

Columbia Gorge Esd

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The following symbol is used on some policies:

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

to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Columbia Gorge ESD

Code: KAA
Adopted: 2/19/13
Orig. Code: KAA

Community Relations

(OSBA has removed this policy from its samples)

The district believes that a sound and constructive relationship between the district and its communities is essential to meet the needs of local districts. Fulfillment of this policy will be the responsibility of the superintendent for providing guidance to staff members to improve their community interaction skills, developing strategies for listening to public and staff concerns and actively involving citizens in the decision-making process of the district. District staff members, community leaders, citizens, service clubs, granges, the chamber of commerce and others will be provided an opportunity to discuss district issues and assist in continuing the Board's philosophical belief that "Excellence is a Community Affair."

END OF POLICY

Legal Reference(s):

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

Columbia Gorge ESD

Code: KBA
Adopted: 12/13/17
Orig. Code: KBA

Public Records

“Public record” means any information that:

1. Is prepared, owned, used or retained by the ESD;
2. Is related to an activity, transaction or function of the ESD; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the ESD.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded.

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the superintendent’s office.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board’s official minutes, its written policies and its financial records will be available at the superintendent’s office for inspection by any citizen desiring to examine them during hours when the superintendent’s office is open. All such information will be made available to individuals with disabilities in any appropriate format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all means available to keep parents and others of his/her particular ESD’s community informed about the ESD’s program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the superintendent or any other person designated as custodian for ESD records – if such disclosure would be contrary to the public interest, as described in state law.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the ESD for the actual cost of making public records available pursuant to law. The ESD will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Employee and volunteer addresses, electronic mail addresses (other than ESD electronic mail addresses assigned by the ESD to ESD employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the ESD are exempt from public disclosure pursuant to Oregon Revised Statute (ORS) 192.368~~445~~ and ORS 192.355~~502~~(3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. ESD electronic mail addresses assigned by the ESD to ESD employees are not exempt.

The ESD will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the ESD to identify ESD employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The ESD shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The ESD shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS 180.805](#)

[ORS Chapter 192](#)

[OAR 137-004](#)-0800(1)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL'S, *Public Records and Meetings Manual* (2014).

Columbia Gorge ESD

Code: KBA-AR
Revised/Reviewed: 4/18/18
Orig. Code: KBA-AR

Public Records

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the ESD:

1. A public records request shall be submitted in writing through the superintendent's office at 400 East Scenic Drive, Suite 207, The Dalles, OR 97058.
2. Upon receipt of a written request, the ESD shall respond within five business days¹ acknowledging receipt of the request or completing² the ESD's response to the request. If the ESD provides an acknowledgment of the request, it must:
 - a. Confirm that the ESD is the custodian of the requested record;
 - b. Inform the requester that the ESD is not the custodian of the requested record; or
 - c. Notify the requester that the ESD is uncertain whether the ESD is the custodian of the requested record.
3. If the ESD is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the ESD is required to acknowledge receipt of the request as described above, the ESD shall:
 - a. Complete its response to the public records request. If the ESD determines that a record is exempt from public disclosure, the ESD will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the ESD is still processing the request and a reasonable estimated date by which the ESD expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the ESD if compliance would be impracticable because:
 - a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;
 - b. Compliance would demonstrably impede the ESD's ability to perform other necessary services; or

¹“Business day” means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

²The ESD response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329~~410-192.505~~).

³Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- c. Of the volume of the public records request being simultaneously processed by the ESD.

The ESD shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

5. The ESD may request additional information or clarification from the requester for the purpose of expediting the ESD's response to the request as permitted by law. If the ESD requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification.
6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be provided in the form the record is maintained. If a person who is a party to a civil judicial proceeding to which the ESD is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5) (a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of ESD records and at the same time to the ESD's attorney.
7. Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
8. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the ESD. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of \$0.25 per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date ~~they were he/she~~ was informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

9. The ESD reserves the right to restrict the inspection of some public records to the ESD's facilities;

Columbia Gorge ESD

Code: KBCA
Adopted: 2/19/13
Orig. Code: KBCA

News Releases

Information about district activities and issues will be provided to the component districts and communities in a way that will create and maintain a professionally responsible image for the district.

The procedures listed below will be followed in giving official information to the news media:

1. The superintendent or designee shall serve as the district spokesperson unless designated otherwise by the Board;
2. News releases that are of district wide interest or that pertain to established district policy will be the responsibility of the superintendent;
3. The superintendent will establish regulations for the dissemination of news releases pertaining to the district.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

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

Columbia Gorge ESD

Code: KBE
Adopted: 2/19/13
Orig. Code: KBE

Political Campaigns

The ESD ~~district~~ may not use funds, facilities or equipment to influence a political campaign, nor to advocate “yes” or “no” votes on elections or political campaigns.

The Board may vote to take positions on political issues and members may advocate for those positions in their capacity as Board members, provided that they do not use ~~district~~ ESD funds, facilities or equipment in that advocacy.

END OF POLICY

Legal Reference(s):

[ORS 260.432](#)

[ORS 294.100](#)

[ORS 334.125](#)

SECRETARY OF STATE, ELECTIONS DIVISION, RESTRICTIONS ON POLITICAL CAMPAIGNING BY PUBLIC EMPLOYEES (1/2016).

Columbia Gorge ESD

Code: KGB
Adopted: 8/17/16
Orig. Code: KGB

Public Conduct on ESD Grounds

(Version (Version 1))

No person on ESD property or grounds, including parking lots, will:

1. Injure or threaten to injure, verbally abuse, harass or bully another;
2. Damage the property of another or of the ESD;
3. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place upon or in a district building or those used by the district;
4. Violate parking regulations;
5. Drive a vehicle in an unsafe manner;
6. Operate an unmanned aircraft system (UAS) or drone {unless granted permission from the superintendent or designee};
7. Impede, delay or otherwise interfere with the orderly conduct of the ESD's business or any other authorized activity taking place on ESD property;
8. Enter any portion of ESD premises at any time for purposes other than those which~~that~~ are lawful and authorized by ESD officials;
9. Bring, possess,~~conceal~~ or use a weapon as prohibited by~~Board policy JFCJ Weapons in the Schools~~ and state and federal law;
10. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
11. Use, distribute or sell tobacco products or inhalant delivery systems;
12. Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other item that is evidence of membership or affiliation with any gang. Use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;
13. Willfully violate other ESD Board policies, administrative regulations or school rules established by the superintendent designed to maintain public order on ESD property.

Persons having no legitimate purpose or business on ESD property, ~~grounds~~ or those violating or threatening to violate the above rules, will be considered as trespassers and may be issued a trespass citation, ejected from the premises and/or referred to law enforcement officials.

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 166.210 to -166.370	ORS 806.060 to -806.080
ORS 164.245	ORS 334.125(7)	
ORS 164.255	ORS 339.883	OAR 333-015-0025 to -0090
ORS 166.025	ORS 431.840	OAR 581-021-0110
ORS 166.155 to -166.165	ORS 433.835 to -433.990	OAR 584-020-0040

Gun-Free Schools Act, 20 U.S.C. 7961 (2012).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).

Columbia Gorge ESD

Code: KGF/EDC
Adopted: 2/19/13
Orig. Code: KGF/EDC

Authorized Use of ESD Equipment and Materials

ESD materials and equipment will be used only for ESD purposes by ESD personnel on ESD properties.

Other uses must be approved by the [superintendent or designee] [and/or the Board,] and shall be consistent with Oregon Revised Statute (ORS) Chapter 244 and the Oregon Government Ethics Commission guidance.

~~The Board believes that although district equipment is purchased by tax dollars, the equipment is primarily purchased to provide for and/or enhance students' educational programs. It is the Board's responsibility to protect and maintain this equipment. The Board is also responsible for establishing guidelines concerning equipment that may be used by the public and conditions under which it can be used.~~

In all cases of public use, equipment shall not be used for private financial gain. An equipment use form must be submitted and approved, and all conditions outlined for the specific use must be adhered to. There are no equipment use fees. In the event of "excessive damage," a fee will be determined according to repair or replacement costs. Transportation of borrowed equipment will be the user's responsibility.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 334.125\(7\)](#)

[OAR 581-024](#)-0240
[OAR 584-020](#)-0040

OREGON GOVERNMENT ETHICS COMMISSION, OREGON GOVERNMENT ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2010).

Columbia Gorge ESD

Code: KI
Adopted: 10/17/18
Orig. Code: KI

Public Solicitation in ESD Facilities

Fund~~ing~~ raising by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent.

~~Demonstrations of services or materials and C~~anvassing of students or employees for the purpose of selling products or services shall not be permitted in either the ESD, in schools or grounds, unless authorized by the superintendent ~~or designee~~.

No non-school sponsored organization or individual may solicit funds or sell tickets within the ESD without first securing permission through the superintendent ~~or designee~~.

Whenever possible, solicitation should occur during ~~breaks or~~ non-classroom time.

The ESD will not participate in any fund-raising drive which is not consistent with Board policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#) [ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)
46 OR. ATTY. GEN. OP 239 (1989)

Columbia Gorge ESD

Code: KI
Adopted: 10/17/18
Orig. Code: KI

Public Solicitation in ESD Facilities

Fund~~ing~~ raising by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent.

~~Demonstrations of services or materials and C~~anvassing of students or employees for the purpose of selling products or services shall not be permitted in either the ESD, in schools or grounds, unless authorized by the superintendent ~~or designee~~.

No non-school sponsored organization or individual may solicit funds or sell tickets within the ESD without first securing permission through the superintendent ~~or designee~~.

Whenever possible, solicitation should occur during ~~breaks or~~ non-classroom time.

The ESD will not participate in any fund-raising drive which is not consistent with Board policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#) [ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)
46 OR. ATTY. GEN. OP 239 (1989)

Columbia Gorge ESD

Code: KJ
Adopted: 10/17/18
Orig. Code: KJ

Advertising in ESD Facilities

No advertising shall be permitted in ESD buildings, on ESD grounds or on other ESD property.

Solicitation of advertising, or the use of the ESD to promote any product, shall not be permitted.

This policy shall not be construed to prevent advertising in student publications that are published by student organizations.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)

[ORS 279C.335](#)

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

Columbia Gorge ESD

Code: KJA
Adopted: 4/17/13
Orig. Code: KJA

Materials Distribution**

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students shall be submitted to the superintendent or designee. Materials, ~~themselves~~ as well as the proposed method of distribution, shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates the law ~~public school laws~~, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

The ~~Upon approval, the~~ superintendent or designee shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process;
3. Inclusion of materials in a direct mailing; or
4. Solicitation of ESD-related groups such as parent organizations to disseminate materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests ~~has~~ ~~have~~ not become an interruption to the educational process.

END OF POLICY

Legal Reference(s):

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

46 OR. ATTY. GEN. OP. 239 (1989).

Columbia Gorge ESD

Code: KK
Adopted: 3/20/13
Orig. Code: KK

Visitors to District Occupied Facilities**

The Board welcomes and encourages visits to district programs by parents, other adult residents of the community and interested educators. In order for the educational program to continue undisturbed when visitors are present, however, it is necessary to invoke visitor controls.

The superintendent shall promulgate administrative regulations that will protect students and employees of the district from disruption to the educational program or the efficient conduct of their assigned tasks.

Persons other than parents wishing to visit a class or program should make arrangements in advance with the appropriate program supervisor. Upon their arrival at the site, visitors must register at the program office, where they will receive instructions.

Visitors are permitted to photograph or tape record children only with the written, signed and dated permission of parents/guardians and after clearance has been received from the program supervisor. All such visitor requests must include the purpose(s) and the individual(s) and/or group(s) to whom the information will be released.

END OF POLICY

Legal Reference(s):

[ORS 164.245](#)
[ORS 164.255](#)

[ORS 166.025](#)
[ORS 166.155 to -166.165](#)

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

Columbia Gorge ESD

Code: KL
Adopted: 12/18/19
Orig. Code: KL

Public Complaints (Version (Version 2))

Parents of students who attend ~~school~~ a program of ~~in~~ the ESD or are receiving services from the ESD or persons who reside in the ESD boundaries, staff, or students are encouraged to make their concerns known to the ESD and to give the ESD an opportunity to review those concerns and respond to them. Complaints about instructional or learning materials, staff members, discipline, alleged violation of Division 22 Standards, restraint and/or seclusion, or retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should approach the program administrator and, if possible, resolve the concerns at this level.

The complainant must follow the complaint procedure as outlined in administrative regulations KL-AR (1) ~~Public Complaint Procedure~~.

If unresolved, the person(s) may file a formal complaint with the superintendent.

Complaints about Board policy or administrative regulations should be referred directly to the superintendent.

Complaints against a staff member or program administrator or supervisor should be filed with the superintendent. (See KL-AR(1) – Public Complaint Procedure)

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board may refer the investigation to a third party. (See KL-AR(1) – Public Complaint Procedure)

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. (See KL-AR(1) – Public Complaint Procedure)

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. (See KL-AR(1) – Public Complaint Procedure)

When a complaint is made directly to the Board or to an individual Board member, it will generally be referred to the superintendent for evaluation and possible investigation. A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

If a complaint is not resolved in any step of the complaint process, the complainant may request that it be moved on to the next step in accordance with the established procedure. (See KL-AR(1) – Public Complaint Procedure)

The superintendent shall develop administrative regulations designed to encourage the timely resolution of public complaints while providing a system of review that will allow both the complainant and other affected parties an opportunity to be heard. (See KL-AR(1) – Public Complaint Procedure)

If a complainant, who is a parent or guardian of a student who attends a school **or program** operated by the ESD or is receiving services from the ESD, a student or a person who resides in the ESD, alleges a violation of Oregon Administrative Rule (OAR), Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation) and the complaint is not resolved through the complaint process, the complainant may appeal¹ the ESD's final decision to the Deputy Superintendent of Public Instruction under OAR 581-002-0001 – 581-002-0023.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

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

[ORS 659.852](#)

[OAR 581-002-0001 – 002-0005](#)

[OAR 581-022-2370](#)

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

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

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

Columbia Gorge ESD

Code: KL-AR[(1)]
Revised/Reviewed: 12/18/19
Orig. Code: KL-AR(1)

Public Complaint Procedure

A parent or guardian of a student attending a school operated by the ESD or is receiving services from the ESD, or a person who resides in the ESD, staff member, or a student who wishes to express a concern should discuss the matter with the ESD employee involved.

The Supervisor: Step One

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed, complaint with the supervisor within five working days of the employee's response. The supervisor shall evaluate the complaint and render a decision within five working days after receiving the complaint. A form is available, but is not required.

The Superintendent: Step Two

If Step One does not resolve the complaint, within ten working days of the written response from the supervisor, the complainant may file a, written, signed complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy.

The superintendent or designee shall investigate the complaint, confer with the complainant, and the parties involved, prepare a report of their findings and conclusion, and provide the report in writing or in an electronic form to the complainant within ten working days after receiving the written complaint.

The Board: Step Three

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within seven days of receiving the superintendent's or designee decision. The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the ESD's final decision. All parties involved, including the administration, may be asked to attend such hearing for the purposes of making further explanations, and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's decision in Step Two is final¹.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

¹ If the Board chooses to accept the superintendent's decision as the ESD's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

The complainant shall be informed in writing or in electronic form of the Board's decision within 20 days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain the reasons for the ESD's decision. The Board's decision will be final.

The timelines may be extended upon written agreement between the ESD and the complainant.

Complaints against an administrator or supervisor may be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 14 days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within [20] days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within [10] days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within [20]28 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

Complaints against the Board chair may be referred directly to the Board vice chair on behalf of the Board. The Board vice-chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

The ESD's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 ~~to~~ 339.303 or OAR 581-021-0550 ~~to~~ 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the ESD's decision. If the complainant, who is a parent~~parent~~ or guardian of a student attending school in the ESD or is receiving services from the ESD or a person that resides in the ESD, and this complaint is not resolved through the complaint process, the complainant may

appeal² with the ESD's final decision to the Deputy Superintendent of Public Instruction under OAR 581-002-0001 – 581-002-00~~23~~.

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

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COLUMBIA GORGE EDUCATION SERVICE DISTRICT
COMPLAINT FORM

TO: ☐ Employee* ☐ Administrator/Supervisor* ☐ Superintendent

☐ Board Chair ☐ Board Vice-Chair*Form available, but is not required.

Person Making Complaint: _____

Phone Number: _____

Email: _____

Nature of Complaint: _____

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

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

Office Use: Disposition of Complaint: _____

Signature: _____ Date: _____

cc: ESD Office

Columbia Gorge ESD

Code: KLD
Adopted: 3/20/13
Orig. Code: KLD

Public Complaints about District Personnel

(OSBA recommends using the process in KL)

When and if members of the community wish to register a complaint(s) against an employee, a formal written complaint report shall be submitted and signed.

Complaints will be referred to the employee to resolve the complaint prior to the action outlined in this policy.

Complaints made by members of the community regarding an employee's performance, which individually or collectively appear to have merit, shall be handled in the following manner:

1. The employee shall be advised of the complaint(s) by their immediate supervisor and given an opportunity to respond;
2. If the specifics of the complaint(s) are in question, a meeting shall be arranged between the employee and the individual or group of individuals making the complaint(s), if the employee requests such a meeting and if the individual(s) making the complaint(s) are agreeable to such a meeting. Said meeting shall be for the purpose of arriving at a full understanding of the specifics of the allegations involved;
3. If the complaint(s) in question is judged to have merit significant enough to possibly affect future employment of the employee in question, the supervisor shall inform the employee of the possible effects, write out the specifics of the complaint(s) and inform the employee of the inclusion of any complaint(s) or mention of the complaint(s) in the employee's personnel file;
4. The employee shall have the right to provide a written response for placement in the personnel file to any complaint(s) or mention of complaint(s) in his/her personnel file;
5. If the superintendent does not judge the complaint(s) to have merit or if the district does not initiate the above process, the complaint(s) shall be dismissed and no record shall be made in the personnel file or otherwise.

It is the intent of the Board that each step of this procedure be handled in as fair, timely and expeditiously a manner as is possible. The superintendent or Board may request a disinterested third party to act as moderator to help reach a mutually satisfactory solution.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 334.125 \(7\)](#)

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Columbia Gorge ESD

Code: KLD-AR
Adopted: 3/20/13
Orig. Code: KLD-AR

Public Complaints about District Personnel

Regarding: _____
(Name of Staff)

Date: _____

Statement of concern/Description of incident:

Complainant's Name: _____

Complainants Address: _____

Phone Number: _____

Signature _____

Supervisor's Investigative Report:

Action/Resolution:

Employee

Supervisor

Superintendent/Board

Columbia Gorge ESD

Code: KM
Adopted: 4/17/13
Orig. Code: KM

Relations with Government Agencies

(OSBA has removed this policy from its samples)

The Columbia Gorge ESD shall conduct all programs/services in accordance with applicable federal and state laws, state administrative rules and the Constitutions of the State of Oregon and of the United States. Columbia Gorge ESD is committed to providing efficiency and effectiveness in intergovernmental agreements as prescribed by law.

Programs/Services to Component Districts

Programs/Services will be provided to component districts, subject to availability of resources, when such programs/services are (1) approved via the “resolution process” or (2) specified by a contract with component districts or (3) required by law or (4) are approved by this Board under provisions of Oregon Revised Statutes.

The district will establish a process for appropriate involvement of component districts in the identification of desired programs and services and which will allow appropriate interaction with those districts regarding the operation of those programs.

Programs/Services authorized under Oregon Revised Statutes may be provided via contracts calling for ESD reimbursement from component districts for actual costs involved. Such contracts shall specify, but not be limited to, the following:

1. Term of contract;
2. Nature of service;
3. Amount of money required;
4. A fiscal audit requirement;
5. A performance audit requirement.

Services purchased from the ESD by component districts shall (1) be on the basis of written contract (2) be fully self-supporting and (3) not, in the opinion of the superintendent, erode the ability of the district to provide services required by law or provided under authority of Oregon Revised Statutes.

Services to Non-component Districts

Services may be provided to non-component districts when such services (1) are provided on the basis of a written contract (2) are fully self-supporting and (3) do not, in the opinion of the superintendent, erode the ability of the district to provide services to component districts.

Services to Non-public Schools

Services may be provided to non-public schools on the premise that such services benefit students enrolled therein, comply with the constitutional requirements of separation of church and state and when such services (1) are provided on the basis of a written contract (2) are fully self-supporting and (3) do not, in the opinion of the superintendent, erode the ability of the district to provide services to component districts.

Services to Other Tax Supported and Non-profit Agencies

Services may be provided to other tax supported agencies or non-profit organizations when such services (1) are provided on the basis of a written contract (2) are fully self-supporting (3) do not, in the opinion of the superintendent, erode the ability of the district to provide services to component districts and (4) are appropriate for this district to provide.

Notwithstanding, the above services may be provided to the Oregon Department of Education in the absence of reimbursement of costs when, in the opinion of the superintendent, such services (1) are necessary to comply with the state standards or (2) are of benefit to the component districts and/or this district.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)

[ORS 419B.015](#)

Letter Opinion, Office of the Attorney General (August 18, 1986)

Columbia Gorge ESD

Code: KN
Adopted: 4/17/13
Orig. Code: KN

Relations with Law Enforcement Agencies**

(Version 1)

(OSBA does not have this policy and AR for ESDs. If wanting it review the updated district version)

It is the intent of the Board to maintain a cooperative relationship with law enforcement agencies. Law officers' presence and participation in district programs are encouraged to promote a positive attitude by students toward police.

Whenever a law officer wishes to confer with or question a child during the time a program is in session, the administrator or his/her designee shall be present at the meeting and the student's parents shall be notified of the meeting, preferably in advance.

A child may be removed from school by a law officer, if the student is under arrest or if the officer has a court order; or by an authorized representative of the Oregon Department of Human Services, Child Welfare Division.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)
[ORS 419B.015](#)

Letter Opinion, Office of the Attorney General (August 18, 1986)

Columbia Gorge ESD

Code: KN
Adopted:

Relations with Law Enforcement Agencies (Version 2)

The Board recognizes that districtwide cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in district schools and for safeguarding district property.

Programs and activities designed to enrich district curriculum and to develop and promote good citizenship and a healthy attitude toward law enforcement agencies and officials will be encouraged by the district. Law enforcement participation in such programs and activities is encouraged.

Law enforcement officials may enter school facilities if a crime has been committed on district property or to investigate matters concerning staff and students upon request initiated by either agency officials or by district administrators.

The superintendent will develop administrative regulations to implement this policy, including procedures for handling investigations, administrator requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)

[ORS 419B.015](#)

[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011).

Columbia Gorge ESD

Code: KN-AR(1)
Revised/Reviewed:

Relations with Law Enforcement Agencies**

Request to Interview a Student or to Conduct an Investigation by Law Enforcement (Other Investigations)

1. Interviews or investigations by law enforcement officials **not** based on allegations of abuse of a child, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on district property, may be permitted upon request and with administrator approval.
2. The law enforcement official shall contact the administrator, provide adequate identification, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator, important and urgent to justify interrupting school activities.
5. The administrator will attempt to notify the student's parent(s) prior to granting the interview.
6. If the parent(s) cannot be contacted, the administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the administrator has been unable to contact the parent(s) then the administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. An administrator or designee shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator not to participate or the district official is otherwise prohibited from being present by law.
10. The administrator or designee shall maintain a written record of all such interviews conducted.

Questioning of a Student Suspected of a Crime, Arrest of a Student or Taking a Student into Custody

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district property only with parental consent. Normally, such questioning should occur outside school hours, off district property.
2. At no time will a student be released to a law enforcement officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from abuse of a child investigation;
 - e. Permission of the parent.
3. In all cases, **other than** abuse of a child cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances. Administrators must request law enforcement officials to complete the appropriate form provided by the district. (See KN-AR(2) - Investigations Conducted on District Premises)

Abuse of a Child Investigations

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the administrator of the investigation, unless the administrator is a subject of the investigation. The administrator must request the investigating official fill out the appropriate form (See JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). If the investigating official refuses to fill out or sign the form, the administrator may complete the form but should not deny the official's request to interview the student on school property. If the investigating official does not have adequate identification the administrator shall refuse access to the student. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parents.

Administrator-Initiated Requests

On occasion, administrators may need, or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Abuse of a child also requires immediate referral to the DHS or law enforcement officials. Additionally, administrators and/or designee(s) may report to law enforcement officials, other violations of law occurring on district property or at school-sponsored activities, as deemed appropriate.

Columbia Gorge ESD

Code: KN-AR(2)
Adopted: 10/16/13
Orig. Code: KN-AR

Abuse of a Child Investigations Conducted on District Premises

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

When an administrator is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

I, _____ (Name) of _____ (Agency)
declare that I have the authority to conduct this student interview based on the following:

1. ☐ Warrant (attach copy)
2. ☐ Court order (attach copy)
3. ☐ Exigent circumstances (briefly describe): _____

4. ☐ Parental consent

Parent or guardian's name: _____

Date consent granted: _____

5. ☐ This interview is not considered a "seizure" pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

☐ Student not available for interview

☐ Student refused to be interviewed

Name of school official (administrator/designee)
receiving this form

This form should be placed in a separate file and not in student's educational record file.

Columbia Gorge ESD

Code: KNA
Adopted: 4/17/13
Orig. Code: KNA

Cooperation with Private Enterprises

(OSBA has removed this policy from its samples)

Cooperation with private enterprise is encouraged when such cooperation works to improve the quality of public education at the same time it serves in the public interest.

The ESD may contract with private entities for service delivery.

Services may be provided to private enterprise when such services:

1. Are provided primarily to benefit the students and programs of this agency and/or the clients being served under Board policies;
2. Are a cost-effective alternative to ESD or component district provided services;
3. Are provided on the basis of a written contract;
4. Are fully self-supporting;
5. Do not, in the opinion of the superintendent, erode the ability of the district to provide services to the component school districts; and
6. Are appropriate for this district to provide.

The ESD along with other ESD's, school districts or other public/private entities under contract with an ESD may provide services and facilities.

END OF POLICY

Legal Reference(s):

[ORS 334.005](#)
[ORS 334.185](#)
[ORS 419B.015](#)

Letter Opinion, Office of the Attorney General (August 18, 1986)

Columbia Gorge ESD

Code: LB
Adopted: 4/17/13
Orig. Code: LB

Component District Relations

(OSBA has removed this policy from its samples)

The Columbia Gorge ESD Board of Directors places the very highest priority on developing and maintaining collaborative relationships with component districts. In furtherance of these relationships, the agency will:

1. To the limit of the ESD's ability and resources, support program objectives;
2. Involve component school districts in the determination of instructional and support program needs, and priorities for addressing them;
3. Work cooperatively with component districts to periodically review their operations;
4. Provide resolution services for component districts;
5. Provide flow-through funding in the form of performance grants in lieu of resolution services when efficient, effective and equitable to do so;
6. Provide professional development activities for component districts;
7. Develop and implement services to meet the unmet needs of identified children; and
8. Offer such other services within its scope of responsibility and resources.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#) (7)

[OAR 581-024-0280](#)