether the board adopts this policy. This policy reflects public meeting law as amended by House Bill 2805 (2023).}

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[1] of a quorum of the Board as the district's governing body to make a decision[2] or to deliberate[3] toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Board~~governing body~~, i.e. a work session. "Meeting" does not include any on-site inspection of any project or program the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

The affirmative vote of the majority of members of the Board is required to transact any business.

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

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law[5]. 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

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[1] "Convening" means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

[2] "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

[3] "Deliberation" means discussion or communication that is part of a decision-making process.

[[4] 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.]

[5] 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.

on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

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

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

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

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

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

1. Regular, Special and Emergency Meetings

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

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

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

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

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

2. Communications Outside of Board Meetings

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

~~Electronic communications may contain:~~Communications outside of a Board meeting may contain:

a. Communications to, between or among members of a governing body that are:

(1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
(2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
(3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or

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

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

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

3. Private or Social Meetings

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

4. Work Sessions

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

5. Executive Sessions

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

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

{[8]}[**Mandatory Training**

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

END OF POLICY

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.
House Bill 2805 (2023).
~~Oregon House Bill 2560 (2021).~~
~~Oregon House Bill 3041 (2021).~~

[7] See House Bill 2805 (2023) Section 5(2) for requirements of the response.

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

OSBA Model Sample Policy

Code: BDC
Adopted:

Executive Sessions

{Optional policy. School boards can only meet in executive session when statute allows. This policy can be a helpful resource for Board members in determining whether executive session can be used.}

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

An executive session may be included as an agenda item of an existing meeting [in accordance with Board policy BDDC - Board Meeting Agenda] or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, ~~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. T~~the presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.[1] (ORS 192.660(2)(a))

2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer[2], 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))

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

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

[2] To determine whether the individual involved is considered a public officer, consult with legal counsel.

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 consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))

10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))

11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))

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

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

1. Deliberations with persons designated by the Board to carry on labor negotiations;

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

END OF POLICY

Legal Reference(s):

ORS 192.660 ORS 332.045 ORS 332.061

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

Code: EFA
Adopted:

Local Wellness

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

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

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

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

POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

Implementation

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

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

1. Delineating roles, responsibilities, actions and timelines specific to each school;

2. Generating and disseminating information about who will be responsible to make what change, by how much, where and when;

3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;

4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and

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

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

[Record Keeping

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

1. The written local wellness policy;

2. Documentation to demonstrate 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 participates 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. Documentation of the district's most recent assessment on the implementation of the local wellness policy;

6. Documentation to demonstrate the most recent assessment on the implementation of the local wellness policy has been made available to the public.]

Notification of Policy

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

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

Triennial Progress Assessments

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

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;

2. The extent to which the district's policy compares to model local school wellness policy{[1]}; and

[1] {Model Wellness Policy resource published by the Alliance for a Healthier Generation. OSBA makes no representation of its compliance by providing this resource.}

3. A description of the progress made in attaining the goals of the district's policy.

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

Community Involvement, Outreach and Communications (Review of, and Updating Policy){[2]}

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

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

[Wellness Advisory Committee{[3]}

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

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

1. The wellness advisory committee membership will include, to the extent possible, but not be limited to:

    a. Parents, caregivers and students;
    b. Representatives of the school nutrition program (e.g., school nutrition director);
    c. Physical education and/or health education teachers;
    d. School health professionals (e.g., school nurses, physicians, dentists, health educators and other allied health personnel who provide school health services);
    e. Mental health and social services staff (e.g., school counselors, psychologists, social workers, or psychiatrists);
    f. School administrators (e.g., superintendent, assistant superintendent, principal, vice principal);
    g. Board members;
    h. Supplemental Nutrition Assistance Program (SNAP) education coordinators;
    i. Healthcare professionals and/or other health related professionals (e.g., dietitians, doctors, nurses, dentists); and

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[2] {USDA Local school wellness policy resource; CDC resource; CDC Healthy Schools resource; USDA Local school wellness policy outreach toolkit and communication resource from Alliance for a Healthier Generation.}

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

j. Members of the general public.

2. The committee, appointed by the superintendent or designee, will meet to organize and vote on a committee chair and a secretary prior to or at the beginning of the school year. The chair and secretary will serve for one year minimum and may be reappointed.

3. The wellness advisory committee will meet [four] times per year to review of the local wellness policy.

4. The committee will facilitate the development, review and update of the wellness policy, and evaluate each participating school's compliance with the policy.

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

NUTRITION PROMOTION AND NUTRITION EDUCATION

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

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

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

1. {[4]}[Students and staff will receive consistent nutrition messages throughout the school environment;

2. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, comprehensive nutrition program[(which includes the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, and handling and storage related to food and eating)], and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;

3. 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;

4. Teachers will receive curriculum-specific training;

5. Parents and families are encouraged through school communications to send healthy snacks/meals and [reusable] water bottles with their student to school;

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

6. Families and community organizations are involved, to the extent practicable, in nutrition education;

7. 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);

8. 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. {[5]}[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

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

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

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

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

[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 will meet or exceed Smart Snacks Standards[6].

Celebrations and Rewards/Incentives

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

[Fund Raising

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

Food and Beverage Marketing in Schools

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

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

PHYSICAL ACTIVITY AND PHYSICAL EDUCATION

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

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

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

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[6] Oregon Department of Education, Oregon Smart Snacks Standards

1. {[7]}[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. {[8]}Every public school student in [pre-]kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade [5] [6] shall participate for a least 150 minutes during each school week, and students in grades [6] [7] through 8 for at least an average of ~~225~~150 minutes ~~per~~ during each school week, as calculated over the duration of a school year;

6. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of all classes or courses as part of a well-rounded education;

7. 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;

8. {[9]}At least 50 percent of the weekly physical education class time in grades K through 8 shall be devoted to actual physical activity;

9. Physical activity is a planned part of all school-community events;

10. Materials promoting physical activity are sent home with students and published on the district website.]

[{[10]}A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them

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

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

[9] {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

[10] {This language is not required to be in policy, but this is a required action pursuant to ORS 329.496.}

from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of their individualized health plan, developed by the district.]

Other Activities that Promote Student Wellness

The district will integrate wellness activities throughout the entire school environment (districtwide). The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward the same set of goals promoting student well-being, optimal development and strong educational outcomes.

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

1. [Scoliosis screenings;

2. Safe Routes to Schools Program;

3. 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);

4. Nonfood-related fund raisers;

5. Physical activity energizers during transitions from one subject to another;

6. Intramural sports;

7. Monthly/Weekly school walks;

8. 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;

9. Use of alternates to food as rewards in the classroom;

10. 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;

11. 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);

12. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;

13. Include wellness as a standing agenda item for school-based meetings (e.g., staff meetings, site council meetings, PTO).]

[{[11]}Employee Wellness{[12]}

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

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

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

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees' needs and interests;

2. Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;

3. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;

4. Education and resources to help employees make decisions about health care; and

5. Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

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

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

1. School personnel who implement existing wellness programs in the district (i.e., employee wellness committee);

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[11] {This language is optional and is not required by state or federal law.}

[12] {CDC resources for school employee wellness and workplace health promotion}

2. District personnel who implement health programs for students (e.g., school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other staff); and

3. Decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program (e.g., Board members, superintendents, human resource administrators, fiscal services administrators and principals).]

[**DEFINITIONS**

1. "Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.

2. "Food and beverage marketing"[13] 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"[14] means the State's minimum nutrition standards for competitive foods and beverages (ORS 336.423).

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

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[13] [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.]

[14] Oregon Department of Education, Oregon Smart Snacks Standards

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

Code: GCBDA/GDBDA
Adopted:

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 apply 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 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 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):

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).

DELETE

Code: GCBDA/GDBDA
Adopted:

Family Medical Leave *

(Version 1)

{Highly recommended policy. The law does not require districts to have a board-adopted policy, but the district is required to follow the law. Having policy and an administrative regulation in place can assist with compliance. Policy is intended for districts with 50 or more employees as counted in accordance with ORS 659A.153. If the district has between 25 and 50 employees, the district should use version 2 of GCBDA/GDBDA – Family Medical Leave *. If the district does not have 25 employees, the district should not adopt this policy.}

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA){[1]}, the Oregon Family Leave Act (OFLA){[2]}, the Oregon Military Family Leave Act (OMFLA), Paid Family Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. 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. Special requirements apply during public health emergencies.

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

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

Federal and state leave entitlements generally run concurrently.

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

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

[3] The wages are not required to have been earned for work in the district.

[4] See OAR 471-070-1010 for additional information.

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

END OF POLICY

Legal Reference(s):

ORS 332.507
ORS 659A.090
ORS 659A.093
ORS 659A.096
ORS 659A.099
ORS 659A.150 - 659A.186
ORS 659B.010
OAR 839-009-0200 - 0320

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

PROPOSED

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Family 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. 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

[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.

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 leave[2] (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);
   b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
   c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
   d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.

[2] Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

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 closed[3] 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) Spouse[6];
      (2) Parent;
      (3) Child; or
      (4) Persons who are "in loco parentis".

   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;

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[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.

(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 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 calendar year] [any fixed 12-month "leave year"] [the 12-month period measured forward from the date the employee's leave begins] [a "rolling" 12-month period measured backward from the date the employee uses any family and medical leave]. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district's designated 12-month leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period[7]. 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 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 is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick

[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.

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 12[10]. 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 workweek[11]. 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.

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:

[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.

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 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]}[an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.] [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 requires the eligible employee to use any available accrued paid leave, including personal and sick leave or available accrued

[12] {The district must choose one of the following from the three available bracketed options to complete this paragraph, and delete the other two.}

vacation leave before taking FMLA and/or OFLA leave without pay during the leave period. The employee may select the order in which the available paid leave is used.]

The district will notify the eligible employee 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 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.

[13] See also ORS 342.934(4)(d) in reduction force situations.

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] [shall] 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] [personnel director].

Record Keeping/Posted Notice

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of FMLA[14] and OFLA[15] 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.

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Family Leave *
(Version 1)

{Highly recommended administrative regulation (AR). The law does not require districts to have this information in an AR, but the district is required to follow the law. Having an AR in place can assist with compliance. This AR is intended for districts with 50 or more employees. If the district has between 25 and 50 employees, use version 2 of GCBDA/GDBDA-AR(1) - Family Leave *. If the district does not have 25 employees, the district should not use this AR.}

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to requalify as an eligible employee.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.[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.

An employee is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or

2. An employee who has worked for the district 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 the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:

   a. Is eligible to take leave OFLA at the time the employee separates; and
   b. Is reemployed by the district within 180 days of separation from employment; or

2. Is eligible to take OFLA leave:

[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.

a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district 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. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify leave in the same leave year;

2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave;

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;

4. An employee unable to work because of a disabling compensable injury[2] need not requalify in order to use OFLA leave following a period the employee is off work due to the compensable injury; and

5. An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition need not requalify to take leave for the death of that family member.

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, the district must consider days, paid or unpaid, an employee is maintained on payroll. Full-time public school teachers who have been maintained on payroll by the 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.

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:

[2] As defined in ORS 656.005.

1. Serious health condition of the employee or the employee's covered family member. Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care[3] or continuing treatment by a health care provider[4].

2. Parental leave[5] (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 child or newly placed child in foster care{[6]} under the age of 18 (within 12 months of placement);
   c. Care for a newly adopted child or newly placed child in foster care 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 child in foster care or the adoption of a child.

3. Military Caregiver Leave: leave for the care for spouse, child or next-of-kin who is a covered servicemember with a serious injury or illness;

4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, child 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. Serious health condition means:

   a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;

   b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
   c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
   d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.[7]

2. Parental leave (separate from eligible leave as a result of the child's serious health condition):

[3] Inpatient care means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. 29 CFR 825.114.

[4] Continuing treatment includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR 815.115.

[5] Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

[6] {ORS 659A.159 uses the term "foster child." Districts can choose to use either "foster child" or "child in foster care" throughout this AR.}

[7] This definition is from ORS 659A.150(7). A more detailed definition is available in OAR 839-009-0210(22).

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 child or newly placed child in foster care under the age of 18 (within 12 months of placement);
c. Care for a newly adopted child or newly placed child in foster care 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 child in foster care 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 closed[8] in conjunction with a statewide public health emergency declared by a public health official.[9]

4. Bereavement Leave: leave related to the death of a covered family member.[10]

5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or 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 leave year 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) Spouse[11];
      (2) Parent;
      (3) Child; or
      (4) Persons who are "in loco parentis".

   b. For the purposes of OFLA, "family member" means:

      (1) Spouse or domestic partner;

[8] "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).

[9] 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;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

[10] Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

[11] "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage.

(2) Child or the child's spouse or domestic partner;
(3) Parent or the parent's spouse or domestic partner;
(4) Sibling or stepsibling, or the sibling's or stepsibling's spouse or domestic partner;
(5) Grandparent or the grandparent's spouse or domestic partner;
(6) Grandchild or the grandchild's spouse or domestic partner; or
(7) Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.[12]

2. Child:

a. For the purposes of FMLA, "child" means a biological or adopted child, a child in foster care, a stepchild, a legal ward or a child of a person standing "in loco parentis", who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, "child" means the employee's child on covered active duty regardless of that child's age.
c. For the purposes of OFLA, "child" means a biological or adopted child, a child in foster care or stepchild of the employee, the child of the employee's 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 or 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:

[12] "Affinity" means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

a. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
b. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
c. The expectation to provide care because of the relationship or the prior provision of care;
d. Cohabitation and its duration and purpose;
e. Geographic proximity; and
f. Any other factor that demonstrates the existence of a family-like relationship.

For the purposes of FMLA , "next of kin" means the nearest blood relative other than the servicemember's spouse, parent or child 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. Siblings;
c. Grandparents;
d. Siblings of parents and their spouses; and
e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, "covered servicemember" means 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 a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, "covered veteran" means an individual who was:

a. A member of the Armed Forces (including a member of the National Guard or Reserves);
b. Discharged or released under conditions other than dishonorable; and
c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

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 calendar year] [any fixed 12-month "leave year"] [the 12-month period measured forward from the date the employee's leave begins] [a "rolling" 12-month period measured backward from the date the employee uses any family and medical leave][a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences]{[13]}. The same method for calculating the one-year 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 leave period described above.

{[13] Beginning July 1, 2024, districts are required to use the final bracketed option for OFLA purposes. See SB 999 (2023). Prior to making a change to the leave period calculation, 60 days' notice must be provided to employees. FMLA continues to measure the leave year as 12 months, which could result in slight differences for some employees.}

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period[14]. 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 child or child in foster care, the care for an adopted child or child in foster care 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 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 designated leave period. However, an employee may be entitled to an additional, full 12 weeks of parental leave during the designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA.[15] 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.[16]

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 designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the 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 12[17]. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of

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[14] 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.

[15] 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.

[16] 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.

[17] 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.

the leave period shall be used for calculating the employee's normal workweek[18]. 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.

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 requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(30)(a).

When an exempt employee is eligible for OFLA but not FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the party-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

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;

[18] 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.

4. The transfer is compliant with state and federal law, including but not limited to the applicable 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 intermittent 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 to accommodate the leave 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 applicable 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 to accommodate the employee's serious health condition, and as a result the employee works fewer hours than the employee was working in the original position, the employee's 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.

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 OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all 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 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, psychologists, 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 on 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. Paid Family Medical Leave Insurance (PMFLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with OFLA and FMLA when taken for the same purpose. Subject to any related provisions in any applicable collective bargaining agreement [an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.]{[19]} This includes when an employee is being paid through PMFLI. The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and ask the employee about the use of available accrued paid leave.

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 district policy provide otherwise.[20] 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

[19] {Coordinate with any language regarding use of accrued leave during PMFLI from GDBDF/GDBDF or any equivalent plan information.}

[20] 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. 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 district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. 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.[21]

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[22], to support the stated reason for such leave. 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.

Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite that is accessible to and regularly frequented by employees.[23] The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.[24]

Record Keeping

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.

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

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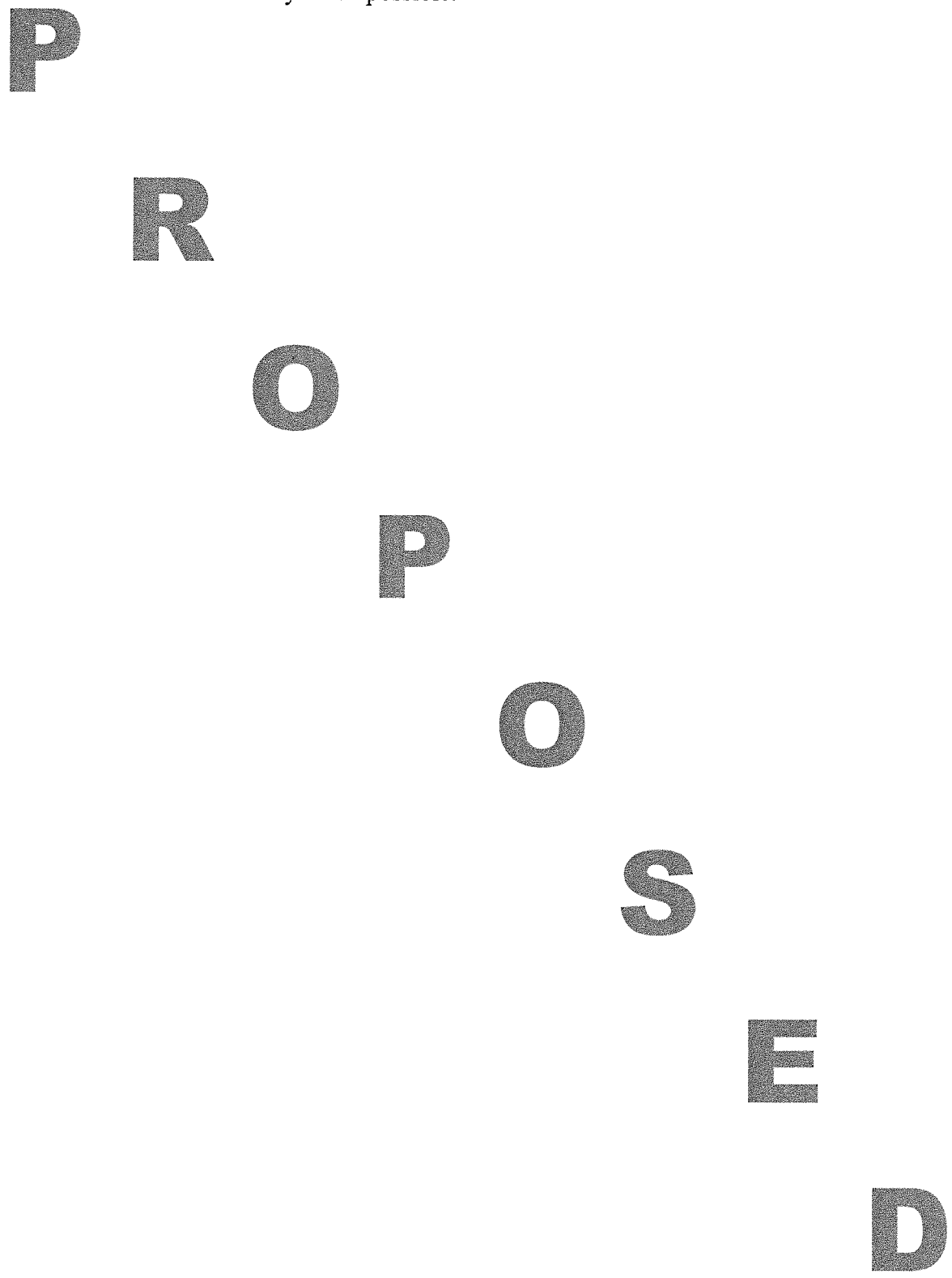
[21] See OAR 839-009-0250(4)(c).

[22] Medical documentation is not allowed in every situation. Review current laws and guidance for more information.

[23] https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

[24] https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.



OSBA Model Sample Policy

Code: LBE
Adopted:

Public Charter Schools**

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

Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to the following goals:

1. Increase student learning and achievement;

2. Increase choices of learning opportunities for students;

3. Better meet individual student academic needs and interests;

4. Build stronger working relationships among educators, parents and other community members;

5. Encourage the use of different and innovative learning methods;

6. Provide opportunities in small learning environments for flexibility and innovation;

7. Create new professional opportunities for teachers;

8. Establish additional forms of accountability for schools; and

9. Create innovative measurement tools.

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

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

The district will determine if it has any vacant or unused buildings and make a list of such buildings; buildings may be made available for public charter school use, subject to Board approval and Board policy.

[Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials

are available.[1] Students must adhere to state law, Board policies, regulations, and rules concerning student conduct and discipline.] [Public charter school students shall not be permitted to participate in district curricular programs.[2]]

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

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

The superintendent will develop administrative regulations to include, but not limited to, the proposal process, review, and appeal procedures, and program evaluation, renewal, and termination.

END OF POLICY

Legal Reference(s):

ORS 327.077
ORS 327.109
ORS 332.107
ORS 338
ORS 339.141
ORS 339.147
ORS 339.450
ORS 339.460
OAR 581-026-0005 - 0710

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

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[1] This does not apply to the Oregon law related to OSAA-sanctioned activity participation.

[2] Unless allowed by Oregon law related to OSAA-sanctioned activity participation.

OSBA Model Sample Policy

Code: LBEA
Adopted:

Resident Student Denial for Virtual Public Charter School Attendance**

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

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will ~~{[1]}[annually, [by October 1]]~~ [semiannually, [by October 1 and April 1]] ~~[by [December 1]]~~, calculate the percentage of ~~the number of~~ students residing in the district, who are ~~enrolled in~~attending a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school~~, subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305(2)~~.

~~The district may send a notice of approval or disapproval to a parent[2] of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district (*See* OAR 581-026-0305(3)).~~ A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment. ~~The district may respond with an approval or disapproval to a parent within [five] [eight] business days{[3]} of receipt of the notice from the parent.~~

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

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;

2. The right to appeal the decision to the State Board of Education;

3. A list of two or more other online options available to the student; and

4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

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

1. The number of students residing in the district enrolled in the schools within the district;

~~[1] {Per OAR 581-026-0305(7)(a) the district must choose annual, semi-annual or other date used for calculation; dates are provided as a recommendation only.}~~

~~[2] "Parent" means parent, legal guardian or person in "parental relationship" as defined in Oregon Revised Statute (ORS) 339.133.~~

~~[3] {If a parent does not receive a notice of approval or disapproval from the district within 14 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.}~~

2. The number of students residing in the district enrolled in public charter schools located in the district;

3. The number of students residing in the district enrolled in virtual public charter schools;

4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and

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

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

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

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 338.125

OAR 581-026-0305
OAR 581-026-0310

House Bill 3024 (2023).

9. Adoption of the Consent Calendar
    9.a. Minutes of the Board
    9.b. Human Resources
        9.b.1. Personnel Action

Board Agenda — October 10, 2023 — Personnel Action

Licensed Hire(s):

Stacey Brewer	District Nurse

Temporary Licensed Hire(s):

Lori Miller	Grade 5 Teacher/Sam Case
Kalie Wentz	Grade 5 Teacher/Taft Elementary

Classified Hire(s):

Brooke Yamanaka	Early Childhood Teaching Asst/Toledo-Jr Sr High
Gladys Carmona Jardines	Bilingual Customer Service Coordinator/Yaquina View
Jenna Changar	Health Services Advocate/Waldport High
Joey Godfrey	Early Childhood Teaching Asst/Yaquina View
Julie Novy	Teaching Assistant I/Taft 7-12
Mindy Mitchell	Early Childhood Teaching Asst/Olake
Ricardo Rodriguez	Bilingual Tutor/Oceanlake
Taylor Thomas	Early Childhood Teaching Asst/Yaquina View
Will Burghardt	Special Education Teaching Asst II/Newport High

Resignation(s):

Alethea Burn	HR Information Technician District Office	7/27/2015 – 10/10/2023 Resignation
Heidi Foote	Early Childhood Teaching Assistant Taft 7-12	9/9/2022 – 9/29/2023 Resignation

Jasmine Smith	Special Education Teaching Assistant II Toledo Elementary School	9/2/2021 – 9/29/2023 Resignation
Leslie Doty	Accounting Specialist District Office	7/26/2016 – 10/13/2023 Resignation
Lori Miller	Grade 5 Teacher Sam Case	2/1/1999 – 9/30/2023 Retirement

9.c. Board

9.c.1. Second Reading/Adoption of Policy AC

Lincoln County School District

Code: AC
Adopted: 3/11/08
Revised/Readopted: 6/14/16 (Effective 7/01/16); 5/08/18; 11/12/19; 12/14/21, 9/12/23
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 race[1], 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.

Employees have a right to leave accommodations under the Americans with Disabilities Act Amendments Act (ADA). 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. All officers, managers, supervisors, and HR personnel have a duty to provide accommodations to employees, including accommodations for leave under the ADA. The district will publish complaint procedures providing for prompt follow up 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. Employees who feel they have experienced discrimination, retaliation, or denial of reasonable accommodation should use complaint procedure outlined in Policy AC-AR(1). Such cases where employees request reasonable accommodations or make a complaint of discrimination or retaliation will be kept confidential. Appropriate disciplinary action will be taken against managers and staff who are found to violate the District's anti-discrimination policies.

END OF POLICY

[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)).

Legal Reference(s):

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).

10. Action Items
    10.a. Facilities & Maintenance/Transportation/Food Services
        10.a.1. Holly Farm Grading Bid
11. Items of Information & Discussion
    11.a. Business Services
        11.a.1. 24-25 Budget Calendar Draft

Lincoln County School District
2024-25 Budget Calendar & Process
DRAFT 9-29-23

*	10/10/2023	Draft Budget Calendar Presented to Board
*	11/14/2023	Board Approves Budget Calendar Board Announces Budget Committee Vacancies Zones 1, 2, 3 & 5 - Advertising Begins
	December & January	Budget Committee Vacancies Advertised
	December, January & February	Superintendent, Learning Support Team and Principals meet to discuss budget needs to support Board goals and to update the Integrated Grants Plan. Community Forums or other feedback methods are conducted for Integrated Grants and ESSER funding.
*	1/23/2024	Board Work Session to develop Board Budget Goals LST will attend to answer Board questions about programs
	2/1/2024	Budget Committee Candidate Names/Applications Due to Board
*	2/13/2024	Board interviews and appoints Budget Committee Member Zones 1, 2, 3 & 5
*	2/13/2024	2024-25 Integrated Grants Application presented to Board if amended
	3/1/2024	Budget allocations distributed to all Administrators on staffing sheets
	3/4/2024	First Official State Estimate of Funding Released by ODE
*	3/12/2024	Board Approval of 2024-25 Integrated Grants Application if amended, due March 31st
	3/18-3/20/2024	LST meets regionally with principals to review school budget staffing sheets
	3/22/2024	Staffing Sheets due to Business Office - All Buildings & Central Departments Final Budget Decisions made by LST
	April	Business office prepares Proposed Budget Document
	TBD - April	Budget Committee Training
	5/3/2024 5/10/2024	Budget Committee Meeting notice posted on the District's website and published in the News Times
	5/9/2024	Proposed Budget document delivered to Budget Committee and available for public review on District Website
	5/16/24 5/21/24 5/23/24	Budget Committee Meetings: 6:30 pm, Teaching & Learning Center 6:30 pm, if needed at Teaching & Learning Center 6:30 pm, if needed at Teaching & Learning Center
	5/31/2024	Budget Hearing Notice published in the NewsTimes Official publication requirements for public hearing: 1 notice at least 5 days but no more than 25 days before meeting
*	6/11/2024	Board Conducts Public Hearing on Approved Budget Resolution for Adoption, Appropriations & Levy approved by Board

Board
Budget Committee

* Regular Board Meeting or Board Work Session

11.b. Facilities & Maintenance/Transportation/Food Services

11.b.1. Construction Excise Tax Rate

LINCOLN COUNTY SCHOOL DISTRICT
REGULAR BOARD MEETING AGENDA
October 10, 2023

TOPIC: Construction Excise Tax Rate

PREPARED BY: Annette Brooks-Flatt

WILL BE PRESENTED BY: Rich Belloni

TYPE OF ITEM: Consent ☐ Information ☒ Discussion ☐ Decision ☐

DESCRIPTION OF AGENDA ITEM:

Lincoln County School District current construction excise tax rate are $1.45 per square for residential construction and $0.72 per square foot for non-residential construction. Maximum rate for non-residential construction $36,100

Current State authorized rates are $1.56 per square foot for residential construction and $0.78 per square foot for non-residential construction. Maximum rate for non-residential construction $39,100

Staff recommends a $0.11 to $1.56 increase for residential construction and a $0.06 to $0.78 increase for non-residential construction effective upon authorization. The maximum rate for non-residential properties increase to $39,100. Effective January 1, 2024.

SUPERINTENDENT'S RECOMMENDATION:

ADDITIONAL MATERIAL Attached: Yes ☒ No ☐ Available: Yes ☒ No ☐

Issue: Indexing of School Construction Tax Limits
Statute Reference: ORS 320.170
Last Updated: 7/5/2023

Background:
Passed in 2007, SB 1036 allowed school districts to impose a tax on new construction measured by the square footage of improvements (affordable housing, public buildings, agricultural buildings, hospitals, private schools, and religious facilities are exempt). SB 1036 defined and required revenues to be used for capital improvements. Construction taxes imposed by a school district must be collected by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code. An intergovernmental agreement with local governments collecting the tax is required and collection expenses are limited to 4% of tax revenue. DCBS is allowed to establish an administration fee of .25% of tax revenue. School districts with construction tax revenue are required to develop long-term facility plans. Construction taxes may be used for repayment of capital improvement debt.

Tax Limit Calculations:
SB 1036 set tax rate limits of $1 per square foot for residential use and $0.50 for nonresidential use, along with a $25,000 tax limit on nonresidential properties. Beginning in 2009, tax rates were indexed to inflation using the Engineering News-Record Construction Cost Index. As prescribed in statute, DOR is responsible for updating tax rate limits and notifying affected districts. To notify affected districts DOR has partnered with Department of Education who receives updated limit calculations from DOR and notifies the affected districts.

Tax rate limits by fiscal year:

Fiscal Year	2021-22	2022-23	2023-24	2024-25
Residential*	1.41	1.45	1.56	1.63
Non-Residential*	0.70	0.72	0.78	0.82
Non-Residential Max	35,200	36,100	39,100	40,800
* Dollars per square foot				

11.c. Board

11.c.1. Public Comment (This time is reserved for general public comment to the Board)

11.c.2. Board Work Session Calendar

11.d. Other

11.d.1. Reminders/Announcements

11.e. Adjournment

Board Goals 2024-2029

GOAL ONE: Lincoln County School District will establish and meet high expectations for student achievement.

GOAL TWO: Lincoln County School District will create equitable, diverse, inclusive, and accessible learning environments across the district within a framework of excellence in education.

GOAL THREE: LCSD will provide for the long term health and welfare of our facilities and finances, focusing on accessibility, technological innovation, and purposeful utilization.

GOAL FOUR: Lincoln County School District will strengthen community relationships through communication and engagement with staff, students, families, and community partners.

Lincoln County School District Equity Team
Land Acknowledgement Statement

We ask that you take a moment to stop what you are doing, to listen to these words as we recognize the land that we currently inhabit. No matter where each of us is physically located in Lincoln County, we must understand that we are on traditional homelands and unceded territories of indigenous peoples. Where we live in Lincoln County, these are the ancestral homelands for the Confederated Tribes of Siletz Indians.

Lincoln County School District acknowledges the Confederated Tribes of Siletz Indians that consists of over 30 bands originating from Northern California to Southern Washington. The Confederated Tribes of Siletz Indians currently occupy and manage 9,310 acres located here in Lincoln County but is a mere fraction of their original 1855 1.1 million-acre Siletz coastal reservation. We must remember the people of the Confederated Tribes of Siletz Indians are and will forever be the first stewards of this land, water, and fish.

We acknowledge and recognize the continued sovereignty of the Confederated Tribes of Siletz Indians and honor their ancestral homelands. We are committed to bringing awareness to their history and the existence of the Confederated Tribes of Siletz Indians since time immemorial.

NON-DISCRIMINATION: Lincoln County Schools do not discriminate nor tolerate discrimination on the basis of an individual's race, color, religion, sex, sexual orientation, national origin, disability, gender identity, marital status or age or because of the race, color, religion, sex, sexual orientation, national origin, disability, gender identity, marital status or age of any other persons with whom the individual associates.