



# **BOARD POLICIES**

# POLICIES AND BOARD REGULATIONS

## TABLE OF CONTENTS

<u>POLICY</u>	<u>TOPIC</u>	<u>PAGE</u>
	Policy Review and Revision .....	i
	Policies - Definition .....	ii
	Authority, Goals and Function.....	iii
<u>SERIES 1000</u>	<u>ROLE AND FUNCTION OF THE BOARD OF EDUCATION</u>	
1100	Policies and Board Regulations	
1110	Adoption and Revision of Policies	
1200	Duties of the Board	
1210	Delegation of Authority to Superintendent	
1300	Membership of the Board	
1310	Authority and Power of Committees and Individual Board Members	
1320	Appointment of Advisory Members to the Board <i>Repealed 10/17/01</i>	
1400	Conduct of Board Meetings	
1410	Board Meeting Minutes	
1420	Board Member Development	
	Code of Conduct for Board Members	
1430	Boundary Board – <i>Repealed 6/20/2012</i>	
<u>SERIES 2000</u>	<u>ADMINISTRATION</u>	
2100	District Organization	
2200	Superintendent-Clerk	
2300	Salaries and Related Benefits	
<u>SERIES 3000-4000</u>	<u>CONTRACTED/LICENSED, CLASSIFIED PERSONNEL</u>	
3100 and 4100	Personnel Designation	
3200 and 4200	Staff Responsibilities	
3300 and 4300	Emergency Procedures	
3400 and 4400	Conditions of Employment	
3410 and 4410	Drug-Free Workplace	
3420 and 4420	Criminal History Records Checks/ Fingerprinting	
3430 and 4430	Southern Oregon ESD is a Tobacco-Free Organization	
3440 and 4440	Reporting Requirements Regarding Sexual Conduct With Students	
3500 and 4500	Salaries and Related Benefits - <i>Repealed 4/15/92</i>	
3510 and 4510	Medical Benefits Upon Voluntary Retirement - <i>Repealed 5/15/96</i>	
3600 and 4600	Staff Evaluation	
3700 and 4700	Resignations/Terminations	

POLICY

3800 and 4800  
3900

3920 and 4920  
3930 and 4930  
3940 and 4940  
3950 and 4950  
3955 and 4955  
3960 and 4960  
3970 and 4970

TOPIC

Complaint and Grievance Procedures  
Hearing Procedure for Non-Renewal or Discharge of a Probationary  
Teacher  
Personnel Files  
Sexual Harassment  
Hazardous Communication  
Staff Illness/Communicable Disease-Aids  
Hepatitis B/Bloodborne Pathogens  
Automobile Damage Reimbursement  
Employee/Student Relationships

SERIES 5000

5100  
5200  
5300  
5400  
5500  
5510  
5600  
5700  
5800  
5900  
5910  
5910  
5920  
5930

PUPIL PERSONNEL

Equal Educational Opportunities  
Designation, Eligibility  
Student Conduct and Discipline  
Student Records  
Personal Health and Safety  
Administering Noninjectable Medicines to Students  
Length of School Day  
Transportation of Students - *Repealed 6/16/99*  
Age of Students in Special Education Programs  
Assessment of Students  
Student Illness/Communicable Disease-Aids - *Repealed 5/15/91*  
Nondiscrimination  
Diversity, Equity, and Inclusion  
All Students Belong

SERIES 6000

6100  
6110  
6120  
6200  
6210  
6300  
6400  
6500  
6600

FISCAL MANAGEMENT SERVICES

General Budget  
Budgets of Constituent Districts  
ESD Budget Committee Representation  
Receipt of Funds  
Bonding of Employees  
Purchasing  
Audits  
Contracting  
Review of Component School District Operations

SERIES 7000

7100  
7110  
7200  
7300  
7400

INSTRUCTIONAL PROGRAMS

Philosophy  
Resolution and Contract Programs and Services  
Provision of Resolution Services  
Appraisal and Evaluation of Educational Programs  
Selection and Use of Instructional Materials  
Special Services Related to Educational Programs

7500 Electronic Communication Systems

SERIES 8000

COMMUNITY RELATIONS, MISCELLANEOUS

Community Relations

8100 Release of Public Information

8200 Use of ESD Buildings and Facilities

8205 Integrated Pest Management

8210 Borrowing of Materials and Equipment

8300 Distribution of Printed Materials

8400 Solicitations

8500 Copyright Observance

8600 Staff Gifts and Solicitations

8700 Personal Electronic Devices and Social Media

8800 Volunteers

## **POLICY REVIEW AND REVISION**

When revisions and/or additions occur during the fiscal year, they are posted, adopted, and become part of the policy collection on the date of Board adoption. The total collection is reviewed annually and revised if necessary.

The policies are posted on the SOESD website at: [www.soesd.k12.or.us](http://www.soesd.k12.or.us).

A printed copy of SOESD's Board Policies may be requested by contacting the Superintendent's Office at 541-776-8590.

## POLICIES

### DEFINITION BY NATIONAL SCHOOL BOARDS ASSOCIATION

Policies are principles adopted by the School Board to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems, narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets rules and regulations to provide specific directions to school district personnel.

## **THE ESD**

### **Authority**

The authority of the Board of the Southern Oregon Education Service District and the purpose and basic functions of the District, are governed by the specifications outlined in the Oregon Revised Statutes, Chapter 334, and related Oregon Administrative Rules.

### **Goals and Functions of the Southern Oregon Education Service District**

The purpose of Southern Oregon Education Service District (SOESD) is to assist school districts and the Department of Education in achieving Oregon's educational goals by providing equitable, high quality, cost effective, and locally responsive educational services at a regional level for the children, families, and communities we serve.

SERIES 1000

ROLE AND FUNCTION OF THE BOARD OF EDUCATION



## 1100 POLICIES AND BOARD REGULATIONS

Southern Oregon Education Service District shall be governed by a set of written policies. These policies, combined with Board Regulations for implementation, shall be available to staff and to the public.

Adopted July 17, 1978

OAR 581-24-0240

Adopted as revised May 15, 1996

Adopted as revised June 15, 2011

### BOARD REGULATIONS

- 1101 Board members and District staff shall participate in the development and review of policies. The superintendent shall establish and supervise the processes of policy development and yearly policy review. Each year a portion of at least one regular Board meeting shall be designated for policy review/adoption.
- 1102 The operation of policies not mandated by state or federal regulation or law may be temporarily suspended by a majority vote of the Board.
- 1103 When a new policy is adopted, it shall replace any prior policy or practice with which it may be in conflict.
- 1104 Copies of the entire set of current Board policies shall be made available to staff and public.
- 1105 The superintendent shall implement policies according to Board direction.
- 1106 Matters covered in collective bargaining agreements shall be omitted from District policies.

## 1110 ADOPTION AND REVISION OF POLICIES

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

ORS 334.125 (7)  
OAR 581-024-0240

Adopted June 15, 2011

## BOARD REGULATIONS

- 1112 Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.
- 1113 To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as a Board agenda item in the following sequence:
1. Distribution with agenda as an information item. This announces that a policy is being developed in a particular area and that interested parties may submit suggestions;
  2. First reading of proposed policy or policies; response from the superintendent; report from any Board or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting.
  3. Second reading of proposed policy or policies; response from the superintendent; report from any Board or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting. During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by Board members. An amendment will not require the policy go through an additional reading except as the Board determines that the amendment needs further study and an additional reading would be advantageous.
- 1114 All new or amended policies will become effective the day after adoption by the Board, unless a specific date is included in the motion for adoption.
- 1115 When in the best interests of SOESD, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.
- 1116 Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in SOESD's policy manual.

1200 DUTIES OF THE BOARD

The Board shall determine all policy matters of the District and shall be responsible for directing the operation of the District.

Adopted July 17, 1978

ORS 334.

Adopted as revised May 15, 1996

BOARD REGULATIONS

## 1210 DELEGATION OF AUTHORITY TO SUPERINTENDENT

The superintendent, designated by the Board as its executive officer, is responsible for implementing Board policy and decisions in the management of the District. In the absence of specific guidelines from the Board, the superintendent is authorized to direct District operations and shall be held accountable for actions taken in the absence of policy.

Adopted July 17, 1978

## BOARD REGULATIONS

- 1211 The superintendent shall be responsible for bringing to the Board recommendations for policies that are considered necessary for effective operation of the District.
- 1212 The Board shall have final control and supervision of all District funds, but shall delegate the responsibility for fiscal management to the superintendent. The Board shall provide resources necessary to conduct District business efficiently and productively.

## 1300 MEMBERSHIP OF THE BOARD

The Board of Directors of the Southern Oregon Education Service District shall consist of nine elected members. All nine positions are elected from zones. Elections shall be held in accordance with Oregon Revised Statutes.

Adopted July 17, 1978

Adopted as revised July 14, 1982

Adopted as revised July 1, 1998

Adopted as revised February 19, 2003

Adopted as revised September 19, 2012

ORS 334.025

ORS 334.032

ORS 334.035

ORS 334.045

ORS 334.090

ORS 334.095

ORS 334.100

## BOARD REGULATIONS

- 1301 Every four years, the Board shall review the population composition of the zones for the election of Board members. Alternative zones or zoning procedures shall be considered by the Board if necessary in the judgment of Board members and the superintendent. The Board will readjust the boundaries of the zones immediately upon any change of the boundaries of the ESD.
- 1302 The superintendent shall administer the general election plan of the District.
- A. Terms of Office
- (1) Board members are elected to four-year terms as specified in statute.
- B. Vacancies on the Board
- (1) Vacancies shall be filled by appointment by the remaining Board quorum (no less than 5) until the next election in accordance with ORS 334.090 and 334.095.
- C. Officers of the Board
- (1) The board chairman and vice-chairman are elected by their fellow Board members in accordance with ORS 334.100. The board chairman shall preside at Board meetings, perform all duties imposed by statutes or prescribed by action of the Board. He/she shall appoint or provide for the election of all committees of the Board and shall be an ex officio member of all such committees. The vice-chairman shall perform the duties of the chairman in his/her absence.
- (2) The superintendent shall serve as executive officer of the Board, carrying

out duties prescribed by the laws of Oregon and the policies of the Board. He/she shall serve as budget officer of the district.

- 1303 Each new member of the Board shall receive information regarding his/her role and duties. A copy of all District policies shall be a part of the information received.
- 1304 The Board shall abide by a code of conduct adopted by the Board. Refer to CONDUCT CODE FOR BOARD MEMBERS.
- 1305 Members of the Board shall have no pecuniary interest in contracts for construction, maintenance, or other contracts for goods and services required by the District.
- 1306 Members of the Education Service District Board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the Board. ORS 334.100 (3).

1310 AUTHORITY AND POWER OF COMMITTEES AND INDIVIDUAL BOARD MEMBERS

All action by the Board, legislative or administrative, shall be by the Board as a unit. No special committee or individual member of the Board shall exercise any administrative responsibility with respect to the District.

Adopted July 17, 1978

OAR 581-024-0300

Adopted as revised April 16, 1997

ORS 334.100

Adopted as revised February 19, 2003

Adopted as revised June 17, 2009

BOARD REGULATIONS

- 1311 Advisory committees may be appointed by the Board for specific purposes. No committee will have more than four (4) members of the Board as participants. Committees shall exist only until their specific services have been completed, and no later than the end of the fiscal year in which the appointment occurred.
- 1312 The Board will adopt guidelines for each committee, as appropriate, which will include, but not be limited to the following:
1. The committee's written charge, which shall include, but not be limited to, a statement of purpose and responsibility;
  2. The resources the Board will provide;
  3. The approximate date(s) on which the Board wishes to receive committee report(s).
- 1313 Upon petition of at least two component school districts, the Board shall establish a local advisory committee(s) to represent the areas within the petitioning district(s). Committee composition and number of members, including process of selection and term of office will be determined by the Board.
- 1314 All advisory committee meetings shall be considered open meetings and comply with the Public Meeting Law if the advisory committee is authorized to make decisions for or to advise the full board or another public body.

1320 APPOINTMENT OF ADVISORY MEMBERS TO THE BOARD

The Board of Education of the Southern Oregon Education Service District may appoint non-voting advisory members to the board as the board deems appropriate.

Adopted January 18, 1995

Adopted as revised June 17, 2009

OAR 581-024-0290

ORS 334.025 (3)

BOARD REGULATIONS

1. Advisory members will provide advice to the board of directors and/or ESD staff upon request of the district.



## 1400 CONDUCT OF BOARD MEETINGS

The Board shall call and conduct all meetings in accordance with the principles and purposes of Oregon public meeting laws and in a manner established by the Board.

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites ESD community members to attend Board meetings to become acquainted with the programs and operation of the ESD. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision, or speech impairments will be given an equal opportunity to participate in Board meetings.

At the discretion of the Board chair, anyone wishing to speak before the Board or to address an agenda item or other topic may do so by registering with the Board secretary prior to the start of the Board meeting. Discussion or presentation about a published agenda item is limited to the designated place on the agenda specified to address agenda items, unless otherwise authorized by the Board chair. Individuals may be allowed up to three minutes. The Board chair may use discretion to establish other time limits or formats for comments.

Adopted July 17, 1978

ORS 192.610-192.710

Adopted as revised November 10, 1982

ORS 334.100

Adopted as revised May 11, 1988

Adopted as revised September 19, 1989

Adopted as revised May 16, 2018

## 1410 BOARD MEETING MINUTES

All Board meetings shall be reported in written minutes in accordance with Oregon public meeting laws, and the superintendent shall be custodian of Board minutes.

Adopted July 17, 1978

ORS 192.430

Adopted as Revised 6/15/2016

ORS 192.650

## BOARD REGULATIONS

- 1411 An exact record of all approved minutes and accompanying documents shall be on file at the District office.
- 1412 Minutes and other public records shall be made available for inspection by the public, except records declared in formal action by the Board to be confidential. ORS 192.500.
- 1413 The Board of Directors authorizes administration to post minutes of its regular, special, and emergency meetings to the SOESD website following the meeting in which they are approved.

## 1420 BOARD MEMBER DEVELOPMENT

The Board places a high priority on the importance of a planned and continuing education program for its members.

Adopted May 21, 2003

ORS 332.107  
ORS 332.018 (3)

## BOARD REGULATIONS

- 1421 For Board members to develop leadership capabilities, become informed about current issues in education, and improve their skills, Board members will participate in opportunities for development that may include, but not be limited to, the following:

In-service activities planned by the Board and by the administration for staff members, as appropriate;

Participation in conferences, workshops and conventions held by state and national school boards associations and other educational organizations;

Subscriptions to publications addressing Board member concerns.

- 1422 Recognizing the need for continuing training and development of its members, the Board encourages the participation of all members in appropriate conferences, conventions, and workshops. To control both time and funds necessary to implement this policy, the Board establishes these principles and procedures:

The superintendent will inform Board members, in a timely manner, of upcoming conferences, conventions, and workshops. The Board will decide which meetings appear to be most likely to produce the greatest benefit to the Board and the ESD;

Funds for participation at such meetings will be budgeted. The Board will designate which members would be most appropriate to participate at a given meeting;

If authorized to attend, and expenses are approved by the Board, costs will be pre-paid or Board members will be reimbursed upon request, for reasonable and necessary expenses actually incurred;

When a conference, convention or workshop is not attended by the full Board, those who do participate may be requested to share, by means of written or oral reports, information, recommendations and materials acquired at the meeting.

## CONDUCT CODE FOR BOARD MEMBERS

Adopted by Oregon School Boards Association

### A School Board Member:

- Understands that the board sets the standards for the district through board policy.
- Board members do not manage the district on a day-to-day basis.
- Understands that the board makes decisions as a team.
- Individual board members may not commit the board to any action.
- Respects the right of other board members to have opinions and ideas that differ.
- Recognizes that decisions are made by a majority vote and should be supported by all board members.
- Makes decisions only after the facts are presented and discussed.
- Understands the chain of command and refers problems or complaints to the proper administrative office.
- Recognizes that the board must comply with the Public Meetings Law and has authority to make decisions only at official board meetings.
- Insists that all board and district business is ethical and honest. Is open, fair and honest – has no hidden agenda.
- Understands that he or she will receive confidential information that cannot be shared.
- Recognizes that the superintendent is the board's adviser and should be present at all meetings, except when the board is considering the superintendent's evaluation, contract or salary.
- Takes action only after hearing the superintendent's recommendations.
- Refuses to use board membership for personal or family gain or prestige. Announces conflicts of interest before board action is taken.
- Refuses to bring personal or family problems into board considerations.

- Gives the staff the respect and consideration due skilled professional employees.
- Presents personal criticism of district operations to the superintendent, not to district staff or to a board meeting.
- Respects the right of the public to attend and observe board meetings.
- Respects the right of the public to be informed about district decisions and school operations as allowed by law.

SERIES 2000

ADMINISTRATION

## 2100 DISTRICT ORGANIZATION

The Board shall adopt an organizational structure and lines of communication which will provide a clear understanding of working relationships and the administrative personnel necessary to attain the goals of the District.

Adopted July 17, 1978

ORS 243.650  
ESD Standards

Adopted as revised July 14, 1982

Adopted as revised June 13, 1990

Adopted as revised June 15, 2011

## BOARD REGULATIONS

- 2101 The superintendent shall annually present to the Board for approval an organizational structure by which the District shall be administered. The structure shall be represented in chart form.
- 2102 The superintendent shall annually present to the Board for approval a list by name and position those employees who are to be designated as Administrative Team, supervisors, and confidential employees.
- 2103 The Board acknowledges the need for an Administrative Team and delegates to the superintendent the authority to develop the guidelines under which it operates.
- 2104 The superintendent shall demonstrate a clear understanding of the working relationships between Southern Oregon ESD programs and staff.

2200 SUPERINTENDENT-CLERK

The Board shall employ a superintendent-clerk who is properly licensed and who is qualified by training and experience.

Adopted July 17, 1978

ORS 334.225

ORS 342.125

Adopted as revised July 8, 1981

BOARD REGULATIONS

- 2201 The superintendent shall be provided with a position description which lists the responsibilities of the position and the authority delegated to it.
- 2202 The Board shall annually review the services and performance of the superintendent-clerk, using the position description as a basis for review.
- 2203 The superintendent shall consult with and be advised by the Board on matters relating to implementation of Board policy and other matters necessary in effective management of the District.
- 2204 The superintendent shall keep the Board advised of problems that arise in the management of the District and what steps are being taken to deal with them.
- 2205 The superintendent has the authority to act as needed where no policy or regulation has been adopted dealing with an issue.
- 2206 The superintendent shall recommend a Deputy Clerk and/or Fiscal Officer when necessary to properly administer District business.
- 2207 The superintendent shall be responsible for recommending changes necessary as the result of legislation or administrative regulations from the state.



2300 SALARIES AND RELATED BENEFITS

The board shall annually determine the salaries, benefits, and conditions of employment for the superintendent-clerk and employees exempt from bargaining units.

Adopted July 17, 1978

Adopted as revised July 8, 1981

ORS 334.225

Adopted as revised July 14, 1982

ORS 243.650

Adopted as revised September 19, 1989

BOARD REGULATIONS

2301 Employees designated as Administrative Team and confidential employees shall not be covered by the terms of collective bargaining.

2302 The superintendent shall be responsible for providing information desired by the Board relative to the above items.

SERIES 3000 AND 4000

PERSONNEL

3100

4100 PERSONNEL DESIGNATION

The status of all persons employed by the Education Service District shall be clearly defined.

Adopted July 17, 1978

ORS 342.125  
SOBC Contract  
OSEA Contract

Adopted as revised May 15, 1996

BOARD REGULATIONS

- 3101 Personnel employed by the Education Service District whose services to the District are contracted for a designated period of time or who may be required to hold any license provided under ORS 342.125 shall be designated contracted/licensed.
- 4101 Personnel employed by the Education Service District whose service to the District is noncontractual, does not require licensure, is provided on an hourly, weekly, or monthly basis, and when compensation for such service is based on an hourly, weekly or monthly rate of pay, shall be designated as classified employees.
- 3102 The above designations shall apply to all employees except those designated as
- 4102 Administrative Team and confidential employees.

3200

4200 STAFF RESPONSIBILITIES

All staff members shall perform the duties and responsibilities designated to their position description and as required by the OARs, ORSs, and Board policies.

Adopted July 17, 1978

Adopted as revised June 23, 1993

Adopted as revised May 15, 1996

Adopted as revised February 19, 2003

BOARD REGULATIONS

3201        The position described shall be such as needed to carry out the philosophy and goals  
4201        of the District.

3202        The position descriptions shall include the duties, responsibilities, privileges,  
4202        authority, and lines of communication among staff members, and shall be sufficient in  
             detail to provide a basis for the evaluation of employees. Position descriptions will  
             include a description of all essential functions that the individual who holds the  
             position must be able to perform unaided or with assistance of reasonable  
             accommodation.

“Essential functions” as used in this policy means the fundamental job duties of the  
employment position. A job function may be considered essential for any of several  
reasons, including but not limited to, the following:

1.        The function may be essential because the reason the position exists is to  
             perform the function;
2.        The function may be essential because of the limited number of employees  
             available among whom the performance of the job function can be  
             distributed; and/or
3.        The function may be highly specialized so that the individual is hired for  
             his/her expertise or ability to perform the particular function.

3203        The superintendent shall see that the position descriptions correlate to the needs of the  
4203        position, and shall ensure that position descriptions are reviewed on an as needed  
             basis.

3300

4300 EMERGENCY PROCEDURES

A plan for ensuring the safety of students and staff in emergency situations shall be regularly reviewed with personnel.

Adopted July 17, 1978

OAR 581-24-275

Adopted as revised June 16, 1999

BOARD REGULATIONS

Refer to Series 5000 PUPIL PERSONNEL, Personal Health and Safety.

- 3301 The Safety Officer shall regularly review emergency procedures with  
4301 administrative staff, who shall be responsible for reviewing the procedures with their  
staffs and implementing procedures if necessary.

3400

4400 CONDITIONS OF EMPLOYMENT

The District shall recruit, screen, and select qualified personnel. The selection of personnel shall be based on competency, suitability, proper license or training, and the needs of the District. The District shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation, national origin, disability, marital status or age or because of the race, color, religion, sex, sexual orientation, national origin, disability, marital status or age of any other persons with whom the individual associates.

Adopted July 17, 1978

Adopted as revised June 23, 1993

Adopted as revised February 19, 2003

Adopted as revised June 18, 2014

OAR 581-024-0245

Title VI, VII of the Civil Rights Act

Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Americans with Disabilities Act of 1990

BOARD REGULATIONS

- 3401      The superintendent shall make known the names of the individuals to contact on  
4401      issues concerning the Americans with Disabilities Act, Section 504 of the  
Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or  
discrimination issues.
- 3402      The superintendent shall be responsible for maintaining a selection process which  
4402      will provide the most qualified employees and which meets the requirements of  
affirmative action, ADA, and other equal opportunity laws.
- 3403      The superintendent shall recommend to the Board for hire qualified  
contracted/licensed employees according to the needs of the District and within the  
resources of the budget.
- 4403      The authority to hire non-contracted/classified employees is delegated to the  
superintendent. Positions filled under this authority shall be according to the needs of  
the District and within the resources of the budget.
- 3404      The superintendent shall be responsible for the preparation and implementation of an  
4404      affirmative action plan, which is maintained in the superintendent's office.

3410

4410 DRUG-FREE WORKPLACE

Southern Oregon Education Service District has a commitment to its employees to provide a safe and healthy work environment. The ESD also has a strong commitment to provide high quality service to component school districts. Therefore, employees engaged in work for the District shall not unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any alcoholic beverage, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 CFR 1300.11 through 1300.15 21U.S.C Section 812). While in the workplace, employees shall not be under the influence of any alcoholic beverage or controlled substance except as prescribed by a physician.

Adopted 10/17/90

Adopted as revised February 19, 2003

Adopted as revised April 16, 2008

ORS 243.650

ORS Chapter 475

ORS 657.176

ORS 809.260

Drug-Free Schools and Community Act of 1986, 20 U.S.C. Section 7105

Drug-Free Workplace Act of 1988, P.L. 100-690, Title V, Subtitle D, Sections 5151-5160, 102 Stat. 4305-4308

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).

Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928 et. seq.

BOARD REGULATIONS

3411 "Workplace" is defined as the site for the performance of work done in conjunction  
4411 with or for the District. It shall include any place where work on a District program, service, or activity is performed, including work performed in conjunction with federal, state, and private grants. Workplace sites include all District facilities and grounds; and District owned, leased, or approved vehicle used to transport employees and/or students; off-district property during District sponsored activity, event, or function.

It is recognized that special education teachers and other designated staff may be required to administer noninjectable medicines to students in accordance with ESD standards and practices and applicable Oregon Revised Statutes and Oregon Administrative Rules. Additionally, in order to ensure the health and well being of students who may experience severe allergic reactions or suffer hypoglycemia, epinephrine and glucagons injections may be administered to students by trained staff in emergency situations when a licensed health-care professional is not immediately available.

- 3412 As a condition of employment in the performance of work done in conjunction with  
4412 or for the District, including work performed in conjunction with federal, state, and  
private grants, employees shall notify their supervisor of any conviction of any  
criminal drug statute. Such notification shall occur no later than five (5) days after  
such conviction.
- 3413 As a condition of employment, each employee shall abide by the terms of the  
4413 District's policy regarding a drug-free workplace.
- 3414 Violation of this policy shall result in an appropriate sanction, including but not  
4414 limited to, required participation in a drug or alcohol abuse assistance or  
rehabilitation program, reprimand, suspension, non-renewal, contract non-extension  
or termination of employment.
- 3415 An employee whose continued employment is based upon participation in an  
4415 insurance carrier approved drug or alcohol abuse assistance or rehabilitation  
program shall satisfactorily participate in and complete such programs. Failure to  
do so may result in the employee's reprimand, suspension, non-renewal, contract  
non-extension or termination of employment.
- 3416 Sanctions against employees, including reprimand, non-renewal, suspension, and  
4416 termination shall be in accordance with prescribed District policy and negotiated  
agreements.
- 3417 Each year, staff inservice will be provided to address the needs and responsibilities  
4417 for the staff. The inservice will include current basic drug and alcohol information  
and an explanation of district drug and alcohol policies, procedures, and programs.



3420

4420 CRIMINAL HISTORY RECORDS CHECKS/FINGERPRINTING

All employees not requiring licensure as a teacher, administrator, personnel specialist or school nurse, and hired into a position having direct, unsupervised contact with students, shall be required to submit to a nationwide criminal history records check and fingerprinting.

Adopted March 16, 1994

ORS 326.603

Adopted as revised May 15, 1996

OAR 581-022-1730

Adopted as revised October 15, 1997

OAR 583-036-0062

Adopted as revised March 19, 2003

ORS 181.52

Adopted as revised April 18, 2007

ORS 181.539 (5)(d)(D)(E)(F)(H)(I)

ORS 181.555

ORS 183.413-183.470

ORS 326.603

ORS 342.143

ORS 342.223-342.232

ORS 657A.060

BOARD REGULATIONS

- 3421 The superintendent shall identify ESD positions requiring nationwide criminal  
4421 history background checks and fingerprinting. A list of those positions shall be  
posted in the administration office and will be made available to the public upon request.
- 3422 All those subject to criminal history records checks and fingerprinting shall be  
4422 notified in writing. Notice will include a statement that all offers of employment are  
contingent upon the results of such checks and that any resulting action taken by the  
district may be appealed under ORS 183.413 to 183.470.
- 3423 The district shall offer employment prior to collecting fingerprint cards for  
4423 submission to the Oregon Department of Education. The district shall begin the  
employment of an individual or terms of a contract, on a probationary basis, pending the  
return and disposition of the criminal history records checks.
- 3424 Criminal history records checks and/or fingerprinting fees as required by the  
4424 Teacher Standards and Practices Commission shall be paid by the employee. Fees as  
required by the ODE for all other employees subject to such checks and/or fingerprinting  
shall be paid by the employees.

Employees not requiring TSPC licensure may request that the fees be withheld from the employees' paycheck. Such fees may be deducted upon signed authorization of the employee.

3425 In the event an employee made a false statement as to conviction of a crime,  
4425 or has been convicted of crimes prohibiting employment in the district, the superintendent  
will provide written notification that will include a statement of termination and  
information regarding the process of appeal.

3426 The district will ensure that all contractors shall require their employees, who  
4426 have direct unsupervised contact with students, to submit to a nationwide criminal history  
records check and fingerprinting through the Oregon Department of Education.

3427 The superintendent shall implement a procedure that ensures the integrity of the  
4427 fingerprint collection and prevents compromise of the procedure.

3430

4430 SOUTHERN OREGON ESD IS A TOBACCO-FREE ORGANIZATION

Adopted August 17, 1994

Adopted as revised March 19, 2003

### BOARD REGULATIONS

3431

4431 In order to protect the health of students, staff, and the general public, provide a healthy working environment and promote good health for students, tobacco use shall be prohibited on all District property and in District-owned vehicles.

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4432 Tobacco use is defined as the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other smoking equipment or material or chewing or sniffing of a tobacco product.

3440 REPORTING REQUIREMENTS REGARDING SEXUAL CONDUCT WITH  
4440 STUDENTS

Sexual conduct with students by Southern Oregon ESD employees will not be tolerated, and all SOESD employees are subject to this policy and the accompanying board regulations.

Any employee who has reasonable cause to believe that another SOESD or school district employee has engaged in sexual conduct with a student must immediately notify the superintendent or designee. The superintendent or designee will promptly begin an investigation

Upon completion of the investigation SOESD shall notify the person who made the report regarding any actions taken by SOESD based on the report.

The initiation, in good faith, of a suspected sexual conduct report, will not adversely affect any terms or conditions of employment or the work environment of the employee who made the report. Neither the Board nor any SOESD employee will discipline a student for reporting in good faith, suspected sexual conduct by an SOESD employee.

The superintendent and cabinet will implement necessary regulations and procedures to accomplish the intent of this policy and to comply with state law. Copies of this policy, the name of the designated person who receives these reports, and the procedures to follow upon receipt of a report will be posted in each SOESD building and leased facility and at each program site.

Adopted: June 17, 2015 \_\_\_\_\_

ORS 339.370 to 339.400

## BOARD REGULATIONS

- 3441 **Reporting of Suspected Sexual Conduct with Students**  
4441 SOESD employees will not engage in sexual conduct with students.

### **Definition**

*“Sexual conduct” as defined by Oregon law is any verbal, physical or other conduct by a school employee that is sexual in nature; directed toward any student receiving SOESD services, regardless of age or grade level; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. This definition is meant to include the conduct described in ORS 339.370(9) as directed towards: a) all students described in ORS 339.370(9); b) students who are early childhood students; and c) all students who are participating in SOESD who are not eligible for a diploma or a modified diploma, regardless of age.*

*“Sexual conduct” includes but is not limited to:*

1. Commenting on students’ bodies or appearance in a sexual manner;
2. Exchanging or giving gifts to or having communications with a student which have no educational purpose;

3. Showing pornographic or suggestive photographs or videos to a student;
4. Photographing a student in revealing or suggestive poses;
5. Sharing the employee's marital problems, sexual exploits or dating experiences with a student;
6. Going to a student's home when the student is home without adult supervision;
7. Using written communication and/or email, text messaging, twitter, and other forms of electronic communication to discuss sexual topics with a student; or
8. Making sexual jokes, gestures, innuendos, or engaging in other inappropriate banter with a student or students.

*The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and SOESD Board Policy 5500 – Personal Health and Safety.*

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### **Report/Investigation**

Any SOESD employee who has reasonable cause to believe that another SOESD employee, school district employee or volunteer has engaged in sexual conduct with a student must immediately notify the SOESD Superintendent or designee and complete and submit a Sexual Conduct Complaint Form, as part of the report. This form is available in the SOESD superintendent's office.

When the superintendent or designee receives a report of suspected sexual conduct by a SOESD employee, the SOESD 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. 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 SOESD employee or student who is the subject of the report. If the subject of the report is a SOESD employee the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the SOESD will inform the employee that the report has been substantiated, provide information regarding the appeal process and will take appropriate disciplinary action up to and including discharge. A substantiated report is one that:

1. SOESD has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and

2. Involves conduct that SOESD determines is sufficiently serious to be documented in the employee's personnel file.

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### **Appeal Process**

If, following the investigation, the report is substantiated, the district will inform the employee that the report has been substantiated and provide information regarding the appeal process.

If the employee 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. The employee will be notified that this information may be disclosed to a potential employer.

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 SOESD employee in good faith, the student will not be disciplined by the Board or any SOESD employee.

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### **Posting/Training**

The SOESD 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 that person will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the superintendent or designee shall receive the report. When SOESD takes action on the report the person who initiated the report will be notified.

The SOESD will provide annual training to SOESD employees, parent(s), legal guardians, and students, regarding the prevention and identification of sexual conduct. The SOESD will provide to employees 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.

SOESD will follow hiring and reporting procedures as outlined in state law (currently ORS 339.374) for all SOESD employees.

3600

4600 STAFF EVALUATION

An annual or biennial written appraisal of employee's performance will be conducted with each employee.

Adopted July 17, 1978  
Adopted as revised May 6, 1980  
Adopted as revised July 8, 1981  
Adopted as revised February 23, 1982  
Adopted as revised November 10, 1982  
Adopted as revised May 15, 1996  
Adopted as revised February 16, 2000

**BOARD REGULATIONS**

- 3601 All licensed probationary employees shall be evaluated at least annually. Also, all  
4601 licensed contract employees, whose performance is less than satisfactory, shall be  
evaluated at least annually. All other licensed and classified employees shall be evaluated  
at least biennially. The evaluation procedure shall include, if needed, a program of  
assistance for improvement.
- 3602 The basis of the evaluation shall be the position description, performance  
4602 standards of the district, and if applicable, professional growth goals.
- 3603 Evaluations of licensed employees shall be in Compliance with ORSs, the negotiated  
contract, and board-adopted Licensed Staff Evaluation Guidelines.
- 3604 All evaluations must be signed by the evaluator and the evaluated employee.  
4604 A copy of the evaluation must be maintained in the personnel files.
- 3605 Employees may make written statements relating to any evaluation, reprimand, charge,  
action, or any matter placed in the employee's personnel file, and the employee's  
statement shall be placed in the personnel file.

3700

4700 RESIGNATIONS/TERMINATIONS

All resignations of contracted/licensed employees shall be acted upon by the superintendent. Resignations of classified employees shall be acted upon by the appropriate director. All dismissals shall be subject to due process as provided for by law and/or negotiated contracts.

Adopted July 17, 1978

ORS 342.805- 342.937

SOBC Contract

Adopted as revised May 14, 1986

OSEA Contract

Adopted as revised March 19, 2003

ORS 342.553

ORS 652.140

OAR 581-024-0245

BOARD REGULATIONS

- 3701 Letters of resignation from licensed/contracted employees shall be addressed  
4701 to the superintendent who shall take action and thereafter inform the Board.  
Letters of resignation or verbal notice from classified employees shall be given to the immediate supervisor who shall refer the matter to the appropriate person for further action.
- 3702 Resignations must be given with at least 60 days' notice. Failure of the employee to provide proper notice may result in a request by the Board to have the employee's license suspended.
- 3703 Termination of employment may be preceded by efforts to help the employee  
4703 meet assignment expectations and to provide appropriate supervisory assistance.
- 3704 Any employee may be dismissed at any time for cause as provided for in  
4704 Oregon Statutes and/or negotiated contract.



3800

4800 COMPLAINT AND GRIEVANCE PROCEDURES

The Board shall provide a process through which employees may resolve complaints and grievances.

Adopted July 17, 1978

ORS 243.650 (7)

ORS 243.656 (5)

Adopted as revised June 8, 1983

Adopted as revised March 19, 2003

BOARD REGULATIONS

- 3801 A complaint is a claim by an employee that there has been a violation of  
4801 Board policy, Board regulation, or administrative procedure. The procedures for a complaint shall be established by the superintendent.
- 3802 A grievance is a claim by an employee, by a group of employees, or by the  
4802 classified or licensed employees' association, that the contract under which they are covered has been violated. The procedures for a grievance shall be included in the negotiated contract.
- 3803 The Board will take steps to prohibit reprisals against  
4803 any employee utilizing the complaint or grievance procedures or an interested party thereto, by the Board or any employee of the District.
- 3804 Grievances are brought to the Board by the superintendent. If an employee  
4804 wishes to be included in a Board discussion or presentation, he/she will be invited to meet with the superintendent for a full discussion prior to raising the issue with the Board.

3900 HEARING PROCEDURE FOR NON-RENEWAL OR DISMISSAL OF A  
PROBATIONARY TEACHER

The Board shall set procedures for hearings related to personnel non-renewals or discharges.

Adopted May 19, 1980

Adopted as revised November 10, 1982

ORS 342.835

Adopted as revised March 19, 2003

Adopted as revised May 15, 2013

BOARD REGULATIONS

- 3901 A probationary teacher will be notified in advance of any recommendation from the superintendent or representative to dismiss or non-renew. Upon request, the probationary teacher will be granted a pre-dismissal due process hearing, or a pre-nonrenewal due process hearing, as appropriate, before the Board acts upon the recommendation. If the Board decides to dismiss or non-renew the probationary teacher, the probationary teacher will be given a written copy of the reasons for the action taken. Upon request, and within a reasonable period of time from the date of notice of the dismissal or nonrenewal, the probationary teacher may request a post-dismissal, or post-nonrenewal hearing, as appropriate, before the Board, at which time the probationary teacher will have the opportunity to be heard either in person or by a representative of the teacher's choice.
- 3902 The superintendent shall set a time and place for the hearing before the Board.
- 3903 The chairman of the Board or, in his or her absence, the vice-chairman shall conduct the hearing, or the Board may designate a selected hearings officer to conduct the hearing.
- 3904 At the time and place of the hearing the following order or procedure shall be followed:
- A. The superintendent and/or representative shall present the basis for their recommendation for dismissal or non-renewal and may call witnesses and introduce documentary and other evidentiary material.
  - B. The teacher may present testimony and witnesses and introduce documentary and other evidentiary material as a defense.
  - C. The superintendent and/or his or her representative may submit testimony or other evidence in rebuttal to matters submitted by the teacher.
- 3905 Witnesses
- A. Witnesses need not be sworn.
  - B. Witnesses must submit to cross-examination.
  - C. For good cause shown, testimony of a witness who is unavailable for attendance at the hearing may be submitted and received in the form of an affidavit.

3906 Documentary Evidence

- A. Documentary evidence must be an original or a certified true copy thereof.
- B. For good cause, original documents may be replaced in the record of the hearing by photocopies.

3907 Hearing Transcript

- A. All testimony of the hearing shall be electronically recorded.
- B. A written transcript shall be prepared from the electronic record upon request and at the expense of the party requesting the transcript.

3908 Representation

Both sides may be represented by an attorney or other representatives of his/her choice.

3909 Executive Sessions

All hearings before the board will be in executive session unless a public hearing is requested in writing by the teacher. Request for a public hearing shall constitute a waiver of confidentiality of all matters in the teacher's personnel file.

3910 Following the hearing and arguments, the board shall take final action in public session, and the Board's decision in said matter shall be final.

3920

4920 PERSONNEL FILES

Personnel files shall be maintained according to law and shall be open for inspection by the employee and only to such other persons as are officially designated by the Board or by the employee. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Adopted February 23, 1982

Adopted as revised March 19, 2003

Adopted as revised April 16, 2008

BOARD REGULATIONS

3921 Access to personnel files is granted to:

- 4921 A. Employee
- B. Employee's designee (when approved by the employee in writing)
- C. Board of Directors when the Board is functioning as the Board
- D. Superintendent or his designee
- E. Directors
- F. Program Coordinator and Supervisor
- G. Personnel Office
- H. Board attorney

3930

4930 SEXUAL HARASSMENT

Sexual harassment is prohibited and shall not be tolerated in the district. This includes sexual harassment to or by students, staff, board members, parents, vendors and others doing business with the district. District includes facilities, district premises and non district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or events where students are under the control of the district or where the employee is engaged in district business.

Adopted: July 14, 1982

ORS 342.700-342.708

Adopted as Revised: November 17, 1999

OAR 581-021-0038

Adopted as Revised: April 16, 2008

Adopted as Revised: September 19, 2012

**BOARD REGULATIONS**

3931 Sexual harassment shall include, but not be limited to, unwelcome conduct of a  
4931 sexual nature that has the purpose or effect of unreasonably interfering with a person's ability to perform his or her job or that creates an intimidating, offensive or hostile work environment, sexual advances, demands or requests for sexual favors and other verbal or physical conduct of a sexual nature by any person when:

1. Submission to the conduct or communication is made either explicitly or implicitly a term or condition of a student's education or participation in district programs or activities or as a condition of employment for staff;
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a student or employment or assignment of staff;
3. The conduct or communication has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job;
4. The conduct or communication has the effect of creating an intimidating, offensive or hostile educational or working environment;
5. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits.

3932 All complaints about behavior that may violate this policy shall be put in writing and promptly investigated.

4932 Any student or employee who has knowledge of or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the immediate supervisor or superintendent. The student and the student's parents or staff member who initiated the complaint shall be notified when the investigation is concluded.

- 3933 The initiation of a complaint in good faith about behavior that may violate this policy.  
4933
- 3934 Students shall be subject to discipline up to and including expulsion. Employees shall be  
4934 subject to discipline, up to and including dismissal. Other individuals whose behavior is  
found to be in violation of this policy shall be subject to appropriate sanctions as  
determined and imposed by the superintendent or board.
- 3935 The district may report individuals in violation of this policy to law enforcement officials.  
4935 Licensed staff and those participating in practicum programs as specified by Oregon  
Administrative Rules, shall be reported to the Teacher Standards and Practices  
Commission.
- 3936 The superintendent shall ensure appropriate training is provided to all supervisors, staff  
4936 and students. This policy as well as the complaint procedure will be made available to all  
students, parents of students and staff. The district's policy shall be posted in all offices.  
Such posting shall be by a sign of at least 8.5 by 11 inches.
- 3937 The superintendent will establish a process of reporting incidents of sexual harassment.  
4937
- 3938 All staff and students shall be subject to this policy.  
4938
- 3939 If a sexual harassment complaint is lodged against the superintendent, the complaint will  
4939 be filed directly with the SOESD board chair.

3940

4940 HAZARDOUS COMMUNICATION

In compliance with the Oregon Occupational Health and Safety Codes, OAR Chapter 437, Division 155, Hazard Communication, the District shall establish and maintain a Hazard Communication Program.

Adopted May 14, 1986

OOHS Codes  
OAR Chapter 437, 155

BOARD REGULATIONS

3941 The superintendent shall be responsible for the preparation, implementation, and  
4941 maintenance of a Hazard Communication Program.

3942 ASBESTOS CONTAINMENT

4942 The Southern Oregon E.S.D. Board of Directors will comply with federal and state regulations concerning asbestos-containing materials.  
(Federal Regulation 40 CFR Part 763)

1. Designate and train a person within the school system who has the responsibility for overseeing all asbestos activities, including compliance with the new rule.
2. Develop and submit a management plan and notify the public.
3. Initiate implementation of the management plan.
4. Initiate appropriate response actions in a timely manner.
5. Perform periodic surveillance (every six months).
6. Where necessary, conduct a reinspection (every three years).

3950

4950 STAFF ILLNESS/COMMUNICABLE DISEASE-HIV, AIDS, HBV

The Board has the responsibility to safeguard the health of employees of the District as well as to respect their right to confidentiality to the extent that the right to confidentiality does not interfere with the need to prevent an individual from placing others at risk

The District will adhere in its policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV. The District recognizes that staff members have no obligation under any circumstance to report their conditions to the District. When informed of the infection, and with written, signed permission from the staff member, the District will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member's condition.

Adopted September 18, 1987

Adopted as revised June 14, 1989

Adopted as revised June 23, 1993

Adopted as revised April 16, 2003

ORS 433.008

ORS 433.045

ORS 433.260



3955

4955 HEPATITIS B/BLOODBORNE PATHOGENS

The ESD Board directs the superintendent to develop and implement a bloodborne pathogen exposure control plan in compliance with OSHA Standards 29 CFR 1910.1030 and OAR 437, Division 2, General Occupational Safety.

Adopted January 20, 1993

Adopted as revised April 16, 2003

BOARD REGULATIONS

- A. This policy covers only those employees or students who have occupational exposure as determined by the District and/or provide first aid services, as applicable.
- B. The safety officer and safety committee will develop procedures and a plan for implementation of this policy.
- C. The plan shall include training and an offer of immunization for all students and staff who have exposure as determined by the District.

3960

4960 AUTOMOBILE DAMAGE REIMBURSEMENT

ESD may reimburse employees who sustain property damage to their automobiles while performing job functions and during regular hours, if the superintendent determines that: 1) the adverse driver is uninsured and 2) the employee has not been negligent in the operation of his/her vehicle. Reimbursement may be made for up to \$500.00 but shall not exceed the amount of the deductible under the employee's insurance policy. If the district payment is recouped by the employee, the district will be reimbursed.

Adopted May 11, 1988

BOARD REGULATIONS

3970

4970 EMPLOYEE/STUDENT RELATIONSHIPS

Employees are to maintain proper and professional relationships with students.

Adopted: January 21, 2004

**BOARD REGULATIONS**

3971 Employees shall maintain the dignity of the education profession by respecting  
4971 and obeying the law and exemplifying personal integrity and honesty.

3972 Employees shall refrain from exploiting professional relationships with any  
4972 student for personal gain, or in support of persons or issues.

- a. Employees are not to demonstrate or express improper interest in a student's personal life.
- b. Employees shall not engage in any sexual contact with a student.
- c. Employees shall not engage in any form of harassment, including sexual harassment, racial harassment, religious harassment, ethnic harassment or any other form of harassment of a student.
- d. Employees are not to accept, give or exchange romantic gifts or notes with students.

3973 Employees are to report to their supervisor, if they believe a student is becoming  
4973 romantically attached or involved with them.

3974 All complaints of improper or unprofessional conduct against an employee, with  
4974 respect to that employee's relationship with a student, shall be investigated by the administrator.

SERIES 5000

PUPIL PERSONNEL

## 5100 EQUAL EDUCATIONAL OPPORTUNITIES

The District shall provide an appropriate educational program to all students receiving services and shall ensure equal educational opportunity regardless of race, national origin, religion, sex, age, handicap, or marital status.

Adopted July 17, 1978

Federal Civil Rights Act  
Amendments and Executive Orders

Adopted as revised March 17, 1980

Adopted as revised October 18, 2000

Adopted as revised April 16, 2003

ORS 649A.100-659A.145

ORS 659.580-860

OAR 581-021-0045

OAR 581-021-0046

OAR 581-022-1140

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000 (d)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000 (e)

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793, 794

Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

## BOARD REGULATIONS

- 5101 The superintendent shall appoint and make known the names of the individuals to contact on issues concerning the Americans with Disabilities Act, Section 504 of the Rehabilitation act of 1973, Title VI, Title IX and other civil rights or discrimination issues.
- 5102 The District shall periodically review its policies and practices to ensure compliance with state and federal anti-discrimination regulations.
- 5103 The District shall establish and monitor procedural safeguards for students receiving services.
- 5104 The District assists local districts, when requested, in locating, identifying, evaluating, and providing special education and related services to children with special learning needs.
- 5105 When providing special services to children with disabilities, the District shall assist the local district in implementing and complying with federal and state laws and regulations concerning the Individuals with Disabilities Education Act (IDEA).
- 5106 At the request of local districts, the ESD shall assist in assuring that children with disabilities in charter schools, and those placed by the district in private schools, have access to a free, appropriate public education consistent with federal and state regulations.

5200 DESIGNATION, ELIGIBILITY

Children receiving educational services from the District shall meet eligibility requirements established for each program or service as established by state or federal agencies.

Adopted July 17, 1978

ORS 339.005

ORS 339.030

Adopted as revised July 8, 1981

OAR 581-22-125

BOARD REGULATIONS

5201 The superintendent shall assure that eligibility requirements of District programs are consistent with state and federal regulations and LEA and ESD policies.

## 5300 STUDENT CONDUCT AND DISCIPLINE

Students enrolled in programs which are housed in local district facilities shall be subject to that district's code of conduct and discipline policies with the exception of corporal punishment. The use of corporal punishment in any form is strictly prohibited in the educational programs provided by the Southern Oregon Education Service District.

Adopted July 17, 1978

ORS 161.205

ORS 339.240

Adopted as revised May 21, 1997

ORS 339.250

OAR 581-21-050 to 075

Adopted as revised April 16, 2008

OAR 584-20-040

## BOARD REGULATIONS

5301 Corporal punishment is defined as the willful infliction of, or willfully causing the infliction of, physical pain.

No teacher, administrator, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under his/her supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school district.

The Board recognizes staff members' duty to protect the safety of students and, therefore, authorizes a staff member to employ physical force when, in his/her professional judgment, the physical force is necessary to prevent a student from harming self, others, or doing harm to district property. Physical force shall not be used to discipline or punish a student. The superintendent shall inform all staff members and volunteers of this policy.

5302 The enforcement of codes of conduct and discipline policies shall provide for due process.

5303 Employees will follow the restraint and seclusion policy of the district in which the classroom is located.

## 5400 STUDENT RECORDS

For local district students enrolled in programs operated by Southern Oregon Education Service District, the Southern Oregon ESD shall only maintain copies of documents for in-house use, within the requirements of confidentiality, as specified by State and Federal laws and regulations.

Adopted July 17, 1978

Adopted as revised March 17, 1980

Adopted as revised July 14, 1982

Adopted as revised December 15, 1993

Federal Education Amendments of 1974 Section 514 (a) Part C, with amendments PL 93-380

ORS 336.185, 336.215, 44.040, 192.500

OAR 581-21-205 through 581-21-320

## BOARD REGULATIONS

- 5401 Requests for records shall be referred to the resident and/or attending district.
- 5402 Resident and/or attending districts shall be informed about copies of student records held by the ESD so that Southern Oregon ESD can be listed on their "notice of other records" form.
- 5403 Southern Oregon ESD will maintain home schooling records as directed by State laws and regulations.



## 5500 PERSONAL HEALTH AND SAFETY

All District employees shall be responsible for taking appropriate action when a danger exists which could affect the health and safety of students served in District programs.

Adopted July 17, 1978

ORS 479.140

Adopted as revised February 23, 1982

Adopted as revised May 15, 1996

OAR 581-022-0420

Adopted as revised July 1, 1998

Adopted as revised April 16, 2003

### BOARD REGULATIONS

- 5501 The superintendent shall develop a contingency plan to provide for the safety of students in case of school closure.
- 5502 Teachers shall be responsible for assuring the health status of individual students is not a hazard to the rest of the students.
- 5503 Teachers shall be alert to possible cases of child abuse and shall report these to the program coordinator at which time the teacher and the coordinator will jointly contact the legal authorities.
- 5504 Each class shall have a written plan meeting minimum state requirements for fire and earthquake emergencies and shall provide needed training of students to reasonably assure appropriate behavior in emergency fire and earthquake situations. For classes held in local district facilities, procedures shall be those developed by the local district. If no local plan exists, the ESD plan shall be implemented.
- 5505 In the event of any emergency, staff shall strive to protect the health and welfare of students.

## 5510 ADMINISTERING NONINJECTABLE MEDICINES TO STUDENTS

The District shall designate and train ESD staff authorized to administer noninjectable medication to students who, when failure to take such medication would jeopardize the health of the student, or the student would not be able to attend school if medication were not made available during school hours.

Adopted \_\_\_\_\_ July 1, 1998 \_\_\_\_\_

ORS 109.640  
ORS 125.005 (4)  
ORS 125.300-125.325  
ORS 339.870  
ORS 433.805-433.830  
ORS 475.005-475.285

## BOARD REGULATIONS

- 5511 All requests for the District to administer medication to a student shall be made by the parent/legal guardian in writing. Requests shall include the written instructions of the physician for the administration of a prescription medication to a student or the written instructions of the parent for the administration of a nonprescription medicine to a student. Written requests will include:
1. Name of student
  2. Name of medication
  3. Route
  4. Dosage
  5. Frequency of administration
  6. Other special instructions, if any
  7. Signed permission of the parent
- (A prescription label will be deemed sufficient to meet the requirements for written physician instructions.)*
- 5512 Changes in nonprescription medication instructions are to be submitted in writing by the parent. Changes in prescription medication instructions must be submitted in writing by the physician.
- 5513 Medication must be submitted in its original container by the parent.
- 5514 Medication will be kept in a locking cabinet.
- 5515 A statement that the designated staff member has received the required training, will be signed by the staff member and filed in the District office.
- 5516 Any error in administration of medication will be reported to the parent/legal guardian immediately and the appropriate accident/incident forms completed and forwarded to the District office.

5600 LENGTH OF SCHOOL DAY

The length of school day for a student with disabilities attending classes in District facilities shall be determined in accordance with state and federal mandates.

Adopted July 17, 1978

Adopted as revised April 16, 2003

## 5800 AGE OF STUDENTS IN SPECIAL EDUCATION PROGRAMS

Participation in ESD special education programs is limited to persons twenty-one and younger except in cases which have been formally reviewed and approved on an individual basis by the resident school district, as well as ESD staff and superintendent.

Adopted November 7, 1978

Adopted as revised May 15, 1996

### BOARD REGULATIONS

5801 Parents or guardians may direct to the local District superintendent a written request for admission of a person over twenty-one into an ESD special education program. Upon the superintendent's endorsement of the request, the ESD superintendent shall appoint staff to review the case and answer these questions.

- A. How will enrollment in an ESD program benefit the person educationally?
- B. Will enrollment adversely affect the education of other students in the program?
- C. Can the program accommodate the student with existing staff, space, and budget?

On receipt of staff conclusions, the ESD superintendent shall accept or deny the request.

5802 The ESD will attempt to obtain funding for such students from appropriate agencies and/or parents or guardians.

5900 ASSESSMENT OF STUDENTS

Assessment instruments shall be selected and administered by qualified personnel in accordance with the rights of students and parents.

Adopted March 17, 1980

"Qualified Psychological Examiner"  
Oregon Department of Education  
Special Education, May 1979

BOARD REGULATIONS

- 5901 District administrators shall be responsible for designing and implementing a process for selection of assessment instruments. Efforts shall be made to select bias-free assessment instruments.
- 5902 Assessment shall be done by persons qualified through licensure or training.

ACADEMIC TESTING

Licensed specialist or teacher, school psychologist,  
licensed psychologist

PERSONALITY/BEHAVIOR  
ASSESSMENT

Licensed specialist or teacher  
District with approved training, school psychologist,  
licensed psychologist

INDIVIDUAL  
INTELLIGENCE TESTS

Licensed specialist or teacher  
with District-approved training, school  
psychologist, licensed psychologist

5910 NONDISCRIMINATION

The district shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, national origin, sexual orientation, disability, marital status or age or because of the race, color, religion, sex, national origin, sexual orientation, disability, marital status or age of any other persons with whom the individual associates.

Adopted April 16, 2003

Title VI of the Civil Rights Act of 1964  
Title VII of the Civil Rights Act of 1964  
Americans with Disabilities Act of 1990  
Americans with Disabilities Amendments Act  
Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973

Adopted as Revised September 19, 2012

BOARD REGULATIONS

- 5911 The District strives to remove any vestige of discrimination in educational opportunities and services offered students and in student discipline.
- 5912 The superintendent shall appoint and make known the names of the individuals to contact on issues concerning the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX, and other civil rights or discrimination issues.
- 5913 Complaints regarding the interpretation or application of the ESD's nondiscrimination policy shall be processed in accordance with the following procedures:

Informal Procedure

Any person who feels that he/she has been discriminated against should discuss the matter with the program administrator, who shall in turn investigate the complaint and respond to the complainant within five school days. If this response is not acceptable to the complainant, he/she may initiate formal procedures. If the program administrator is the subject of the complaint, the individual may file a complaint directly with the superintendent. If the superintendent is the subject of the complaint, the complaint may be filed with the Board chairman.

Formal Procedure

- Step 1: A written complaint must be filed with the program administrator within five school days of receipt of the response to the informal complaint. The program administrator shall further investigate, decide the merits of the complaint and determine the action to be taken, if any, and reply, in writing to the complainant within ten school days.
- Step 2: If the complainant wishes to appeal the decision of the program administrator, he/she may submit a written appeal to the superintendent within five school days after receipt of the program administrator's response to the complaint. The superintendent shall meet with all parties involved, as necessary, make a decision and respond in writing

to the complainant within ten school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step 2. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the Board's decision shall be sent to the complainant within ten days of this meeting.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he/she may appeal in writing to the Superintendent of Public Instruction.

Discrimination Complaint Form
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Name of Person Filing Complaint:

Date:

Location or Activity:

Student/Parent

Employee

Non-employee

Type of discrimination:

Specific complaint: (Please provide detailed information including names, dates, places, activities, and results of informal discussion. If additional space is required, use back of form.)

Remedy requested:

The completed complaint form should be mailed or taken to the program administrator.



## 5920 DIVERSITY, EQUITY, AND INCLUSION

Southern Oregon Education Service District is committed to equity and the success of each and every student. This commitment means we focus on attaining student outcomes that are not predicted by diversity such as race, ethnicity, economic status, mobility, language, country of origin, gender expression, sexual orientation, or disability.

Equity in education ensures inclusion and centers on social justice. Equity is not used interchangeably with principles of equality. The principle of equity goes beyond formal equality where all persons are treated the same. Instead, equity fosters an inclusive and barrier-free environment in which everyone will fully benefit.

The district will apply this principle of equity to all policies, programs, operations, practices and resource allocations where possible. All students will have access and opportunity to a high-quality education.

SOESD commits to the goals of:

- being an antiracist and multicultural organization.
- identifying and counteracting biased practices that perpetuate achievement disparities and lead to disproportionate levels of student success.
- using data, disaggregated by race, ethnicity, language, special education, gender, sexual orientation, socioeconomic background and mobility to inform district decision-making.
- incorporating the voice, culture and perspectives of students, staff, families and communities that reflect demographics to support and enhance student success.
- ensuring special education for students with disabilities is culturally sustaining and considers race and language.
- actively recruiting, hiring, and retaining qualified staff at all organizational levels that reflect student demographics.
- supporting employees to engage in culturally responsive practices and delivery of quality instruction and service.

ORS 174.100(7)  
ORS 342.437-449  
OAR 581-021-0045(2)  
OAR 581-021-0045(1)(a)  
ORS 339.351(3)  
OAR 581-022-2310(2)  
OAR 581-022-2370(2)

Adopted May 20, 2020

## 5930 All Students Belong

Southern Oregon Education Service District is committed to equity and the success of each and every student. This commitment means we focus on attaining student outcomes that are not predicted by diversity such as race, color, religion, gender identity, sexual orientation, disability or national origin.

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

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

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

Adopted: December 14, 2020

ORS 659.850  
ORS 659.852  
OAR 581-002-0005  
OAR 581-022-2312  
OAR 581-022-2370

## **BOARD REGULATIONS**

5931 “Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

5932 “Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag<sup>1</sup>, and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

5933 Southern Oregon ESD prohibits the use or display of any symbols of hate on ESD grounds or in any ESD- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned to the Oregon State Standards.

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<sup>1</sup> While commonly referred to as the “confederate flag,” the official name of the prohibited flag is the Battle Flag of the Armies of Northern Virginia.

- 5934 In responding to the use of any symbols of hate, Southern Oregon ESD will use non-disciplinary remedial action whenever appropriate.
- 5935 Southern Oregon ESD prohibits retaliation against an individual because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.
- 5936 Nothing in this policy is intended to interfere with the lawful use of Southern Oregon ESD facilities pursuant to a lease or license.
- 5937 Southern Oregon ESD will use the Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

## **Bias Incident Complaint Procedure**

The term “bias incident” is defined in policy. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.<sup>2</sup>

**Step 1:** When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and report the incident to their supervisor and superintendent.

**Step 2:** The superintendent or designee shall acknowledge receipt of the complaint, and investigate any complaint of a bias incident. The superintendent or designee will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm.

The superintendent or designee must consider whether the behavior implicates other ESD policies or civil rights laws, and if so, respond accordingly.

The superintendent or designee will make a decision within 30 days of receiving the complaint.

All persons impacted will be provided with information relating to the investigation and the outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.

This decision will be the final decision for the district and board.

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<sup>2</sup> The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

Complaints against an employee's supervisor or the superintendent's designee can be directed to the superintendent. Complaints against the superintendent or a Board member(s) can be directed to the Board Chair, and if against the Board Chair, to the Board Vice-Chair. Individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the ESD service area or a parent or guardian of a student who attends school in the ESD service area is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal<sup>3</sup> the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.<sup>4</sup>

ESD administration will develop and implement instructional materials to ensure that all school employees and staff are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

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

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<sup>3</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

<sup>4</sup> Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

SERIES 6000

FISCAL MANAGEMENT

6100 GENERAL BUDGET

The District budget shall be developed and approved according to Oregon statutes and regulations.

Adopted July 17, 1978

Adopted as revised November 10, 1982

ORS 334.240

Adopted as revised May 15, 1996

BOARD REGULATIONS

6101 A budget calendar shall be determined by the Board.

6110 BUDGETS OF COMPONENT DISTRICTS

The District shall on request assist component districts develop annual or biennial budgets and shall maintain a file of component districts' budgets as finally adopted.

Adopted July 17, 1978

OAR 581-024-0260

Adopted as revised May 21, 2003



6120 ESD BUDGET COMMITTEE REPRESENTATION

The Budget Committee, appointed by the ESD board of directors, shall consist of the ESD board of directors and the same number of local school board members plus one, representing the zones of the District.

Adopted January 18, 1995

OAR 581-24-262

ORS 334.240 (2)

Adopted as revised May 15, 1996

Adopted as revised July 1, 1998

BOARD REGULATIONS

1. Nominations will be submitted from component school districts boards of directors.
2. The ESD board will appoint budget committee members prior to the first meeting of the budget committee.

6200 RECEIPT OF FUNDS

All funds received by the District shall be handled according to laws and regulations, and accurate records of distribution shall be maintained.

Adopted July 17, 1978

BOARD REGULATIONS

6201 Receipt of funds shall not be handled by the same employee designated to disburse funds or to approve the disbursement of funds so long as adequate personnel are available.

6210 BONDING OF EMPLOYEES

All employees responsible for funds, fees, cash collections or disbursements shall be covered under a bond which has been paid for by the District and approved by the Board.

Adopted July 17, 1978

OAR 581-24-240

Adopted as revised November 10, 1982

BOARD REGULATIONS

- 6211 A blanket bond shall be kept in force to cover all employees handling funds.
- 6212 Separate bonds shall be kept in force for the superintendent-clerk and the business manager-deputy clerk.
- 6213 Proof of bonding shall be supplied to the County Treasurer and banks as requested.

6300 PURCHASING

All District purchases shall be made in accordance with Oregon statutes and regulations, and District procedures.

Adopted July 17, 1978

BOARD REGULATIONS

6301 An appropriate system for purchasing shall be administered by the superintendent.

6400 AUDITS

The Board shall ensure that records of the District and its components are audited annually and that audit records are properly maintained.

Adopted July 17, 1978

Adopted as revised May 21, 2003

BOARD REGULATIONS

6401 District staff shall assist LEAs in meeting requirements of state agencies and shall maintain a copy of annual audits in District files.

6402 An accountant selected by the Board from the roster of authorized municipal accountants maintained by the State Board of Accountancy shall be contracted to complete the audit.

6500 CONTRACTING

All District contracting shall be in accordance with Oregon statutes and regulations, and District procedures.

Adopted May 11, 1988

BOARD REGULATIONS

6501 The District procedures are on file in the office of the Business Manager.

6600 REVIEW OF COMPONENT SCHOOL DISTRICT OPERATIONS

The ESD shall work cooperatively with component school districts to review their operations.

Adopted January 18, 1995

ORS 334.125 (9) (a)

BOARD REGULATIONS

1. Guidelines for the review of component school district operations shall be developed and approved by the superintendents' association.
2. The annual operations report shall be presented to each component school district, the ESD board of directors, and the State Board of Education.

SERIES 7000

INSTRUCTIONAL PROGRAMS



## PHILOSOPHY

Southern Oregon Education Service District believes that each child is entitled to a quality education program free from bias. The District is therefore ready to assist local districts in providing programs which meet the needs of all learners, especially those with exceptional handicaps or abilities.

District staff shall cooperate with local districts in order to:

- (1) Identify resident exceptional children;
- (2) Develop and implement services to meet unmet needs of these identified children as mutually agreed;
- (3) Assist constituents to gather, analyze and report individualized testing data;
- (4) Develop and implement plans for assessing these services."

From OAR 581-24-235

Specific District goals and functions related to this philosophy appear in SERIES 1000: ROLE AND FUNCTION OF THE BOARD OF EDUCATION.

### GENERAL POLICY FOR SPECIAL EDUCATION

Students with disabilities, who have been referred to Special Education Programs and services provided by Southern Oregon ESD, shall receive a free, appropriate education, designed to meet the student's unique needs. These programs and related services shall be provided in accordance with an individualized education program reasonably calculated to enable the student to receive educational benefit. Parents and students shall be informed participants in the development and implementation of the student's education program. Parents shall be informed in writing of their rights under federal and state special education laws.

The superintendent, through the district special education administrator, shall adopt procedures that comply with federal and state education laws, including procedures for identifying and evaluating students with disabilities; for initiating, reviewing, and modifying individualized education programs; for determining, changing, or denying placement; for ensuring the confidentiality of student records; and for providing parents an opportunity to examine their child's special education records. The procedures shall be approved by the ESD Board of Directors and the State Department of Education--Office of Special Education.

20 USC 1400-1420  
34 CFR Part 300

ORS Chapter 343  
OAR Chapter 581, Division 15

## 7100 LOCAL SERVICE PLAN AND CONTRACT PROGRAMS AND SERVICES

Local Service Plan and contract programs and services for LEAs shall be considered for funding and/or operation upon request. Approved programs must clearly demonstrate a potential for improvement of educational opportunities for all children, serve the children and districts equitably, and be more efficient and/or more economical than if operated by individual LEAs.

Adopted July 17, 1978

ORS 334.005

ORS 334.175

### BOARD REGULATIONS

7101 All programs and services offered by the District shall meet specifications outlined in ORS 334.175.

A. Local Service Plan programs and services shall be offered by the District if:

- (1) Superintendents of the local districts recommend that the proposed program or service should be considered by the ESD Administration, Board, and by local board approval of Local Service Plan.
- (2) The proposed program or service meets the legal requirements of approval by two-thirds of the local boards representing more than 50% of the students.
- (3) The District Budget Committee approves funding for the proposed program or service.

B. Contract Programs and Services

Contract programs and services with local, state, or federal agencies will be considered individually by the Board. The superintendent will present all available information to the Board for discussion and action prior to any proposal development efforts. When timing prohibits prior Board approval, the superintendent will make the decision and report to the Board at its next meeting.

7102 Program development shall be based on the latest and most reliable research information available to District staff, and programs shall be designed within the framework of fiscal resources and community standards.

## 7110 **PROVISION OF LOCAL SERVICE PLAN SERVICES**

Local Service Plan services will be determined annually, as required in ORS 334.175. When considering Local Service Plan services, the Board of Directors will recognize Southern Oregon ESD's responsibility to maximize educational opportunities for all children.

Adopted January 18, 1995 ORS 334.005 (4)

Adopted as revised July 1, 1998 ORS 334.175 (2)

Adopted as revised June 18, 2001

Adopted as revised June 17, 2009

Adopted as revised January 15, 2014

## BOARD REGULATIONS

- 7111 Local Service Plan for the current year is reviewed by ESD administrative staff and component district superintendents in the planning process for the next year.
- 7112 ESD Board of Directors approved Local Service Plan is forwarded to each component school district's board of directors for review and election.
- 7113 Component district boards are to complete process and return their ballots on or before March 1.
- 7114 Following receipt of ballots from component district boards, the ESD superintendent will annually recommend to the board a funding level for each resolution program within the Local Service Plan based upon the following considerations: anticipated revenue, projected costs of services and operations, and the status of pending legislation, rule, or procedure that may impact funding sources for the ESD programs and services, and input from component school district superintendents.

7200 APPRAISAL AND EVALUATION OF EDUCATIONAL PROGRAMS

The District, cooperatively with local district staff and with advisory groups, shall regularly seek to determine effectiveness of educational programs. All programs shall be subject to systematic review for the purpose of assessing their quality in terms of stated objectives.

Adopted July 17, 1978

Adopted as revised May 15, 1996

BOARD REGULATIONS

7201 District and LEA professional staff shall be responsible for documenting and reporting needs for program improvement, staff development, program expansion, reduction, or elimination.

7202 District and LEA administrative staff shall determine which program needs have priority.

7300 SELECTION AND USE OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

Instructional materials and equipment shall be selected and used according to procedures outlined by administrative staff and approved by the superintendent.

Adopted July 17, 1978

Adopted as revised March 17, 1980

Adopted as revised June 10, 1987

BOARD REGULATIONS

- 7301 The District encourages the appropriate use of instructional materials. Any materials used will conform to the "Materials Use Guidelines" as explained in the Administrative Handbook.
- 7302 District administrators shall be responsible for designing and implementing a process for materials and equipment selection. The process shall encourage use of materials that are bias-free. Each program shall have available a written explanation of the selection process.
- 7303 A method of challenging the selection and/or use of instructional materials and equipment shall be included as a part of the process and shall be available in written form.

7400 SPECIAL SERVICES RELATED TO EDUCATIONAL PROGRAMS

Within budgetary limitations, the District shall on request assist LEAs by providing personnel or other resources to accomplish specific tasks related to educational programs.

Adopted July 17, 1978

Adopted as revised May 15, 1996

BOARD REGULATIONS

## 7500 Electronic Communications System

The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching. The ESD's system will be used to provide statewide, national and global communications opportunities for staff and students.

Access to the electronic communication system provided by Southern Oregon ESD is expected to be used as an educational and/or work-related resource. Such access shall be made available subject to such rules and regulations as may be established, provided that no use shall be permitted which, in the judgment of Southern Oregon ESD, is in any way prejudicial to the best interest of the ESD or in conflict with ESD services.

The superintendent will establish administrative regulations for the use of the ESD's system including compliance with the following provisions of the Children's Internet Protection Act.

Southern Oregon ESD reserves the right to refuse access provided to the electronic communications system by Southern Oregon ESD to anyone when it deems it necessary in the public interest.

Adopted: October 17, 2001  
Adopted as Revised: July 13, 2016

Children's Internet Protection Act  
47 U.S.C. 254(h) and (1)

## Electronic Communications System Procedures and Guidelines

### Definitions

1. "Technology protection measure," as defined by the Children's Internet Protection Act (CIPA), means a specific technology that blocks or filters Internet access to visual depictions that are:
  - a. Obscene, as that term is defined in Section 1460 of Title 18, United States Code;
  - b. Child pornography, as that term is defined in Section 2256 of Title 18, United States Code; or
  - c. Harmful to minors.
2. "Harmful to minors," as defined by CIPA, means any picture, image, graphic image file or other visual depiction that:
  - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

- c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act; sexual contact,” as defined by CIPA, have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor,” as defined by CIPA, means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in ESD schools.
5. “Inappropriate matter,” as defined by the ESD, means material that is inconsistent with general public education purposes, the ESD’s mission and goals.<sup>5</sup>
6. “ESD proprietary information” is defined as any information created, produced or collected by ESD staff for the business or education purposes of the ESD including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the ESD’s business.
7. “ESD software” is defined as any commercial, staff developed, or free software acquired using ESD resources.

### **Board Regulations:**

- 7501** The superintendent will establish administrative regulations for the use of the ESD’s system including compliance with the following provisions of the Children’s Internet Protection Act.
1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
  2. Educating minors about appropriate on-line behavior, including cyberbullying awareness and response, and interacting with other individuals on social networking sites and in chat rooms;
  3. Monitoring the online activities of minors;
  4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
  5. Ensuring the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
  6. Prohibiting unauthorized access, including so-called “hacking” and other unlawful activities by minors on-line;
  7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
  8. Installing measures designed to restrict minors’ access to materials harmful to minors.

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<sup>5</sup> As inappropriate matter is not defined in the CIPA or regulations, ESDs should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.



- 7502** The superintendent will establish administrative regulations for use of the ESD's system by staff using their own personal electronic devices to download and store ESD proprietary information including personally recognizable information about the ESD students or staff. Regulations shall insure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).
- 7503** The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission and will include a complaint procedure for reporting violations.
- 7504** The superintendent will also establish administrative regulations for use of the ESD's electronic communications system to comply with copyright law.
- 7505** Failure to abide by ESD policy and administrative regulations governing use of the ESD's system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

#### **7506 General SOESD Responsibilities**

SOESD will:

1. Designate staff as necessary to ensure coordination and maintenance of the ESD's electronic communications system which includes all ESD computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the ESD's system including copies of ESD policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the ESD's system;
4. Use only properly licensed software, audio or video media purchased by the ESD or approved for use by the ESD. The ESD will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
5. Install and use computer and/or server virus detection and removal software;
6. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with

respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the appropriate administrator may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;

7. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
8. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including “hacking” and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, chat rooms and other forms of direct electronic communication;
9. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites and in chat rooms;
10. Determine which users and sites accessible as part of the ESD’s system are most applicable to the curricular needs of the ESD and may restrict user access, accordingly;
11. Determine which users will be provided access to the ESD’s e-mail system;
12. Notify appropriate system users that:
  - a. The ESD retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the ESD’s information system, computers, hardware and software are the ESD’s property and are to be used for authorized purposes only. Use of ESD equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the ESD’s system are in compliance with Board policy, administrative regulations and law,
  - b. System users are responsible for maintaining appropriate confidentiality of information on or generated by ESD owned and non-ESD owned equipment;
  - c. If an ESD owned, personal, or other device under the user's control is lost or stolen that contains confidential or proprietary information or software, the user must report the event immediately to their supervisor along with the steps they are taking to safeguard any confidential information.
  - d. Files and other information, including e-mail, sent or received, generated or stored on ESD computers, hardware, software, and servers are not private and may be subject to monitoring. By using the ESD’s system, individuals consent to have that use monitored by authorized ESD personnel. The ESD reserves the right to access and disclose, as appropriate, all information and data contained on ESD computers and ESD-owned hardware, software, servers and e-mail systems. Additionally, users are responsible for allowing the ESD to obtain any information considered a public record under Oregon state law regardless if the record is stored on a user's personal device or ESD owned device;
  - e. The ESD may establish a retention schedule for the removal of e-mail;

- f. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
  - g. Information and data entered or stored on the ESD's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the ESD. "Deleted" or "purged" data from ESD computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the ESD;
  - h. The ESD may set quotas for system data usage. The ESD may allow system users to increase their quota by submitting a request to the supervising teacher, system administrator, or supervisor as appropriate stating the need for the increase;
  - i. Passwords used on the ESD's system and on systems provided by other entities and used by employees, volunteers, students, and other non-district users for ESD related business are the property of the ESD and must be provided to their teacher, supervisor or designated ESD personnel, as appropriate.
  - j. Transmission of any materials regarding political campaigns is prohibited.
13. Except for guest access to computers, hardware, software, and the Internet, establish process for all student, staff and non-ESD system users to complete and physically or electronically sign an agreement to abide by the ESD's electronic communications policy and administrative regulations. All such agreements will be maintained on file by the district office;
14. Notify users of known copyright infringing activities and deny access to or remove the material.

### **7507 System Access**

1. Access to the ESD's system is authorized to:

Board members, ESD employees, students, with parent approval and when under the direct supervision of staff, and ESD volunteers, ESD contractors or other members of the public as authorized by the system administrator or ESD administrators consistent with the ESD's policy governing use of ESD equipment and materials.

2. Students, staff, Board members, volunteers, ESD contractors and other members of the public may be permitted to use the ESD's system for personal use, in addition to official ESD business, consistent with Board policy, general use prohibitions/guidelines/etiquette and other applicable provisions of this administrative regulation. Personal use of ESD-owned computers including Internet and e-mail access by employees is prohibited during the employee's on duty hours. Additionally, Board member and employee use of ESD-owned computers may be permitted only when such use is deemed permissible under the Oregon Government Ethics Commission (OGEC) guidance and does not violate the provisions of ORS 244.040.

### **7508 General Use Prohibitions/Guidelines/Etiquette**

Operation of the ESD's system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the ESD's system.

## 1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the ESD's system for:
  - (1) Unauthorized solicitation of funds;
  - (2) Unauthorized sale or purchase of merchandise and services;
  - (3) Transmission of materials in violation of ORS 260.432 in order to support or oppose political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the ESD's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to inappropriately degrade, disrupt or vandalize the ESD's equipment, software, materials or data or those of any other user of the ESD's system or any of the agencies or other networks connected to the ESD's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
  - (1) Harmful to minors;
  - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the ESD;
  - (3) A product or service not permitted to minors by law;
  - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
  - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
  - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the ESD's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system administrator, teacher or supervisor and consistent

with applicable Board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;

- h. Attempts to represent the ESD in external communication forums such as chat rooms without prior ESD authorization;
- i. Attempts to use another individual's account name or password without appropriate authorization, failure to provide the ESD with individual passwords if requested, or-attempts to access restricted information, resources or networks to which the user has not been given access.

## 2. Guidelines/Etiquette

Appropriate system use etiquette is expected of all users-

### **7509 Complaints**

Complaints regarding use of the ESD's Electronic Communications System may be made to the employee's supervisor or system administrator. The ESD's established complaint procedure will be used for complaints concerning violations of the ESD's Electronic Communications System policy and/or administrative regulation. See Board policy 3800/4800.

### **7510 Violations/Consequences**

#### 1. Students

- a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of ESD system access up to and including permanent loss of privileges.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established ESD procedures.

#### 2. Staff

- a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by OAR 584-020-0041.
- d. Violations of ORS 244.040 will be reported to OGEC.

#### 3. Others

- a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.

- b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

#### **7511 Telephone/Membership/Internet/Other Charges**

1. The ESD assumes no responsibility or liability for any membership or phone or Internet access charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage or other external access of the ESD's system.
2. Any disputes or problems regarding phone or Internet services for home users or external access of the ESD's system are strictly between the system user and his/her local phone company and/or long distance service provider and/or other system access provider.

#### **7512 Information Content/Third Party Supplied Information**

1. System users and parents of student system users are advised that use of the ESD's system may provide access to materials that may be considered objectionable and inconsistent with the ESD's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the ESD's system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the ESD.
3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the ESD's system. These individuals and agencies are not affiliated with the ESD. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The ESD makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. ESD staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
4. The ESD does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The ESD's system is provided on an "as is, as available" basis. The ESD does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

## END OF POLICY

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### Legal Reference(s):

[ORS 30.765](#)  
[ORS 133.739](#)  
[ORS 163.435](#)  
[ORS 164.345](#)  
[ORS 164.365](#)  
[ORS 167.060](#)  
[ORS 167.065](#)  
[ORS 167.070](#)  
[ORS 167.080](#)  
[ORS 167.087](#)  
[ORS 167.090](#)  
[ORS 167.095](#)  
[ORS Chapter 192](#)  
[ORS 334.125\(7\)](#)  
[ORS 336.222](#)  
[ORS 339.250](#)  
[ORS 339.270](#)  
[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C. Sections 254 (h) and (l) (2008); 47 CFR Section 54.520 (2001).

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2000).

*Oregon Attorney General's Public Records and Meetings Manual*, pp. 24-26, Appendix H, Department of Justice (2001).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).

Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).

No Child Left Behind Act of 2001, P.L. 107-110, Title II, Section 2441.

Americans with Disabilities Act Amendments Act of 2008.

SERIES 8000

COMMUNITY RELATIONS

AND

MISCELLANEOUS POLICIES



## COMMUNITY RELATIONS

The Board and staff of Southern Oregon Education Service District believe in open and effective communication with the public. This belief leads the Board to encourage attendance at Board meetings, allows the superintendent to administer the District with an open door to guests and visitors, and permits staff to make productive use of lay support groups. All these activities are designed to promote awareness by the public of the nature of District programs and services.

Policies included in this section provide general guidelines for use of District resources and facilities by the community.

## 8100 RELEASE OF PUBLIC INFORMATION

The Board authorizes District staff to prepare and release news items and brochures that may be of general interest to the public provided such items have been approved by the superintendent or his designee.

Adopted July 17, 1978

Adopted as revised March 17, 1980

Adopted as revised May 11, 1988

Adopted as revised September 19, 2012

## BOARD REGULATIONS

- 8101 The superintendent or his designee shall review the text of all public information reports originating from all programs. Such reports include paid classified advertisements, radio and TV announcements, interviews, newsletters, brochures, internet communications, and curriculum materials that will be made available to educators outside the ESD.
- 8102 News releases shall emphasize the basic responsibility and autonomy of the local district.
- 8103 If students are involved in public activities or news releases, written parental approval shall be obtained prior to the activity.
- 8104 The superintendent shall approve in advance any presentation by District staff to local school boards.
- 8105 Information in any written form which will be made available to the general public shall include the ESD statement concerning equal educational and employment opportunities.
- 8106 Any employee contacted by the news media for the purpose of obtaining information about the District or any of its programs shall immediately notify his/her Director.

## 8200 USE OF ESD BUILDING AND FACILITIES

Education Service District meeting rooms shall be available for meetings of other educational agencies, governmental agencies, and non-profit agencies approved by the superintendent.

Adopted July 17, 1978

Adopted as revised June 16, 1999

## BOARD REGULATIONS

- 8201 The Board authorizes the superintendent to charge a fee for operation and maintenance expenses when appropriate. A fee schedule shall be established when necessary.
- 8202 Approved agencies shall schedule use of meeting rooms in advance.
- 8203 ESD Board and staff meetings shall have priority if a conflict in scheduling occurs.
- 8204 All persons who use District facilities or other property are responsible for proper maintenance. The superintendent shall charge for any damage done to the building or equipment.

## 8205 Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, Southern Oregon Education Service District shall adopt an integrated pest management plan (IPM) which emphasizes the least possible risk to students, staff and community members and Southern Oregon Education Service District shall adopt a list of low-impact pesticides for use with the IPM plan.

The Southern Oregon Education Service District superintendent or his designee shall act as the Integrated Pest Management Plan Coordinator and will have the authority for overall implementation and evaluation of the IPM plan.

Adopted June 20, 2012

ORS 634.116  
SB 637 (2009)

## BOARD REGULATIONS

### **Integrated Pest Management**

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
  - a. Protect the health and safety of students and staff;
  - b. Maintain a productive learning environment; and
  - c. Protect the integrity of district buildings and grounds; and
  - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;

6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes Southern Oregon Education Service District staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

### **Integrated Pest Management Plan Coordinator**

The IPM Plan Coordinator shall:

13. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
14. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
15. Oversee pest prevention efforts;
16. Ensuring identification and evaluation of pest situation;
17. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
18. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
19. Evaluate pest management results; and
20. Keep for at least four years following the application date, records of applied pesticides that include:
  - a. A copy of the label;
  - b. A copy of the Material Data Safety Sheet;

- c. The brand name and US Environmental Protection Agency registration number of the product;
  - d. The approximate amount and concentration of pesticide applied;
  - e. The location of where the pesticide was applied;
  - f. The type of application and whether the application was effective;
  - g. The name(s) of the person(s) applying the pesticide;
  - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
  - i. The dates and times for the placement and removal of warning signs; and
  - j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.
21. Respond to inquiries about the IPM plan and refer complainants to the Southern Oregon Education Service District superintendent;
22. Conduct outreach to district staff about the district's IPM plan.

## 8210 BORROWING OF MATERIALS AND EQUIPMENT

The District shall allow limited borrowing of certain Technology and Media Services materials by qualified non-profit organizations upon adequate authorization.

Adopted July 17, 1978

## BOARD REGULATIONS

- 8211 Qualified non-profit organizations may request ESD materials through a local district.
- 8212 Upon written authorization of the LEA superintendent or his designee, borrowing shall be approved by the Technology and Media Services director, provided the request does not conflict with public schools' requests.
- 8213 The TECHNOLOGY AND MEDIA SERVICES shall maintain detailed guidelines which shall be available for potential borrowers.

8300 DISTRIBUTION OF PRINTED MATERIALS

The District shall distribute approved printed materials from the Oregon Department of Education, other state agencies, local district and other agencies as approved by a local district superintendent.

Adopted July 17, 1978

BOARD REGULATIONS

8301 Requests for distribution of any other materials shall require approval of the superintendent or his designee.



8400 SOLICITATIONS

Solicitations of employees and/or students shall be authorized only by the superintendent.

Adopted July 17, 1978

BOARD REGULATIONS

## 8500 COPYRIGHT OBSERVANCE

All District staff shall abide by the Copyright Law of the United States.

Adopted May 8, 1985

Title 17, US Code  
PL 94-553

Adopted as revised June 10, 1987

Adopted as revised June 14, 1989

Adopted as revised June 25, 2003

## BOARD REGULATIONS

8501 All District employees shall adhere to the provisions of the United States Copyright Law. Any staff member who willingly violates the copyright law shall be held personally liable for infringement and may be subject to disciplinary action up to and including dismissal.

8502 Southern Oregon Education Service District shall own the copyright on any materials developed in the following situations:

1. By an employee as part of his or her specified job duties;
2. By an employee while on duty and/or utilizing District resources; or
3. By an individual receiving a grant or contract from the District for such development.

In the event an employee develops materials in any of the above situations, the employee shall notify the District, in writing, of such development.

The District may assign its rights, including the copyright, to the employee who developed the materials. If the District assigns its rights, the District will retain a royalty-free license to reproduce the materials, distribute the materials within the District, modify the materials, perform the materials publicly and/or display the materials publicly.

Any materials for which the copyright is owned by Southern Oregon ESD shall include the following copyright notice:

Copyright 19\_\_ or 20\_\_ (year of publication) Southern Oregon Education Service District. All rights reserved. No part of this material may be reproduced by any means without the permission of the Southern Oregon Education

Service District.

- 8503 The superintendent shall be responsible for determining issues of copyright ownership, assignments and licensing, and monitoring District-owned materials and requests for duplication.
- 8504 The District shall have resources and personnel available to assist LEAs with copyright questions.

8600 GIFTS AND SOLICITATIONS

The Board authorizes the superintendent or his designee to accept or refuse bequests or gifts on behalf of the District. Employees shall not accept gifts.

Adopted <u>May 14, 1987</u>	OAR 581-024-0310
Adopted as revised <u>April 16, 1997</u>	ORS 334.215
Adopted as revised <u>June 25, 2003</u>	ORS 294.326
Adopted as revised <u>April 16, 2008</u>	

BOARD REGULATIONS

- 8601 The District may refuse to accept donations that do not appear to be in the best interest of the District.
- 8602 The Board considers cards, letters, or plaques as appropriate tokens of gratitude or appreciation for staff members.
- 8603 This policy is not intended to discourage remembrances expressive of appreciation to employees from students or parents.
- 8604 Staff members shall not accept gifts, entertainment, or other inducements from sales representatives who do business, or wish to, with the District. If a gift is received, the superintendent must immediately be informed.
- 8605 Employees are subject to ORS 244.

## 8700 Personal Electronic Devices and Social Media

Personal Electronic Devices are to be used to promote educational excellence for all students by facilitating resource sharing, innovations and communication which support learning and teaching. Use of social Media, web sites, and other electronic data systems by staff and students will be appropriate and professional to prevent substantial disruption at school. Use by employees will protect the rights of students both off and on duty.

Adopted: November 19, 1997

Adopted as Revised: July 13, 2016

### DEFINITIONS

A “personal electronic device” is a device not issued by the district and that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

### BOARD REGULATIONS

8701 Staff may be allowed to use and possess personal electronic devices during the work day and on ESD property, in ESD facilities, or at ESD-sponsored activities, provided such devices are not used in any manner that may disrupt the learning environment, interfere with work duties or ESD sponsored activities, or violate Board policies, administrative regulations, and any additional rules as may be established by the superintendent. At no time, whether on or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

8702 Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on ESD property or while a staff member is on duty in ESD-sponsored activities, unless as expressly authorized by the supervisor or designee for use directly related to and consistent with the employee’s assigned duties.

8703 The ESD will not be liable for loss or damage to personal electronic devices brought to ESD property and ESD-sponsored activities.

8704 Staff members, while on or off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or ESD business.<sup>6</sup> Staff may not post images of students without written authorization from persons with authority to grant such a release. Staff members, while on or off duty, will treat fellow employees, students and the public with respect while posting on social

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6 Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices should be for educationally appropriate purposes.

- 8705 Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.
- 8706 Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public sites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”<sup>7</sup> for purposes of this policy includes, but is not limited to: one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and /or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.
- 8707 Licensed staff are subject at all times to the Standards of Competent and Ethical Performance for Teachers.
- 8708 The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 167.057](#)  
[ORS 163.432](#)  
[ORS 163.433](#)  
[ORS 163.684](#)  
[ORS 163.686](#)  
[ORS 163.687](#)  
[ORS 163.688](#)  
[ORS 163.689](#)  
[ORS 163.693](#)  
[ORS 163.700](#)  
[ORS 326.011](#)  
[ORS 326.051](#)

[ORS 332.072](#)

[ORS 334.125](#)

[ORS 336.840](#)

[[OAR 584-020](#)-0000 to -0035]

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

## 8800 VOLUNTEERS

Citizens who voluntarily contribute their time and talents to the improvement and enrichment of ESD programs and services are valuable assets. The Board encourages constructive participation of groups and individuals to perform appropriate tasks outside regular hours under the direction and supervision of district personnel.

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the safety, welfare and educational growth of students.

Adopted April 18, 2007

## BOARD REGULATIONS

- 8801 All placements of volunteers will be approved by the superintendent.
- 8802 All volunteers who work with students will submit to a criminal history check. This check will be paid for by Southern Oregon ESD.
- 8803 The superintendent will ensure that all appropriate training and orientation procedures are followed.