Presented to the Board of Directors:

<table>
<thead>
<tr>
<th>Subject: Policy – 1st Reading - EEA - Student Transportation Services</th>
<th>Item No: 011520-7.1.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment: Yes</td>
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<table>
<thead>
<tr>
<th>Reason: Action</th>
<th>From: Andrew Grzeskowiak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: January 15, 2020</td>
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</table>

**Background:**
Senate Bill 802 (2019) permits school residency to nonresident military children in cases of official military transfers prior to the family moving into the district. Senate Bill (SB) 905 (2019) establishes general rule that the student, whose parent or guardian voluntarily places the student in substitute care while retaining legal guardianship, is a resident of the district where the substitute care program is located. It also provides, under special circumstances outlined in SB 905, exceptions to allow the student (voluntarily placed by the parent or guardian) to attend school in the district where the parents or guardian resides. OSBA recommends updating required policy EEA - Student Transportation Services.

**Recommendation:**
Administration recommends updating required policy EEA - Student Transportation Services with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

**Resolution #011520-7.1.1 EEA - Student Transportation Services**
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

______________________________
Guy Rosinbaum, Board Chair

______________________________
Kari Blake, Business Manager
Student Transportation Services *
(Even if the district contracts for student transportation services, this is a required policy.)

School transportation services will be provided for students to and from school [and for] [transporting students to and from curricular and extracurricular activities sponsored by the district] [transporting from one school or facility to another] [school-sponsored field trips that are extensions of classroom learning experiences]. Transportation will be provided for homeless students to and from the student’s school of origin as required by the Every Student Succeeds Act of 2015 (ESSA). These services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the [Board].

[Elementary students [in grades K-8] who live more than one mile from school will be transported. Secondary students [in grades 9-12] who live more than one and one-half miles from school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the district’s approved supplemental plan.]

OR

[Students living within specified attendance boundaries shall receive transportation services to their respective schools. In addition, students, including those receiving special education, may be eligible for transportation for health or safety reasons.]

Miles from school will be determined by the [transportation supervisor] in accordance with Oregon Administrative Rule (OAR) 581-023-0040(1)(e).

[The district may use Type 10 School Activity Vehicles to transport students from home to school, school to home and from district-sponsored activities.]

The district may also provide transportation using federal funds or through cooperative agreements with local victims assistance units for a student to attend a safe district school out of the student’s attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous. If there are no other schools within the district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

1 “School of origin” means the school that a student attended when permanently housed or the school in which the student was last enrolled.

When the student has completed the final grade served by the school of origin, the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.

2 “Federal funds” means funds available through Title IV, Part A, and Title V, Part A.

3 If there is not another school in the district to which students can transfer, districts are encouraged, but not required, to explore other appropriate options, i.e., an agreement with a neighboring district.
Students attending any private, parochial or public charter school under the compulsory school attendance laws will, where the private, parochial or public charter school is along or near the bus route, be provided equally the riding privileges given to public school students.

Transportation will be provided for students whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

Preschool students with disabilities who have transportation as a related service and children from birth to age three who are enrolled in an eligible program shall be provided home to school transportation.

A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Oregon Department of Transportation under Oregon Revised Statute (ORS) 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until he/she is four feet nine inches tall or age eight and the adult belt properly fits.\(^4\) A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus [or school activity vehicle]. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus [or vehicle] driver to [the supervisor]. [The transportation supervisor] will, as soon as possible, inform the appropriate principal of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the principal [and/or] transportation supervisor.

The [principal] or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

Aides or assistants that ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The school bus [or vehicle] driver will be responsible for the school bus [or vehicle] at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

\(^4\) “Proper fit” means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.
The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006  ORS 815.080  OAR 581-053-0040
ORS 327.033  ORS 820.100 - 820.190  OAR 581-053-0053
ORS 327.043  ORS 581-021-0050 - 0075  OAR 581-053-0060
ORS 332.405  ORS 581-022-2345  OAR 581-053-0070
ORS 332.415  OAR 581-023-0040  OAR 581-053-0210
ORS 339.240 - 339.250  OAR 581-053-0002  OAR 581-053-0220
ORS 343.155 - 343.246  OAR 581-053-0003  OAR 581-053-0230
ORS 343.533  OAR 581-053-0004  OAR 735-102-0010
ORS 811.210  OAR 581-053-0010  OAR 581-053-0240
ORS 811.215  OAR 581-053-0031  Senate Bill 905 (2019)
ORS 815.055

Presented to the Board of Directors:

<table>
<thead>
<tr>
<th>Subject: Policy – 1st Reading - JEA – Compulsory Attendance</th>
<th>Item No: 011520-7.1.2</th>
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**Background:**
Refer to explanatory statement from 7.1.1, all changes are resulting from the same legislation (SB802, SB905).

**Recommendation:**
Administration recommends updating policy JEA – Compulsory Attendance with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

**Resolution #011520-7.1.2 JEA – Compulsory Attendance**
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager
Compulsory Attendance**

Except when exempt by Oregon law, all students between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term.

All students five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school.

Persons having legal control of a student between the ages 6 and 18, who has not completed the 12th grade, are required to have the student attend and maintain the child in regular attendance during the entire school term. Persons having legal control of a student, who is five years of age and has enrolled the child in a public school, are required to have the student attend and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. Failure to send a student and to maintain a student in regular attendance is a Class C violation.

The district will develop procedures for issuing a citation.

A parent who is not supervising his/her student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c). Failing to supervise a child is a Class A violation.

[In addition, under Board policy JHFDA - Suspension of Driving Privileges, the district may report students with 10 consecutive days of unexcused absences or 15 cumulative days unexcused absences in a single semester to the Oregon Department of Transportation.]

Exemptions from Compulsory School Attendance

In the following cases, students shall not be required to attend public, full-time schools:

1. Students being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.

2. Students proving to the Board’s satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.

3. Students who have received a high school diploma or a modified diploma.

4. Students being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
5. Students being educated in the home by a parent or guardian:

a. [When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the [Lane] Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, school districts of home-schooled students who reside in their district;]

b. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:

   (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
   (2) If the student never attended public or private school, the first examination shall be administered prior to the end of grade 3;
   (3) Procedures for home-schooled students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029.

c. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;

d. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;

e. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;

f. All costs for the test instrument, administration and scoring are the responsibility of the parent;

g. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.]

6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child’s resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child’s needs for cognitive, social or physical development, as determined by the parent or guardian.

7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.

8. Students excluded from attendance as provided by law.
9. Students who are eligible military children are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.

10. An exemption may be granted to the parent or guardian of any student 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.

11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

Legal Reference(s):

ORS 153.018
ORS 163.577
ORS 336.615 - 336.665
ORS 339.010 - 339.090
ORS 339.095
ORS 339.257
ORS 339.990
ORS 419B.550 - 419B.558
ORS 807.065
ORS 807.066
OAR 581-021-0026
OAR 581-021-0029
OAR 581-021-0071
OAR 581-021-0077
Senate Bill 802 (2019)

1 “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.
Presented to the Board of Directors:

| Subject: Policy – 1st Reading - JEC – Admissions | Item No: 011520-7.1.3 |
| Reason: Action | From: Andrew Grzeskowiak |
| Attachment: Yes | Date: January 15, 2020 |

Background:
Refer to explanatory statement from 7.1.1, all changes are resulting from the same legislation (SB802, SB905).

Recommendation:
Administration recommends updating policy JEC – Admissions with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

Resolution #011520-7.1.3 JEC – Admissions
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

______________________________
Guy Rosinbaum, Board Chair

______________________________
Kari Blake, Business Manager

Dedicated to Success for All Students
Admissions **

The Board is committed to providing an educational program for all students living in the district. The Board believes all students living in the district who have not completed 12 years of education should regularly attend a public full-time school and be included in the available educational programs.

A child is considered to be six years of age if the sixth birthday of the child occurred on or before September 1 immediately preceding the beginning of the current school at the enrollment of first grade.

School-age students who live within the district attendance area may attend school without paying tuition.

Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.

All new students must register in the office.

Students enrolled in the district shall comply with Oregon laws related to age, residence, health and immunization.

Students located in the district shall not be excluded from admission solely because the student does not have a fixed, regular and adequate nighttime residence or solely because the student is not under the supervision of a parent.

Students located in the district shall not be excluded from admission where they are otherwise eligible, not receiving special education, and they have not yet attained the age of 19 prior to the beginning of the current school year.

The Board may admit otherwise eligible students who are not receiving special education and who have not yet attained 21 years of age prior to the beginning of the current school year if they are shown to be in need of additional education in order to receive a high school diploma or a modified diploma. These students may attend school without paying tuition for the remainder of the school year.

The Board shall admit otherwise eligible students who have not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:

1. Has not yet received a regular high school diploma or a modified diploma; or
2. Has received an extended diploma or an alternative certificate.

A student with disabilities shall be considered a resident in which the child’s parent or guardian resides under criteria identified in Oregon Revised Statute (ORS) 339.134.

Students with disabilities voluntarily placed outside the home by their parent or guardian may continue to attend the school the student was attending prior to the placement as a district resident when the student’s parent or guardian and school staff can demonstrate it is in the student’s best interest.
Students whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

Students who are military children\(^1\) are considered resident of the district, if the district is the district of military residence\(^2\) for the military child. Parents of military students must provide proof of residency within 10 days after the date of military transfer or pending transfer indicated on the official military order.

Students who attend a district school on an interdistrict transfer or were admitted prior to 2019 through open enrollment are considered residents of the district.

Students living in the district who have attained the age of majority are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Minor students living with a parent or guardian who resides in the district are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Students who are in foster care\(^3\) and who are placed in the district are residents of the district of origin, unless the court determines that attending in the district of residence is in the best interest of the student.

Superintendent Grzeskowiak and the board to discuss choices for bracketed language:

The district Board [will] [will not] [may, based on district criteria,] deny regular school admission to a student who has become a resident student and who is under expulsion from another district for reasons other than a weapons policy violation.

The district Board shall deny, for at least one calendar year from the date of the expulsion, regular school admission to a student who has become a resident student and who is under expulsion from another district for a weapons policy violation.

The district Board [will] [will not] [may, based on district criteria,] provide alternative programs of instruction to a student expelled for a weapons policy violation.

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\(^1\) “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

\(^2\) “School district of military residence” means the school district in which 1) the family of a military child intends to reside as the result of a military transfer; or 2) if the school district in which the family intends to reside is unknown, the school district in which the military installation identified in the official military order is located.

\(^3\) “Foster care” does not mean care for children whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and for whom the child’s parent or guardian retains legal guardianship.
END OF POLICY

Legal Reference(s):

ORS 327.006
ORS 336.092
ORS 339.010
ORS 339.115
ORS 339.125
ORS 339.133
ORS 339.134
ORS 433.267

OAR 581-022-2220
Senate Bill 802 (2019)
Senate Bill 905 (2019)


Cross Reference(s):

JECB - Admission of Nonresident Students
JHCB - Immunization and Vision Screening/Eye Examination of Students
JECBD - Homeless Students
Presented to the Board of Directors:

Subject: Policy – 1st Reading - JECA – Admission of Resident Student - DELETE

Item No: 011520-7.1.4
Attachment: Yes

Reason: Action
From: Andrew Grzeskowiak
Date: January 15, 2020

Background:
At the May 2018 board meeting, Policy JEC and JECA were combined into one Policy covering all of student admissions because some language was duplicated between the policies and now all language appears in one document. The board agreed it would be easier for parents to view one policy on admissions rather than two. Policy JEC presented under item 7.1.3 contains language from both JEC and JECA along with current OSBA recommended updates.

Recommendation:
Administration recommends deleting policy JECA – Admission of Resident Student with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

Resolution #011520-7.1.4 JEC – Admission of Resident Student
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager

Dedicated to Success for All Students
Admission of Resident Students

School-age students who live within the district attendance area may attend school without paying tuition.

Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.

The Board may admit otherwise eligible students who are not receiving special education and who have not yet attained 21 years of age prior to the beginning of the current school year if they are shown to be in need of additional education in order to receive a diploma. These students may attend school without paying tuition for the remainder of the school year.

The Board shall admit otherwise eligible students who have not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:

1. Has not yet received a regular high school diploma; or
2. Has received a modified diploma, an extended diploma or an alternative certificate.

Students with disabilities voluntarily placed outside the home by their parent may continue to attend the school the student was attending prior to the placement as a district resident when the student’s parent and school staff can demonstrate it is in the student’s best interest.

The district may, based on district criteria, deny regular school admission to students who have become residents and who are under expulsion from another school district for reasons other than a weapons policy violation.

The district shall deny for at least one calendar year from the date of the expulsion regular school admission to students who have become residents and who are under expulsion from another school district for a weapons policy violation.

The district may, based on district criteria, provide alternative programs of instruction to students expelled for a weapons policy violation.

END OF POLICY
Legal Reference(s):

ORS 109.056
ORS 327.006
ORS 339.115
ORS 339.133
ORS 339.134
ORS 433.267
Presented to the Board of Directors:

<table>
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<tr>
<th>Subject: Policy – 1st Reading - BBF – Board Member Standards of Conduct</th>
<th>Item No: 011520-7.1.5</th>
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<tr>
<td>Reason: Action</td>
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<td>From: Andrew Grzeskowiak</td>
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Background:
Explanatory Statement: Recent passing of Senate Bill (SB) 415 (2019) designates members of a school district board as mandatory reporters of suspected child abuse.

Recommendation:
Administration recommends updating policy BBF – Board Member Standards of Conduct with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

Resolution #011520-7.1.5 BBF – Board Member Standards of Conduct
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager

Dedicated to Success for All Students
Board Member Standards of Conduct

(Version 1)

Individual Board members and the Board as a public entity must comply with ethics laws for public officials.

Board members will treat other Board members, the superintendent, staff and the public with dignity and courtesy and will provide an opportunity for all parties to be heard with due respect for their opinions.

Board members will recognize the superintendent as the chief executive officer to whom the Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

A Board member has the right to express personal opinions. When expressing such opinions, a Board member expresses personal opinions in public, the Board member should clearly identify the opinions as personal.

A Board member will respect the privacy rights of individuals when dealing with confidential information gained through association with the district.

A Board member will keep information and documents discussed in executive session confidential.

A Board member will utilize social media websites judiciously by not posting confidential information or documents about students, staff or district business online, including but not limited to, on social media.

In keeping with the complaint policy, a Board member will not communicate (post, share or transmit) confidential information or documents about students, staff or district business online, including, but not limited to other forms of electronic communication.

Board members will treat fellow Board members, staff, students and the public with respect while posting online or to social media and will adhere to Oregon Public Meetings Laws, including when communicating with other Board members via websites or other electronic means.

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make an oral report by telephone or otherwise to the local Department of Human Services (DHS), to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY
Legal Reference(s):

ORS 162.015 - 162.035  
ORS 162.405 - 162.425  
ORS 192.610 - 192.710  
ORS 244.040  
ORS Chapter 244  
ORS 332.055  
ORS 419B.005  
ORS 419B.010  
ORS 419B.015  
Senate Bill 415 (2019)  
ORS Chapter 244  
ORS 332.055  
ORS 419B.005  
ORS 419B.010  
ORS 419B.015  
Senate Bill 415 (2019)
Presented to the Board of Directors:

<table>
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<tr>
<th>Subject: Policy – 1st Reading - ECACB – Unmanned Aircraft System (UAS)</th>
<th>Item No: 011520-7.1.6</th>
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<td>Attachment: Yes</td>
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**Background:**
The revisions in this policy reflect changes in federal law, Senate Bill 581 (2019) and meets PACE insurance requirements.

**Recommendation:**
Administration recommends updating policy ECACB – Unmanned Aircraft System (UAS) with the recommended changes. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

**Resolution #011520-7.1.6 ECACB – Unmanned Aircraft System (UAS)**
Be it Resolved that the Siuslaw School District Board of Directors approve the policy changes as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager
Unmanned Aircraft System (UAS) a.k.a. Drone

Any employee, volunteer, or representative of the district operating an unmanned aircraft system (UAS) shall do so in accordance with this policy, and all applicable Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) regulations and local laws.

An “unmanned aircraft system” (UAS) means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.

A small unmanned aircraft, as defined by law, may be operated by the district. A small unmanned aircraft must weigh less than 55 pounds, including the weight of anything attached to or carried by the aircraft and must be registered through the FAA and ODA. The district will register as a user of such with ODA.

Publicly supported kindergarten through grade 12 school programs and publicly-supported entities that support K-12 schools or after school K-12 programs are exempt from the requirement to pay the ODA registration fee.

[The district recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics, and airplane design and construction, which can also serve as an academic tool in other areas such as television, film production, or the arts in general.]

Therefore, in compliance with the Federal Aviation Administration Modernization and Reform Act of 2012, Section 336, students may operate a UAS as part of a course requirement, as long as that student does not receive compensation directly or incidentally from such operation. District staff teaching a class that allows use of a UAS may provide limited assistance to a student operating a UAS, provided the student maintains operational control of the model aircraft such that the staff member’s manipulation of the model aircraft’s controls is incidental and secondary to the student’s. The staff member’s de minimis participation must be limited to the student’s operation of the UAS as part of the course.

Prior to operating a UAS, the district will review all airspace, certification, registration, and other requirements. When operating in the National Airspace System (NAS), the supervisor (instructor/teacher) of the educational UAS shall hold a current pilot certification described in 14 C.F.R. Part 107 or have a Certificate of Authorization as described in 49 U.S.C. § 44801, so any student(s) can fly under their direct supervision, and to be in compliance with current FAA regulations. District staff will not operate more than one UAS at the same time.

District employees shall work with administrators to ensure that proper insurance, registration with both the FAA and ODA, reporting to ODA/FAA, and authorization from district administration are in place prior to adoption of curriculum that allows operation of a UAS as a part of the district’s curriculum.

1 https://www.faa.gov/uas/educational_users/
A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)\textsuperscript{2} at OSAA-sanctioned events.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the district as part of a UAS operation will belong to the district. The data gathering by the district will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The superintendent shall develop procedures\textsuperscript{3} for the implementation of this policy. The district shall post a copy of this policy, associated procedures, and a copy of Oregon Revised Statute (ORS) 192.345 on the district’s website.

The district will report accidents involving a UAS to FAA no later than 10 calendar days after the accident when it involves:

1. Serious injury to any person or any loss of consciousness; or
2. Damage to any property, other than the small UAS, unless the cost of repair (including materials and labor) does not exceed $500, or the fair market value of the property does not exceed $500 in the event of total loss.

[Third Party Use]

Third party use of a UAS on district property or at district-sponsored events or activities on district property for any purpose is prohibited, unless granted permission from the superintendent or designee.

If permission is granted by the superintendent or designee, the third party operating a UAS will comply with all FAA and ODA registration and use regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. Appropriate\textsuperscript{4}Proof of UAS registration and authorization (including a certificate identified in 14 C.F.R. Part 107 or a Certificate of Authorization described in 49 U.S.C. § 44801) issued by the FAA, and proof of user registration with ODA when required; and

\textsuperscript{2}http://www.osaa.org/governance/handbooks/osaa\textsuperscript{87}

\textsuperscript{3}Procedures must include: the length of time data will be retained by the district; specifications for third party storage of data, including handling, security and access to the data by the third party; a policy on disclosure of data through intergovernmental agreements.

\textsuperscript{4}A public body, as defined in ORS 174.109, operating an unmanned aircraft system must register as a user with ODA. (ORS 837.360)
3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

END OF POLICY

Legal Reference(s):

ORS 164.885  
ORS 174.109  
ORS 192.345

ORS 837.300 - 837.390  
ORS 837.995

OAR 738.080-0015 - 080-0045

Senate Bill 581 (2019)

OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK #87.
Presented to the Board of Directors:

<table>
<thead>
<tr>
<th>Subject: Policy – 1st Reading - JHFE – Reporting of Suspected Abuse of a Child</th>
<th>Item No: 011520-7.1.7</th>
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<tr>
<th>Reason: Action</th>
<th>From: Andrew Grzeskowiak</th>
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<td>Date: January 15, 2020</td>
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**Background:**

Senate Bill (SB) 155 (2019) amended statute on reporting suspected sexual conduct and suspected child abuse. The following is a brief summary of some changes to law:

- SB 155 assigned investigative responsibilities to ODE for non-licensed employees for reports of suspected sexual conduct and investigative responsibilities to TSPC for employees licensed through TSPC. The SB redefines sexual conduct, adds a definition for student in relation to sexual conduct, amends reporting requirements, makes volunteers subject to law, and maintains applicability to contractors and agents.

- The SB adds applicability of the law on suspected child abuse to contractors, agents and volunteers to protect students.

- The SB requires districts to designate a licensed administrator and alternate licensed administrator for each school building assigned to receive reports of suspected abuse or suspected sexual conduct, and their contact information and other required information found in the amended policies and administrative regulations. In cases of suspected abuse, the district must also post contact information for the local Department of Human Services office and other required information noted in the amended policies and administrative regulations.

- There are new reporting requirements for the designated administrators to TSPC or ODE when they receive a report of suspected sexual conduct.

- Nothing in the bill prevents a district from conducting their own investigation and acting on information gained from the investigation prior to completion of an investigation and determination from another agency. The deleting/rescinding of previous versions and adoption of new versions is recommended.

- The code for JHFF - Reporting Requirements of Suspected Sexual Conduct was modified to add a second code to implement a place in section G - Personnel of the board policy manual, e.g., JHFF/GBNAA-AR. Additionally, a new administrative regulation has been created and is presented as JHFF/GBNAA-AR, and includes the additional reporting requirements and procedures the administrators will follow when a report of suspected sexual conduct is received. The alternate form of this policy and AR, e.g., GBNAA/JHFF and GBNAA/JHFF-AR are included just not listed.

**Recommendation:**

Administration recommends adopting the new version of policy JHFE – Reporting of Suspected Abuse of a Child and rescinding the current version. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

**Resolution #011520-7.1.7 JHFE – Reporting of Suspected Abuse of a Child**

Be it Resolved that the Siuslaw School District Board of Directors adopt the new version of policy JHFE and rescind the current version of JHFE – Reporting of Suspected Abuse of a Child as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager
Reporting of Suspected Abuse of a Child

Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any adult or student with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors, agents, volunteers, or students will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

1 Includes the neglect of a child; abuse is defined in ORS 419B.005.

2 “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

3 “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

4 “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

[Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator in the event the licensed administrator is the alleged abuser for each school building to receive these reports.]
If the superintendent is the alleged perpetrator the report shall be submitted to the [Director of Special Services] who shall also report to the Board chair.

The district will post the name and contact information of the designees for each school building designated to receive reports of suspected abuse and the procedures the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee and a statement that the duty to report suspect abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support the report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety. When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.
The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;

2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and

3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. [A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.]

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is [strongly discouraged] [prohibited].

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 339.370 - 339.400  ORS 419B.005 - 419B.050  OAR 581-022-2205
ORS 418.257 - 418.259  Senate Bill 155 (2019)

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).
Reporting of Suspected Abuse of a Child

Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom the employee is in contact has abused a child, will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, principal or superintendent.

Abuse of a child by district employees or by students will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the superintendent to receive reports of abuse of a child by district employees and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser, the Board chair shall receive the report of abuse. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent takes action on the report, the person who initiated the report must be notified.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement, Oregon Department of Human Services or Teacher Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse of a child by a district employee in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall establish written procedures to provide annual training: 1) for district staff in the prevention and identification of abuse of a child and on the obligations of district employees under ORS 419B.005 as directed by Board policy to report suspected abuse of a child; 2) for parents and legal guardians of students attending district schools on the prevention, identification of abuse of a child and the
obligation of district employees to report suspected abuse of a child, separate from district staff training; and 3) designed to prevent abuse of a child to students attending district-operated schools. The superintendent shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 339.370 to-339.400  ORS 419B.005 to-419B.050  OAR 581-022-0711
ORS 418.746 to-418.751

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).

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students
Presented to the Board of Directors:

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<th>Subject: Policy – 1st Reading – JHFE-AR – Reporting of Suspected Abuse of a Child</th>
<th>Item No: 011520-7.1.8</th>
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<td>From: Andrew Grzeskowski</td>
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<td>Date: January 15, 2020</td>
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Background:
Refer to explanatory statement from 7.1.7, all changes are resulting from the same legislation (SB155).

Recommendation:
Administration recommends adopting the new version of policy JHFE-AR – Reporting of Suspected Abuse of a Child and rescinding the previous version. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

Resolution #011520-7.1.8 JHFE-AR – Reporting of Suspected Abuse of a Child
Be it Resolved that the Siuslaw School District Board of Directors adopt the new version of policy JHFE-AR and rescind the previous version of JHFE-AR – Reporting of Suspected Abuse of a Child as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager

Dedicated to Success for All Students
OSBA Model Sample Policy

Code: JHFE-AR(1)
Adopted: 

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse\(^1\) shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that any adult or student with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419.010.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the [Director of Special Services] who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a child and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of person who received a copy of the written report.

The written record of the abuse report shall not be placed in the student’s educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative

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\(^1\) Includes the neglect of a child; abuse is defined in ORS 419B.005.
leave\(^2\) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor[^3], agent or volunteer, the district [may] [shall] prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. [The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated[^4] and a determination has been made by law enforcement or DHS that the report is unsubstantiated.]

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. [The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.] [The employee may appeal the employment action taken through an appeal process administered by a neutral third party.]

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Definitions**

1. Oregon law recognizes these types of abuse:
   a. Physical;
   b. Neglect;
   c. Mental injury;
   d. Threat of harm;

[^2]: The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

[^3]: The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.

[^4]: The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

R11/22/19 | PH Reporting of Suspected Abuse of a Child – JHFE-AR(1) 2-4
e. Sexual abuse and sexual exploitation.

2. “Child” means an unmarried person who is under 18 years of age.

3. [A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.]

**Confidentiality of Records**

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

**Failure to Comply**

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

**Cooperation with Investigator**

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. [When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form.] If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

   Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The officer shall sign the student out on a form to be provided by the school;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents;

3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student’s education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.
Reporting of Suspected Abuse of a Child

Reporting

Any district employees having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The district employee should also immediately inform his/her supervisor, building principal or superintendent.

If known, such report shall contain the names and addresses of the child’s parents or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator, the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the abuse report shall be made by the employee suspecting the abuse of a child. The written record may be made using Siuslaw School District abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The names, and addresses of the child; and of the parents of the child or other persons responsible for the child’s care and the age of the child;
3. The name and position of any witness to the report;
4. A description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of persons who received a copy of the written report.

The written record of the abuse report shall not be placed in the student’s educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee’s supervisor and/or superintendent.
The district will designate the superintendent or designee to receive reports of child abuse by school employees and specify the procedures to be followed upon receipt of a child abuse report. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the superintendent or designee will follow upon receipt of a report.

When the superintendent or designee takes action on the report, the person who initiated the report must be notified.

When the district receives a report of suspected child abuse by one of its employees, and the superintendent or designee determines that there is reasonable cause to support the report, the district shall place the school employee on paid administrative leave until the DHS or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the school employee. If the DHS or a law enforcement agency is unable to determine whether the child abuse occurred the district may either reinstate the employee or take disciplinary action at the district’s discretion.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

Definitions

1. Oregon law recognizes these types of abuse:
   a. Physical;
   b. Neglect;
   c. Mental injury;
   d. Threat of harm;
   e. Sexual abuse and sexual exploitation.

2. “Child” means an unmarried person who is under 18 years of age.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a district employee or former district employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.345 or 192.355. Therefore, if a district employee or former employee is convicted of a crime listed in ORS 342.143, the district that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.
Failure to Comply

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

Cooperation with Investigator

The district staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the principal or designee, unless the principal [or designee] is the subject of the investigation. When an principal or designee is notified that the DHS or law enforcement would like to interview a student at school, the principal or designee must request that the investigating official fill out the appropriate form (See JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises. The principal or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the principal or designee shall make a private space available. The principal or designee of the school may at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the principal or designee shall refuse access to the student.

   Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the principal or designee. The officer shall sign the student out on a form to be provided by the school;

2. When the subject matter of the interview or investigation is identified to be related to suspected child abuse, district employees shall not notify parents;

3. The principal or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;

District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student’s education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.
Presented to the Board of Directors:

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Background:
Refer to explanatory statement from 7.1.7, all changes are resulting from the same legislation (SB155).

Recommendation:
Administration recommends adopting policy JHFF/GBNAA – Reporting of Suspected Sexual Conduct with Students and rescinding current policy JHFF. The board may choose to consider this a 1st reading and place the resolution on the February 12, 2020 consent agenda.

Resolution #011520-7.1.9 JHFF/GBNAA – Reporting of Suspected Sexual Conduct with Students
Be it Resolved that the Siuslaw School District Board of Directors adopt policy JHFF/GBNAA – Reporting of Suspected Sexual Conduct with Students and rescind current policy JHFF as presented.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager
Reporting Requirements for Suspected Sexual Conduct with Students *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is not tolerated. All district employees, contractors, agents, and volunteers are subject to this policy.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating, hostile or offensive educational environment. “Sexual conduct” does not include touching that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

Any district employee [¹][, contractor, agent or volunteer] who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [²]designated licensed administrator or the alternate designated licensed administrator for their school building. If the superintendent is the alleged perpetrator the report shall be submitted to the [Director of Special Services] who shall report the suspected sexual conduct to the Board chair.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

[¹ The following language in brackets, i.e., [contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.]

[² Senate Bill 155 (2019) requires the district to designate a licensed administrator to receive reports of suspected sexual conduct, and designate an alternate licensed administrator for each school building.]
[If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.]

When the designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district’s administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) as appropriate, for investigation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

The district will post in each school building the names and contact information of the employees designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute sexual conduct;

[6 Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and

3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is [strongly] [discouraged] [prohibited].

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):
ORS 332.107  ORS 419B.005 - 419B.045  Senate Bill 155 (2019)
ORS 339.370 - 339.400

Siuslaw School District 97J

Code: JHFF
Adopted: 11/18/09
Revised/Readopted: 01/09/13; 04/09/14; 12/10/18

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct with students by district employees, volunteers, contractors or agents of the district will not be tolerated. All district employees, contractors or agents of the district are subject to this policy.

“Sexual conduct” as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any district employee, contractor, agent of the district or volunteer who has reasonable cause to believe that another district employee, contractor, agent of the district or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor.

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. When the district receives a report of suspected sexual conduct by a contractor or agent of the district, the district may decide to suspend services of that contractor or place the agent in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An “investigation” is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the district employee, the contractor, the agent of the district or the student who is the subject of the report. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the district employee, volunteer, contractor or agent of the district that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the district’s decision through the appeal process provided by the district’s collective bargaining agreement. A contractor or agent of the district may appeal the district’s decision through an appeal process administered by a neutral third party. A volunteer may appeal the district’s decision through the district’s complaint procedure.

A “substantiated report” means a report of abuse or sexual conduct that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file or the student’s education record, and in the administrative file for the contractor or agent of the district.
If the district employee, volunteer, contractor or agent of the district decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file or in the administrative file for the contractor or agent of the district. The employee, contractor or agent of the district will be notified that this information may be disclosed to a potential employer. The district will not serve as a reference for a contractor or agent of the district that has a substantiated report.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent or designee will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the superintendent shall receive the report. If the superintendent is the alleged perpetrator, the Board chair shall receive the report. When the superintendent or designee takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district employee, volunteer, a contractor or an agent of the district in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees, volunteers, parents and students regarding the prevention and identification of sexual conduct. The district will provide to employees, contractors or agents of the district at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.370 for all district employees.

END OF POLICY

Legal Reference(s):

ORS 339.370 - 339.400  
ORS 418.746 - 418.751  
ORS 419B.005 - 419B.045


Cross Reference(s):

GCAB - Personal Electronic Devices and Social Media - Staff
JHFE - Reporting of Suspected Abuse of a Child
Presented to the Board of Directors:

Subject: Policy – 1st Reading – JHFF/GBNAA-AR – Reporting of Suspected Sexual Conduct with Student/Rescind JHFF-AR

Item No: 011520-7.1.10

Attachment: Yes

Reason: Action

From: Andrew Grzeskowiak

Date: January 15, 2020

Background:
Refer to explanatory statement from 7.1.7, all changes are resulting from the same legislation (SB155). This is for a mandatory review as per policy, no vote is required.

Recommendation:
Administration recommends the board review JHFF/GBNAA-AR – Reporting of Suspected Sexual Conduct with Students and JHFF-AR will be rescinded.
OSBA Model Sample Policy

Code: JHFF/GBNAA-AR
Revised/Reviewed:

Suspected Sexual Conduct Report Procedures and Form *

When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed\(^1\) through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.

The district posts in each school building the names and contact information of the employees\(^2\) in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

If the superintendent is the alleged perpetrator the report shall be submitted to the [Director of Special Services] who shall refer the report to the Board chair.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave\(^3\) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until TSPC or ODE determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required. The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.

When the designee receives a report of suspected sexual conduct by a contractor\(^4\), an agent or a volunteer, the district may or shall prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services. [The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.]

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\(^1\) “License” includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

\(^2\) Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.

\(^3\) The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

\(^4\) The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.
Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

[An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.]

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

[A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.] If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. [The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.] [The employee may appeal the employment action taken through an appeal process administered by a neutral third party.]

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Training**

The district shall provide training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;

2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and

3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.
Siuslaw School District 97J

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: ________________________________________________

Position of person making report: ____________________________________________

Name of person suspected of sexual conduct: __________________________________

Date and place of incident or incidents: _______________________________________

Description of suspected sexual conduct: ______________________________________

________________________________________________________

Name of witnesses (if any): _________________________________________________

________________________________________________________

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): __________

________________________________________________________

Any other information: _____________________________________________________

________________________________________________________

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

Signature: ____________________________ Date: _________________
Siuslaw School District 97J

WITNESS DISCLOSURE FORM

Name of witness: ______________________________________________________________

Position of witness: ____________________________________________________________

Date of testimony/interview: ________________

Description of instance witnessed: ______________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

Any other information: __________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

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

Signature: ____________________________ Date: ______________________________

R11/22/19 | LF
Suspected Sexual Conduct Report Procedures and Form * – JHFF/GBNAA-AR

48
Sexual Conduct Complaint Form

Name of complainant: __________________________________________________________

Position of complainant: ______________________________________________________

Date of complaint: __________________________________________________________________________

Name of person allegedly engaging in sexual conduct: ________________________________

Date and place of incident or incidents: __________________________________________________________________________

Description of sexual conduct: __________________________________________________________________________

________________________________________________________________________

Name of witnesses (if any): ______________________________________________________

________________________________________________________________________

Evidence of sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): __________

________________________________________________________________________

Any other information: ______________________________________________________________________

________________________________________________________________________

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

Signature: ________________________ Date: ________________________
WITNESS DISCLOSURE FORM

Name of Witness: _____________________________________________________________

Position of Witness: __________________________________________________________

Date of Testimony/Interview: ________________________________________________

Description of Instance Witnessed: ____________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Any Other Information: _______________________________________________________

________________________________________________________________________

________________________________________________________________________

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

Signature: _______________________________ Date: _____________________________
Presented to the Board of Directors:

<table>
<thead>
<tr>
<th>Subject: Policy – 1st Reading – GCPC/GDPC - Retirement of Licensed Staff - REPEAL</th>
<th>Item No: 011520-7.1.11</th>
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<tr>
<td>Attachment: Yes</td>
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<tr>
<th>Reason: Action</th>
<th>From: Andrew Grzeskowiak</th>
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<td>Date: January 15, 2020</td>
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Background:
OSBA has not released a revision of the optional Policy GCPC/GDPC and AR related to PERS retirement and workback. They are waiting for further clarification regarding the workback provision in the new law, Senate Bill (SB) 1049. Most of SB 1049 goes into effect January 1, 2020. SB 1049 does not require policy. Therefore, not having a policy and AR is not in violation of the law. OSBA recommends that if a district has this optional policy and AR that they repeal the policy and delete the AR as soon as possible as it will no longer be legal as of January 1, 2020. See Superintendent notes on work-back provisions.

Recommendation:
Administration recommends the board repeal policy GCPC/GDPC - Retirement of Licensed Staff on 1st reading since SB 1049 went into effect January 1, 2020. Administrative rule GCPC/GDPC-AR - Retirement of Licensed Staff will be deleted, but not require board action.

Resolution #011520-7.1.11 GCPC/GDPC - Retirement of Licensed Staff
Be it Resolved that the Siuslaw School District Board of Directors repeal policy GCPC/GDPC - Retirement of Licensed Staff.

Guy Rosinbaum, Board Chair

Kari Blake, Business Manager
Retirement of Licensed Staff

To assist the district in its planning efforts, licensed staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

The superintendent will develop administrative regulations as may be necessary for district licensed employees who retire, begin receiving benefits from the Public Employees Retirement System and request continued district employment.

END OF POLICY

Legal Reference(s):

ORS Chapter 237
ORS Chapter 238
ORS 243.303
ORS 342.120

Reemployment of Tier 1 or Tier 2 PERS-Retired Licensed Staff

1. Current District Employees

   a. In the event that a district licensed employee retires¹ and begins receiving benefits from the Public Retirement employees System (PERS) prior to the end of the school year, he/she may be retained by the district in his/her current position until the end of the school year subject to the provisions of ORS 238.082 and the provisions of any applicable collective bargaining agreement.

   b. All requests for continued employment by the district must be submitted in writing to the superintendent no later than 60 calendar days before retirement. Request will be considered based on the following criteria:

      (1) Length of service. The individual must have been employed by the district a minimum of five years prior to retirement;

      (2) Need. The individual must be licensed and have experience in a specialty area such as special education, math, science, music, Title 1, English as a Second Language, English Language Learners, Non-English Proficient Students or other such areas of identified district shortage of qualified teachers or other district need.

      (3) Evaluation. The individual must have satisfactory performance evaluations. An individual who has been on a program of assistance for improvement or with written directives or written reprimands with the past five years will not be considered for retention by the district.

   c. A licensed employee’s change in PERS status shall not, in and of itself, constitute a break in service. A classified employee’s seniority will be determined and defined in the collective bargaining agreement, Board policy or individual employment agreement.

   d. Decisions to retain the individual in his/her current position will be made by the superintendent. The individual will not be required to submit to established district application and interview procedures. Decisions to retain the individual in a position other than the individual’s current position, such as a new position or another vacant position will be made by

¹The period or periods of employment by one or more public employers of any person receiving a service retirement allowance shall not total 1,040 hours or more in any calendar year; but if the person is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act, the person may be employed for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled. The limitations on employment imposed above do not apply to a retired member who has attained normal retirement age and who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school district or education service district that has its administrative office located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census.
the superintendent. The individual may be required to submit to established district application and interview procedures for such positions, as determined by the Board.

e. A retired member who is employed as a classified employee or teacher, as defined by ORS 342.120, will remain in the same collective bargaining unit that included the member before retirement, unless retirees or the assignments (e.g., temporary, substitute, etc.) are specifically excluded from the collective bargaining agreement.

f. Licensed teachers who are re-employed will receive one day of sick leave per month of service after being retained by the district.

g. Employees who retire during the school year shall not serve past June 30. Decisions on continued employment beyond that date will be made by the district on a case-by-case basis.

h. The maximum hours of work performed by an employee shall not exceed 1039 hours. The employee shall be responsible for submitting a record of his/her hours worked to payroll, at least monthly, to assure that the period of employment does not exceed the statutory maximum.

i. The district will immediately submit an Employment of PERS Retiree form to the PERS office as required by law.

j. Salary, benefits and length of contract for early retirees who are excluded from the bargaining unit will be determined by the superintendent.

2. Former District Employees

A district employee who retired and left district employment may apply for a subsequent vacancy with the district under the same application and interview procedures as all other applicants for district employment.

Returning to Work after Retirement

If you are an Oregon Public Service Retirement Plan (OPSRP) Pension Program retiree receiving an OPSRP service retirement allowance and you become employed in a qualifying position (600 or more hours in a calendar year) by a participating employer, you will become an active member of the OPSRP Pension Program immediately. All retirement benefit payments will cease unless you are a legislator. Should you become a legislator, you cannot elect to become an active member of OPSRP.

Any retirement option will be canceled, and upon retiring again, you may choose a new option. When you subsequently leave employment, you must reapply for retirement benefits. Pension benefits will be recalculated upon your subsequent retirement based on your new final average salary and retirement credit balances.

If you are also receiving a pension benefit under the PERS Chapter 238 Program, you are also not eligible to become an OPSRP Pension Program member.

OPSRP members (Tier 3) must leave employment for 30 days before working again, and cannot work more than 599 hours in a calendar year.