



BETHEL SCHOOL BOARD MEETING

District Office – 4640 Barger Drive

Monday, January 8, 2018

7:00 p.m.

AGENDA

1. Call to Order

Dawnja Johnson, Chair

2. Pledge of Allegiance

Debi Farr, Vice Chair

3. Approval of Minutes

4. Superintendent's Report

- A. School Board Appreciation Proclamation
- B. Student Presentation, Prairie Mountain School
- C. Student Representative Reports, KHS and WHS
- D. Safe Routes to School, Pat McGillivray and Bob Beals
- E. Fall Sports Review, Lance Haas
- F. Annual Audit Report, Simon Levear
- G. Budget Committee Interviews, Positions 4 and 7
- H. Public Comment Draft Revisions, 5th Reading
- I. Legislative & School Finance Update
- J. Policy & Administrative Rule Update, 1st Reading
 - a. GBEDA – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new language*
 - b. GBEDA-AR – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new language*
 - c. GCAB – Personal Electronic Devices and Social Media - Staff – *Updated to reflect new language*
 - d. GCN – Evaluation of Licensed Staff – *Updated to reflect new language*
 - e. IGBA – Students with Disabilities – Child Identification Procedures – *Updated to reflect new language*
 - f. IGBAG – Special Education – Procedural Safeguards – *Updated to reflect new language*
 - g. IGBAG-AR – Special Education – Procedural Safeguards – *Updated to reflect new language*
 - h. IGBAH – Special Education – Evaluation Procedures – *Updated to reflect new language*
 - i. IGBAH-AR – Special Education – Evaluation and Eligibility Procedures – *Updated to reflect new language*
 - j. IGBAJ – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

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- k. IGBAJ-AR – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*
- l. IKF – Graduation Requirements – *Updated to reflect new language*
- m. JGAB – Use of Physical Restraint and Seclusion – *Updated to reflect new language*
- n. JN – Student Fees, Fines and Charges – *No changes*
- o.

K.

5. Delegations and Visitors

6. Consent Agenda

Personnel Action

Resolution No. 24

7. Action Items

- A. Adopt policies JBA, JED, and JN Resolution No. 25
- B. Adopt 2018-2019 Budget Calendar Resolution No. 26
- C. Acknowledge Receipt of 2016-2017 Audit Report Resolution No. 27
- D. Approve Lane ESD 2017-2019 Local Service Plan Year Two Resolution No. 28
- E.

8. Information and Discussion

- A. BIG Black History Month Dinner, Friday, February 9, 5:30pm, Valley River Inn
- B. LCOG Annual Appreciation Dinner, Saturday, February 10, 5:00pm, Lane Community College
- C. NSBA Annual Conference, April 7-9, 2018
- D.

9. Board Activity Update

A.

10. Review of Next Meeting: Monday, January 22, 2018

- A. Student Presentation, Cascade Middle School
- B. Student Representative Reports, KHS and WHS
- C. Bethel Health Center Update, Amy Tidwell and Brooke Cottle
- D. Budget Committee Interview and Appointments, Positions 4 and 7
- E. Financial Statement, Simon Levear
- F. Division 22 Assurances
- G. Teacher and Administrator Evaluation Process Update
- H. Legislative & School Finance Update
- I. Board Policies & Administrative Rules Up for Periodic Review
- J.

11. Adjournment

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

December 11, 2017

ATTENDANCE

Board Members: Alan Laisure, Ginger Poage, Rich Cunningham, Paul Jorgensen, Greg Nelson, and Vice Chair, Debi Farr

Absent: Chair, Dawnja Johnson

District staff, students, and community members identified: Superintendent Parra, Student Representative Juanita Dominguez, Pat McGillivray, Simon Levear, Remie Calalang, Amy Tidwell, Brian Flick, Mari Ford, William Swift, Mindy LeRoux, Carolyn Jenkins, Lisa Suchman, Robin Hanson, Crystal Strege, Kevin Smith, Marley Stevens, Xitlali Andrade Moreno, Isabel Szabady, Dominic Rogers, and Jill Busby

CALL TO ORDER

Vice Chair Farr called the December 11, 2017, Meeting of the Board of Directors to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Director Jorgensen led the Pledge of Allegiance.

ACTION ON MINUTES

Vice Chair Farr presented the Minutes from the November 13, 2017, Board Meeting and asked for additions or corrections. Hearing none, the Board approved the Minutes as submitted.

SUPERINTENDENT'S REPORT

Student Presentation, Danebo Elementary School

Superintendent Parra introduced Danebo Elementary School Principal Mari Ford. Ms. Ford introduced Teacher Crystal Strege. Third grade students Marley Stevens, Xitlali Andrade Moreno, Isabel Szabady, and Dominic Rogers introduced themselves. Ms. Strege shared that students recently learned about iconic baseball player Roberto Clemente and what made him a hero. One of the students read aloud part of the biography *Roberto Clemente: Pride of the Pittsburgh Pirates* by Jonah Winter. Inspired by learning about Roberto Clemente, the students described how they organized a school-wide coin drive to raise money for victims affected by Hurricane Maria in Puerto Rico. Students raised \$472 to donate to United for Puerto Rico and shared that they learned what truly makes a hero: kindness, empathy, and giving to others.

Director Laisure arrived at approximately 7:19 p.m.

WHS Student Representative Report, Juanita Dominguez

Juanita reported that the Fall Band Concert was held last Thursday night. The DECA Talent Show was also held last week. Some of the funds raised at this event support student travel to compete at the state DECA conference in February. The Fall Choir Concert will be held this coming Thursday. The Senior Citizen Breakfast will be held this coming Wednesday morning at 8:00 a.m. Plans for a Snowball dance or Winter Formal in March have been approved.

MINUTES

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Outdoor School Committee Update, Brian Flick and Kevin Smith

Superintendent Parra introduced Director of Teaching and Learning Brian Flick and Teacher Kevin Smith. Mr. Smith provided a history of Bethel's outdoor school and shared successes of the program, as well as improvements that have been implemented. Mr. Flick provided an overview of Measure 99 which was approved by Oregon voters to create the Outdoor School Education Fund. The District has applied for outdoor school funding for the 2017-18 school year. Plans are currently in place for 5th grade students at Meadow View and Danebo to participate in outdoor school during the 2017-18 school year, with all Bethel elementary school 5th grade students participating beginning in the 2018-19 school year.

Special Services Update, Amy Tidwell, Lisa Suchman, and Carolyn Jenkins

Superintendent Parra introduced Special Services Director Amy Tidwell. Ms. Tidwell introduced the District's Behavior Consultant Lisa Suchman and Autism Consultant Carolyn Jenkins. Ms. Tidwell provided statistical information related to special education in the District, described systems used in the District, and discussed state and federal laws related to Special Education. Ms. Jenkins described the continuum of services available to students, including resource/extended resource classrooms, Life Skills classrooms, and out-of-district placement options. Ms. Suchman described Culturally Responsive Positive Behavioral Interventions and Supports (CRPBIS), a system used throughout the District. Ms. Tidwell, Ms. Suchman, and Ms. Jenkins responded to questions from the Board throughout this discussion.

Financial Statement, Simon Levear

Business Services Director Simon Levear reviewed the November 2017 financial statement showing an estimated Ending Fund Balance of \$3,891,953.

Mr. Levear discussed the possibility of a 6 - 6.5% increase to the District's PERS rates beginning in the 2019-20 school year and how that would impact the District.

Public Comment Draft Revisions, 4th Reading

Superintendent Parra referred to a copy of sample policy BDDH – Public Comment at Board Meetings from OSBA and made suggestions regarding updating related District policies. The Board discussed public comment guidelines.

Review Budget Committee Applications; Budget Committee Interviews: January 8, 2018

Superintendent Parra referred to Budget Committee applications before the Board. Budget Committee interviews will be held January 8, 2018, and possibly January 22, 2018, based on availability of applicants.

Review Budget Committee Calendar

Superintendent Parra reviewed the 2018-19 Budget Calendar.

Legislative & School Finance Update

Superintendent Parra presented an article from *Portland Tribune* titled "Our Opinion: Class sizes grow with PERS crisis" and provided an update on possible options the state may consider to offset the PERS liability. Superintendent Parra also provided an update on Measure 101 which will go to Oregon voters in January's Special Election and how the outcome of Measure 101 could impact the District.

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

December 11, 2017

Policy & Administrative Rule Update, 1st Reading

Superintendent Parra reported on the following Board Policies:

IB – Freedom of Expression – *No changes*

JBA – Education of Homeless Students – *Updated to reflect new language*

JED – Student Absences and Excuses – *Updated to reflect new language*

JFCHA – Use of Alcohol for Cooking – *No changes*

DELEGATIONS AND VISITORS

None

CONSENT AGENDA

Resolution No. 21 – Personnel Action

Motion: Greg Nelson moved, Alan Laisure seconded, to approve the Revised Consent Agenda as specified below:

#	Name	Type	Description
1.	Burns, Amber	Temporary Hire for 2017-18	Offer Temporary Contract for .31 FTE 1 st Grade Facilitating Teacher @ Danebo; Start Date: 12/4/2017.
2.	Clark, Gina	Hire for 2017-18	Offer Extra Duty Contract for Designated Teacher Leader @ District Office.
3.	Hodgert, Mike	Resignation	Accept Resignation effective at the end of the 2017-18 school year, 6/15/2018; Position Held: CTE/Metals Teacher @ Willamette; 31 years at Bethel.
4.	Holte, Debbi	Hire for 2017-18	Offer Extra Duty Contract for Designated Teacher Leader @ District Office.
5.	Michalenko, Valerie	Resignation/Retirement/Rehire	Accept Resignation effective 12/31/2017 to enter retirement. Offer Temporary 1.0 FTE Contract from 1/2/2018 through the end of the 2017-18 school year; Position Held: Social Studies/Science Teacher @ Shasta; 34 years at Bethel.
6.	Yeiter, Joni	Resignation/Retirement/Rehire	Accept Resignation effective 3/31/2018 to enter retirement. Offer Temporary .5 FTE Contract from 4/1/2018 through the end of the 2017-18 school year; Position Held: Spanish Teacher @ Willamette; 22 years at Bethel.

Motion Passed, 6-0

Absent: Chair Johnson

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

December 11, 2017

ACTION ITEMS

Resolution No. 22 – Adopt Policies and ARs: AC, AC-AR, EFAA-AR, GCDA, IB, JFCHA, and KL

Motion: Rich Cunningham moved, Greg Nelson seconded, to approve the adoption of the above policies and administrative rules.

Motion Passed, 6-0

Absent: Chair Johnson

Resolution No. 23 – Board Calendar Update

Motion: Alan Laisure moved, Ginger Poage seconded, to adopt the revised Bethel School Board calendar. After the Board discussed April meeting dates, the motion was amended to reschedule the April 9, 2018, and April 23, 2018, board meetings to April 16, 2018, and April 30, 2018.

Motion Passed, 6-0

Absent: Chair Johnson

INFORMATION AND DISCUSSION

- A. Retiree Open House – Tuesday, December 12, 2:00-4:00pm, District Office
- B. LCOG Annual Appreciation Dinner, Saturday, February 10, 5:00pm, Lane Community College
- C. NSBA Annual Conference, April 7-9, 2018

BOARD ACTIVITY UPDATE

- A. Director Laisure updated the Board on the status of a highly involved Bethel volunteer.

REVIEW OF NEXT MEETING: MONDAY, JANUARY 8, 2018

- A. Oregon School Board Appreciation Month
- B. Student Presentation, Prairie Mountain School
- C. Student Representative Reports, KHS and WHS
- D. Safe Routes to School, Pat McGillivray and Bob Beals
- E. Fall Sports Review, Lance Haas
- F. Budget Committee Interviews, Positions 4 and 7
- G. 2017-19 Lane ESD Local Service Plan
- H. Adopt Budget Committee Calendar
- I. Legislative & School Finance Update
- J. Board Policies & Administrative Rules Up for Periodic Review

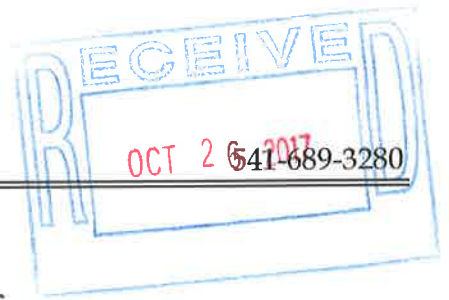
ADJOURNMENT

There being no further business to bring before the Board, Vice Chair Farr adjourned the meeting at 9:25 p.m.

Clerk – Chris Parra

jcb

Chair – Dawnja Johnson



COMMITTEE APPLICATION

Name of Committee Bethel Budget Committee

Applicant's Name Michael Tingué Phone 541-971-5543

Address 5532 Baden Way, Eugene, OR 97402

Email Address Mike-tingue@yahoo.com

Occupation State Farm Agent Are you a registered voter? YES NO

Do you reside within the Bethel School District boundaries? Yes How Long? 5 years
(If additional space is needed, please use reverse side.)

Briefly state your reasons for applying for this position I've always had an interest in helping my children's schools; helping on the budget committee would be a great fit to marry my passion for our school district and my educational/professional credentials.

What (if any) are your goals for this committee? I feel like I've seen our district really striving to move in the right direction. I would want to carry that torch and keep the upward momentum.

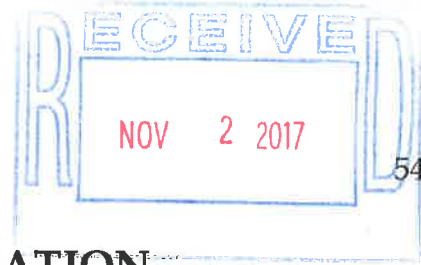
Special interests or qualifications BA in Business management, Business owner. Property/casualty, life/Health, Mortgage and series 6 & 63 Securities license. US Army inventory specialist.

Thank you for your interest in serving the children of our community. All appointments to advisory committees are made by the School Board as vacancies occur. The Board appreciates the opportunity to meet applicants before appointments are final, but this is not a requirement to serve.
Please return this form to the District Office by November 3, 2017 at 4:00 p.m.

Signature of Applicant Michael Tingué

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BETHEL SCHOOL DISTRICT #52
4640 Barger Drive • Eugene, OR 97402-1297



COMMITTEE APPLICATION

Name of Committee Bethel Budget Committee

Applicant's Name Robin Zygaitis Phone 541-337-3234

Address 869 Fairfield Ave, Eugene OR 97402

Email Address Robin.Zygaitis@gmail.com

Occupation Technology Specialist Are you a registered voter? YES NO

Do you reside within the Bethel School District boundaries? Yes How Long? 6 Years
(If additional space is needed, please use reverse side.)

Briefly state your reasons for applying for this position _____

Having kids in the district, I know how important a good public education system is to our children. The School District is doing its best to provide a quality education while facing many challenges, from the lack of funding and the unfunded liability for PERS, to the rising cost of just about everything. The School Board and budget committee have tough decisions ahead such as how long we can run at a deficit to balancing class size with number of school days. I would appreciate the opportunity to be of service to our children and believe serving on the Bethel budget committee would be an excellent opportunity to put my skills and experience to work for our community.

Special interests or qualifications _____

I have a degree in Economics and have worked in the finance and banking industry for the last 7 years. I served on the board of directors for the (nonprofit) Willamette Chapter Credit Union Association for the last 5 years, and currently serve on the budget committee for Lane Council of Governments.

Thank you for your interest in serving the children of our community. All appointments to advisory committees are made by the School Board as vacancies occur. The Board appreciates the opportunity to meet applicants before appointments are final, but this is not a requirement to serve. *Please return this form to the District Office by November 3, 2017 at 4:00 p.m.*

9/2017

Signature of Applicant _____

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COMMITTEE APPLICATION

Name of Committee _____

Applicant's Name Shaw Davis Phone 541-520-3577

Address 1248 Stone Creek Dr

Email Address Shawedavis.cabinets.com

Occupation Davis Cabinets Are you a registered voter? YES NO

Do you reside within the Bethel School District boundaries? yes How Long? 21 yrs
(If additional space is needed, please use reverse side.)

Briefly state your reasons for applying for this position after my first 3 years
of serving, I found it very rewarding + informational
+ I would like to continue

What (if any) are your goals for this committee? Obviously the purpose is to
approve the budget presented. Also, however, to evaluate the
budget provided from the perspective of a tax paying community
member/parent. To be a liaison between the school board + community.

Special interests or qualifications Bachelor of Science Economics U of O 1999
owner of Davis Cabinets Inc
parent of two Bethel students
involved parent

Thank you for your interest in serving the children of our community. All appointments to advisory committees are made by the School Board as vacancies occur. The Board appreciates the opportunity to meet applicants before appointments are final, but this is not a requirement to serve.

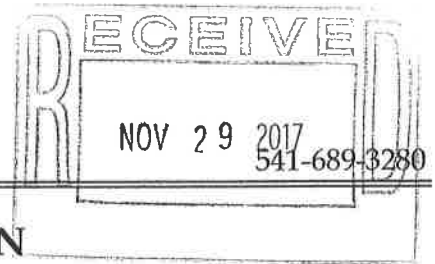
Please return this form to the District Office by November 3, 2017 at 4:00pm

9/2017

Signature of Applicant

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BETHEL SCHOOL DISTRICT #52
4640 Barger Drive • Eugene, OR 97402-1297



COMMITTEE APPLICATION

Name of Committee Bethel Budget Committee

Applicant's Name Jeff Blikle Phone 541-870-1379

Address 2664 Arnold Ave Eugene, OR 97402

Email Address b.likle@yahoo.com

Occupation Delivery Driver & Bookkeeper Are you a registered voter? YES NO

Do you reside within the Bethel School District boundaries? Yes How Long? 10 yrs
(If additional space is needed, please use reverse side.)

Briefly state your reasons for applying for this position To impact our community of children, while at the same time responsibly using the financial resources given by the districts taxpayers.

What (if any) are your goals for this committee? Help deal with growing the district for the future

Special interests or qualifications our family has been debt free for over 7 years. Have been able to manage a household, with my wife, of 9 children ages 18-4 months. Have been involved in the foster/adoptive community for 10 years.

Thank you for your interest in serving the children of our community. All appointments to advisory committees are made by the School Board as vacancies occur. The Board appreciates the opportunity to meet applicants before appointments are final, but this is not a requirement to serve.

Please return this form to the District Office by November 3, 2017 at 4:00 p.m.

9/2017

Signature of Applicant

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COMMITTEE APPLICATION

Name of Committee Bethel Budget Committee

Applicant's Name Tai Pruce-Zimmerman Phone (541) 232-6011

Address 2178 Amirante St. Eugene, OR 97402

Email Address taiprucezimmerman@gmail.com

Occupation Accountant Are you a registered voter? YES NO

Do you reside within the Bethel School District boundaries? Yes How Long? 2.37 years
(If additional space is needed, please use reverse side.)

Briefly state your reasons for applying for this position Having bought a house in Bethel this year, I am fully committed to working to strengthen my neighborhood and community. And strong schools are the core of any community. I want to help the school district, and my skill set uniquely fits this committee.

What (if any) are your goals for this committee? I want to use my financial and analytical expertise to help the committee find creative ways to efficiently achieve better outcomes despite the insufficient resources our schools have access to.

Special interests or qualifications Having worked as an EA in a SPED room, I have a particular interest in properly supporting students who have the greatest needs. This also extends to students with non-academic needs, such as the roughly 10% of the →

Thank you for your interest in serving the children of our community. All appointments to advisory committees are made by the School Board as vacancies occur. The Board appreciates the opportunity to meet applicants before appointments are final, but this is not a requirement to serve. *(cont. on reverse)*
Please return this form to the District Office by November 3, 2017 at 4:00 p.m.

Signature of Applicant

(Qualifications and interests continued)

→ district's students that are unhoused. If my professional background in accounting isn't a strong enough qualification on its own, I have also done volunteer accounting and budgeting work for a variety of other organizations.

Oregon School Boards Association Selected Sample Policy

Code: **BDDH**
Adopted:

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district community members and staff to attend Board meetings to become acquainted with the program and operation of the district. 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. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, an alternative, equally effective means of communication will be used.

Audience

During a session of a Board meeting open to the public, members of the public may be invited to present comments during the designated portion of the agenda.

Procedures for Public Comment at Meetings

The Board will establish procedures for public comment in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.

1. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
2. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.

¹Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

3. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a total time limit on all public discussion or oral presentation by visitors.
4. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
5. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card or sign-in sheet, prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

Petitions

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

Comments Regarding Staff Members and Students

It is the policy of the Board of Directors to encourage citizens and employees to communicate directly with members of individual school staffs and with district-level personnel on matters related to the operation of district schools. The procedures below are subject to, and shall not deprive employees of, their rights and due process provided in the U.S. Constitution, the Oregon Constitution, Oregon Revised Statutes, and relevant collective bargaining agreements.

When commendations are received by the administration about specific schools or employees (i.e., teachers, administrators, other licensed staff, and all classified staff working for Bethel Public Schools), they will be shared with staff appropriately (e.g., personal contact, note, media release).

The Board will not hear public complaints about individual school personnel, or against any member of the school community, including retelling of events whereby individuals may be personally identifiable, regardless of whether names or positions are mentioned.

Speakers may offer objective criticism of district operations and programs. The Board chair will direct the visitor to the procedures in Board policy (KL - Public Complaints) for Board consideration of a legitimate complaint involving a staff member.

END OF POLICY

Legal Reference(s):

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

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

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (2006/2017); 28 C.F.R. Part 35 (2006/2017).

Americans with Disabilities Act Amendments Act of 2008.

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

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

HR10/08/159/28/17 | PH

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: **Drug and Alcohol Testing – (Transportation Personnel)**

Policy Number: **GBEDA** Effective Date: **1/2018**

Date of Original Policy and Revisions: **1/96, 1/00, 4/06, 12/08, 10/11, 12/16**

Cancels Policy No.: **N/A** Dated: **N/A**

Date of Next Review: **1/2021**

POLICY

The District is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The District or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

All employees subject to commercial driver’s license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight (8) hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight (8) hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

“Drugs” as used in this policy refers to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the District and District employees transferring to positions subject to the OTETA shall be required to submit to pre-employment drug testing. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident testing. Return to duty and follow-up testing may also be required.

Pre-employment drug testing costs will be paid for by the District. All drug and alcohol testing of District employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the District. The District will comply with collective bargaining agreement provisions.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

All offers of employment or transfer to covered positions with the District will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred.¹ The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

Covered employees who, under the District's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher will be subject to immediate disciplinary action up to and including a recommendation for dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) Regulations.

~~Current employees who refuse to comply with testing requirements will be regarded as testing positive.~~

REPORTS

See Policy [GBCBA - Drug and Alcohol Abuse by Employees](#)

ATTACHMENTS

None

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[ORS 825.415](#)

[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

¹ The District may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for District employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs, if required by the District. A District employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all District policies and regulations including the District's Drug-Free Workplace policy.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

~~SB 193 (2013)~~

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006~~17~~).

~~[Bethel Administrative Rule GBEDA: Drug And Alcohol Testing – Transportation Personnel](#)~~

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GBEDA. DRUG AND ALCOHOL TESTING – TRANSPORTATION PERSONNEL

The following procedures shall govern the District's drug use and alcohol misuse prevention program:

Program Coordinator

The Transportation Supervisor will be designated as the District's drug use and alcohol misuse prevention program coordinator. The Transportation Supervisor will coordinate the District's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The Transportation Supervisor will:

- A. Ensure that all covered employees receive written materials explaining the District's drug use and alcohol misuse prevention program requirements including:
 1. The District policy and administrative regulations;
 2. A contact person knowledgeable about the materials, policy, administrative regulations and the ~~Omnibus Act~~ OTETA;
 3. Categories of employees covered;
 4. Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, *return-to-duty* or follow-up testing will also be considered as on-duty time;
 5. Specific information concerning prohibited conduct;
 6. Circumstances under which employees will be tested;
 7. Procedures used in the testing process;
 8. *The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382*
 9. Explanation of what constitutes a refusal to submit to a drug and ~~for~~ alcohol testing;
 - 9-10. Consequences of violations (e.g. discipline up to and including dismissal and removal from safety-sensitive functions as required by the ~~OTETA~~ Omnibus Act) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of counseling and treatment programs. *Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;*
 - 10- 11. Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (*driver's or coworker's*); and available methods of intervening when such problems are suspected, *including confrontation, referral to an employee assistance program as available and/or referral to the administration.*
- B. Ensure that employees sign statements certifying that they have received the materials;
- C. Ensure that ~~supervisors~~ administrators or their designee, designated to determine reasonable suspicion, receive at least sixty (60) minutes of drug abuse training and an additional sixty (60)

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minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug abuse and alcohol misuse;

- D. Ensure District compliance with applicable provisions of the *OTETA Omnibus Act's* requirements regarding the District's management information system, retention and confidentiality of records;
- E. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- F. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- G. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis;
- H. Ensure selection of a qualified medical or osteopathic doctor to serve as a Medical Review Officer (MRO) to verify laboratory drug test results;
- I. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the *OTETA Omnibus Act*;
- J. Ensure the District's drug and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the District Office. The District shall maintain the following:
 - 1. *Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;*
 - 2. ~~Documentation that drug and alcohol training for all covered employees has consisted of at least sixty (60) minutes;~~
 - 2. *Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;*
 - 3. Documentation that drug training for all supervisory personnel has consisted of at least sixty (60) minutes;
 - 4. Documentation that alcohol training for all supervisory personnel has consisted of at least sixty (60) minutes;
 - 5. Documentation of training given to employees and supervisory personnel;
- K. Ensure the establishment of clearly defined communication procedures to include the method (e.g. mail, facsimile) and frequency (e.g. monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the *OTETA Omnibus Act*;
- L. Ensure employee organizations receive written notice of the availability of all pertinent drug and alcohol misuse prevention program information.

Pre-Employment Testing

The District shall conduct pre-employment testing as follows:

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- A. All offers of employment for positions as identified by Board policy and as required by the *OTETA Omnibus Act* will be contingent upon drug test results;
- B. ~~Applicants~~ *Individuals offered employment with the District and employees transferring to positions subject to the OTETA contingent drug testing*, must provide written consent for the release of any prior employer positive drug and *failed alcohol testing results, refusals to be tested, other violations of testing regulations, and with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of any subsequent substance abuse professional (SAP) evaluations, return-to-duty requirements tests (including SAP evaluations and follow-up tests) and record of any refusal to be tested* within the preceding two (2) years;
- C. The District shall obtain and review such drug and alcohol information from previous employers of the past two (2) years no later than fourteen (14) calendar days after the employee drives for the first time. The District will provide the driver's written *permission* for ~~release of information to the~~ previous employers;
- D. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The District will maintain a written, confidential record of each past employer contacted;
- E. The District will not ~~use employ~~ a driver with *a positive drug tests or a failed alcohol test while employed with a* from previous employers ~~prohibiting performance of safety-sensitive functions or who refused~~ *to test while under employment with a previous employer* unless the driver is in compliance with the SAP's *treatment program and the OTETA's return-to-duty requirements*;
- F. Prior to being directed by the District to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;
- G. Failure to report to the collection site for testing within the time frame specified by the District shall constitute a refusal to report for testing and result in *immediate withdrawal of the employment or transfer offer discontinuance of employment consideration*;
- H. Pre-employment drug testing will be paid for by the District;
- I. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired *or transferred voluntarily or involuntarily to covered positions*; ~~by the District.~~
- J. ~~Such testing will also be required of any employee transferred voluntarily or involuntarily to a position as covered by this policy and the Omnibus Act;~~
- J-K. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, *additional testing or subsequent pre-employment drug testing* will not be necessary following a layoff;
- K-L. The District will notify applicants of the results of the drug testing upon written request within sixty (60) days of being notified of the disposition of the employment application;

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L 44. Refusal to submit to drug testing and/or to provide *signed permission* for the release of past testing information as required by the District shall result in immediate *termination* ~~discontinuance~~ from employment or transfer consideration;

Post-Accident Testing

The District shall conduct post-accident testing as follows:

- A. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a *motor vehicle* accident which occurs while the employee is performing District safety-sensitive functions in which any person involved has been fatally injured, or the employee receives a citation for a moving traffic violation in connection with an injury, or tow-away accident;
1. The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 2. If alcohol testing has not been administered within two (2) hours, the District will prepare and maintain on file a record stating the reasons the test was not promptly administered;
 3. If alcohol testing is not administered within eight (8) hours, the District will cease attempts to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
 4. If drug testing has not been administered within thirty-two (32) hours following the accident, the District will cease attempts to administer such tests and will document why the test was not administered;
 5. The employee will inform the Transportation Supervisor, or district administrator or *designee* as soon as practicable following the accident *giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.)*.
- B. The District will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in District vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone numbers of District drug and alcohol misuse prevention program coordinator or other District officials to contact;
- C. The employee shall remain readily available for testing or may be deemed by the District to have refused to submit to testing. Such refusal is treated as if the District received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident *for the period necessary to obtain assistance in responding to the accident* or to obtain necessary emergency medical care;
- D. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the District and the test conform to all applicable federal, state and/or local requirements;
- E. *An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a postaccident alcohol test, whichever occurs first.*

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F. An employee who has actual knowledge of an accident in which his/her performance has not been discounted as a contributing factor is prohibited from using alcohol for eight (8) hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Random Testing

The District shall conduct random drug and alcohol testing annually as follows:

A. Not less than 50% of the average number of driver positions shall be tested for drugs and not less than 10 25% shall be tested for alcohol in accordance with current minimum random testing requirements of the *OTETA Omnibus Act*. Any unfilled covered positions will be included as part of the total number of positions counted by the District for testing rate purposes.

1. The District will meet or exceed minimum testing rates.
2. *In exceeding minimum testing rates, the District requires that 75% of covered employees shall be randomly tested annually for drugs and 50% shall be randomly tested annually for alcohol.*

B. The testing rate may be adjusted by the Federal *Motor Carrier Safety Highway* Administration based on industry-wide data;

C. The testing process shall, in fact, be random. *Unless advised otherwise by their consortium, All* employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses whether or not they have been chosen for testing in the past;

D. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the District will ensure that all employees shall have an equal chance of being tested each time selections are made. The District will use the following system:

1. Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used
2. Cards will be placed into a container from which the required number will be drawn;
3. The individual selected by the District to do the drawing will be unbiased;
4. All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.

E. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year." *As long as Bethel has six (6) or fewer covered employees, the District will annually select a single calendar date for random drug and alcohol testing.* The date selected will be kept confidential to ensure that testing is unannounced as required by law;

F. Following notification of testing, selected employees shall proceed to the District selected collection site immediately or as soon as practicable;

G. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her *their* safety-sensitive function, during or just after performing such function;

H. Employees off work due to leaves, vacation and layoffs will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty, but no later than the next selection cycle (e.g. monthly, quarterly, etc.).

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Reasonable Suspicion Testing

The District shall conduct reasonable suspicion drug and alcohol testing as follows:

- A. The District will test covered employees whenever there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- B. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the District, concerning appearance, behavior, speech, or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- C. Hearsay or second hand information is not sufficient to require an employee to submit to testing;
- D. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and the provisions of the applicable OTETA provisions Omnibus Act.
- E. If alcohol testing is not administered within two (2) hours, the District will prepare and maintain on file a record stating the reasons the test was not promptly administered;
- F. If alcohol testing is not administered within eight (8) hours, the District will cease attempts to administer an alcohol test and will prepare and maintain a record specifying why the test was not administered;
- G. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the ~~transportation supervisor~~ administrator or designee authorized to make such observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- H. The District will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

Referrals, Evaluation and Treatment

The District shall provide information related to referrals, evaluation and treatment as follows:

- A. The District shall advise covered employees who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of counseling and treatment programs;
- B. An employee who engages in such prohibited conduct shall be evaluated by SAP. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs and/or alcohol;

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- C. *The SAP will determine what assistance if any the employee needs in resolving the problems associated with drug use and alcohol misuse. This requirement shall not be interpreted to require the District to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary.*
- D. *This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;*
- E. *This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;*
- F. *SAPs, as referred to in these administrative regulations, means:*
 - (1) *Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;*
 - (2) *Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and*
 - (3) *Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.*

Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- b. *Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;*
- c. *Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;*
- d. *Follow-up drug and alcohol testing will be unannounced¹;*
- e. *The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:*
 - (1) *At least 6 tests in the first 12 months following the driver's return to duty;*
 - (2) *Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she determines the testing is no longer needed.*

Drug and Alcohol Testing Procedures

The District, in cooperation with contracted collection and testing facilities shall maintain drug and alcohol testing procedures as follows:

A. Drugs

¹A follow-up test shall not also serve as a random test, and vice versa.
1/02, 11/07, 12/08, 10/11

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1. The applicant or employee reports to the District designated collection site and provides positive identification;
2. A urine sample for drug testing is provided. A “split sample” (second urine specimen bottle) is collected;
3. Following completion of a chain of custody form, both specimen bottles are forwarded to the Department of Health and Human Services (DHHS) certified laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
4. Testing results are reported to the District-selected MRO by mail or electronic transmission. Results may not be given over the phone;
5. The MRO will verify both negative and positive testing results;
6. The MRO will report the verified negative testing results to the District;
7. The MRO will report the verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
8. A verified valid medical reason for a positive testing result will be reported as a negative testing result to the District;
9. If no legitimate medical reason exists for positive testing, the MRO will report verified positive testing and identity of the substance(s) to the District.
10. The employee or applicant may request within seventy-two (72) hours of a positive test notice that the second specimen sample be tested. Such re-testing costs will be paid for by the employee;
11. Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of drugs;
12. The MRO will report results of the re-testing to the employee and the District;
13. The MRO will meet all *the OTETA Omnibus Act* requirements including review of chain-of-custody control form, administrative processing of negative testing results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
14. Detailed drug testing procedures may be obtained by contacting the District’s transportation supervisor.

B. Alcohol

1. The employee reports to the District designated testing site and provides positive identification;
2. Under the alcohol testing rule, an alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
3. All alcohol screening tests will be conducted by:
 - a. A certified breath alcohol technician using evidential breath testing devices; ~~OR~~
 - b. ~~A trained saliva-testing technician using non-evidential devices.~~
4. Testing may be conducted at a Department of Health and Human Services (DHHS) certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the *OTETA Omnibus Act*;
5. District supervisors should generally not be used as a breath alcohol or saliva-testing technician for covered employees. Under certain circumstances, a properly trained District supervisor may conduct such testing in the absence of another technician;
6. The applicant or employee submits to breath testing;
7. If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least fifteen (15) minutes, but no longer than thirty (30) minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;

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8. The breath alcohol technician will report any invalid tests in which the initial positive test and the confirmation test do not match, confirmed positive and negative results to the District;
9. Applicant or employee refusal to sign forms as required shall be considered as refusal to be tested;
10. The breath alcohol or saliva testing technician will meet all *the OTETA Omnibus Act* requirements including such testing procedures, Breath Alcohol Testing form and confidentiality requirements as may be required;
11. Detailed alcohol testing procedures may be obtained by contacting the District's transportation supervisor.

Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

Record Keeping/Record Reporting

The District shall maintain records of its drug and alcohol misuse prevention program as follows:

- A. Records related to the collection process:
 1. Documents relating to the random selection process;
 2. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 3. Documents generated in connection with decisions on post-accident testing;
 4. Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
 5. An annual calendar year report summarizing results of the District's drug and alcohol misuse prevention program will be prepared and maintained when requested by the Federal highway Administration as part of an inspection, investigation, special study or for statistical purposes.
- B. Records related to a driver's test results, including:
 1. The District's copy of the alcohol test form, including the test results;
 2. The District's copy of the controlled substance test chain-of-custody and control form;
 3. Documents sent by the MRO to the District;
 4. Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 5. Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the *OTETA Omnibus Act*.
- C. Records related to education and training as follows:
 1. Materials on drug use awareness and alcohol misuse including a copy of the District's policy and administrative regulations on drug use and alcohol misuse and related information;
 2. Driver's signed receipt of education materials;
 3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;

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4. Certification that any training conducted in compliance with *the OTETA Omnibus Act* meets all pertinent requirements for such training.

D. Records related to drug testing as follows:

1. Agreements with collection site facilities, laboratories, MRO's and consortia as applicable;
2. Names and positions of officials and their role in the District's drug and alcohol testing program(s);
3. Laboratory statistical summaries of urinalysis as required by the *OTETA Omnibus Act* and as reported by the laboratory. The District will document laboratory failures to provide statistical summaries and any District follow-up efforts to obtain such reports;

E. Records will be retained by the District as follows:

1. Five (5) years:
 - a. Records of employee alcohol testing results with results indicating an alcohol concentration of 0.02 or greater;
 - b. Record of verified positive drug testing results;
 - c. Documentation of refusals to take required drug and/or alcohol tests;
 - d. *Drug testing custody and control forms*;
 - e. Employee evaluation and referrals
 - f. A copy of each annual calendar year report summary.

2. Two (2) Years:
 - a. Records related to the drug and alcohol collection process and training.

3. One (1) Year
 - a. Records of negative and canceled drug testing results.

4. *Indefinite Period*

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

G. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

1. Drug and alcohol misuse prevention program records will be maintained at the District office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file.
2. Employees are entitled upon written request to obtain copies;
3. The District may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee of National Transportation Safety Board safety investigations;
4. The District shall disclose such information to subsequent employers upon written request from the employee (*in accordance with 49 C.F.R. § 382.413(a)(1)*)².

²Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Personal Electronic Devices and Social Media - Staff

Policy Number: GCAB Effective Date: 1/2018

Date of Original Policy and Revisions: 1/13, 1/15

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 1/2021

POLICY

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the Superintendent or designee. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

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

Personal electronic devices shall be silenced during instructional time, while on duty or at any other time where such use of the device would cause a disruption of school activities, student learning or interfere with an employee’s work assignment. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on district property or while a staff member is on duty in district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time. ~~While an employee is on duty, personal electronic devices brought to school will be restricted to work or instructional related activities only.~~

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

Staff members, while on duty and off duty, will utilize social media network websites (e.g., Facebook, Instagram, Twitter, etc.), public websites and blogs, judiciously by not posting confidential or personally identifiable information about students, staff, or district business. ~~without appropriate permission.~~¹

Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students, families, and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school.

Communication with students and families using personal communication devices will be appropriate and professional at all times. Communication with students using personal communication devices regarding non-school-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use district-provided e-mail using mailing lists to a group of students rather than individual students. ~~or other media whenever possible to maintain a record of the communication~~ Texting students while off duty is strongly

¹Nothing 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.

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discouraged. If using other means of electronic communication, staff members are strongly encouraged to maintain a record of all electronic communication.

Exceptions to the prohibitions set forth in this policy may be made for health, safety, or emergency reasons with Superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal ~~communication~~ electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites ~~network sites~~, public websites, ~~and~~ blogs ~~and other social media~~, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”² for purposes of this policy includes but is not limited to, one or more parent ~~requests~~ ~~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, perceived, 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. ~~Reported violations of this policy will be investigated.~~

Licensed staff are subject at all times to the Standards of Competent and Ethical Performance for Teachers.

The Superintendent or designee shall ensure that this policy is available to all employees.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

- | | |
|-----------------------------|-----------------------------|
| ORS 163.432 | ORS 163.700 |
| ORS 163.433 | ORS 167.054 |
| ORS 163.684 | ORS 167.057 |
| ORS 163.686 | ORS 326.011 |
| ORS 163.687 | ORS 326.051 |
| ORS 163.688 | ORS 332.072 |
| ORS 163.689 | ORS 332.107 |
| ORS 163.693 | |
| ORS 336.840 | |

- U.S. CONST. amend. XVIII, § 1466A
U.S. CONST. amend. XVIII, § 1470
U.S. CONST. amend. XX, § 7906

²Ibid. p. 1

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U.S. CONST. amend. XX, § 6777

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).

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**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Evaluation of Licensed Staff

Policy Number: GCN Effective Date: 1/2018

Date of Original Policy and Revisions: N/A

Cancels Policy No.: GCM Dated: 10/90, 1/95, 2/00, 12/06, 4/09, 6/13

Date of Next Review: 1/2021

POLICY

Evaluation of licensed staff shall be conducted to conform with:

1. ~~OAR 581-022-1723⁴,~~
2. ~~The Oregon Framework for Teacher and Administrator Evaluation and Support Systems;~~
3. ~~The Core Teaching Standards adopted by the State Board of Education; and,~~

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.

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BOARD OF EDUCATION POLICY STATEMENT**

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

An evaluation using the core teaching standards must attempt to:

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

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

Classified Staff

All probationary classified employees will be formally evaluated by their immediate supervisor at least twice during the probationary period.

All non-probationary, regular classified employees will be formally evaluated by their immediate supervisor on an annual basis.

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~~In order to assist licensed employees in the improvement of instruction, an evaluation process shall be implemented. Instructional improvement must be a challenge to both the teacher and the evaluator in order to provide the student with the best possible education. In Bethel, the evaluation process is, collaborative and continuous, using an approach that is systematic and objective.~~

~~All persons involved in the evaluation process are co-workers aiming at improvement of instruction and maintenance of standards for professional performance. In order that this is done effectively, the teachers, as well as the evaluator, must both assume a major role in the evaluation process. Self-analysis by the teacher, the evaluator's observations, and supporting data and evidence form the basis for a partnership approach.~~

~~All aspects of the teacher's performance shall be examined; including the personal, interpersonal, and technical skills that assist in attaining improved levels of student learning. The teacher's ability to plan will also be considered a part of the evaluation process.~~

~~The evaluation reports shall be maintained in the personnel files of the District in accordance with the laws/rules of the State of Oregon and the policies and rules duly adopted by the Bethel School District.~~

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 243.650](#) [OAR 581-022-17202405](#)
[ORS 332.505](#) [OAR 581-022-17232410](#)
[ORS 342.850](#) [OAR 581-022-17242415](#)
[ORS 342.856](#)

~~See Bethel Professional Growth and Evaluation Manual~~

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**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Students with Disabilities – Child Identification Procedures

Policy Number: IGBA Effective Date: 6/15

Date of Original Policy and Revisions: 2/08, 11/09, 5/12

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 6/18

POLICY

The district implements an ongoing system to locate, identify and evaluate all children, birth to age 21, residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children, the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Early Childhood EC CARES is responsible for determining the eligibility of children for Early Intervention/Early Childhood Special Education (EI/ECSE) services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they ~~have not failed, been retained in a course or a grade, and are~~ advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or,
9. Above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with ORS Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular or modified diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated, and are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

REPORTS

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 332.075](#)

[ORS 338.165](#)

[ORS 339.115 to-137](#)

[ORS 343.151](#)

[ORS 343.157](#)

[ORS 343.193](#)

[ORS 343.221](#)

[ORS 343.517](#)

[ORS 343.533](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2315](#)

[OAR 581-015-2480](#)

[OAR 581-021-0029](#)

[OAR 581-022-1340](#)2315

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (~~2006~~2017).

Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (~~2006~~2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111(~~2006~~2017).

[Bethel Administrative Rule IGBA](#): Students with Disabilities – Child Identification Procedures

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Procedural Safeguards

Policy Number: IGBAG Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 5/12, 6/15

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 1/2021

POLICY

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and,
12. Attorney's fees.

Procedural Safeguards Notice

The district provides to parents a copy of the Procedural Safeguards Notice, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation, and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.

The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

¹If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

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Parent or Adult Student Meeting Participation

The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.

The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:

- a. States the purpose, time and place of the meeting and who is invited to attend;
- b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
- c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
- d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
- e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and,
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).

The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:

- f. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and,
- g. Scheduling the meeting at a mutually agreed upon time and place.

If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.

The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

ORS 343.155	OAR 581-015-2000	OAR 581-015-2195	OAR 581-015-2330
ORS 343.165	OAR 581-015-2030	OAR 581-015-2305	OAR 581-015-2345
ORS 343.177	OAR 581-015-2090	OAR 581-015-2310	OAR 581-015-2360
ORS 343.181	OAR 581-015-2095	OAR 581-015-2325	OAR 581-015-2385
	OAR 581-015-2190		

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 – 300.505, 300.515, 300.517 (2006/2017).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008) (2017).
[Bethel Administrative Rule IGBAG: Special Education –Procedural Safeguards](#)

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IGBAG. SPECIAL EDUCATION – PROCEDURAL SAFEGUARDS

Adopted:

1. Procedural Safeguard

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority, or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).

- b. The district gives parents a copy of the *Notice of Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.

- c. The *Notice of Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of Procedural Safeguards Notice

The procedural safeguards notice includes all of the content provided in the *Notice of Procedural Safeguards* published by the Oregon Department of Education.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, *individualized education program* (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.

- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and

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- (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving school district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:

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- (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
- (1) Is not an employee of the district or the Oregon Department of Education;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
- (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - (4) Represent the student in all matters relating to the provision of a free appropriate public education to the student.
- g. A parent may give written consent for a surrogate to be appointed.
- (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment;
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.

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- i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular *or modified* diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another school district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.

6. Prior Written Notice

- a. ~~The district provides prior written notice to the parent of a student, or student, within a reasonable period of time when the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a free appropriate public education.~~

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~~b. The district provides prior written notice after a decision is made and a reasonable time before that decision is implemented.~~

~~e. The content of the prior written notice will include:~~

- ~~(1) A description of the action proposed or refused by the district;~~
- ~~(2) An explanation of why the district proposed or refused to take the action;~~
- ~~(3) A description of any options that the IEP team considered and reasons why those options were rejected;~~
- ~~(4) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;~~
- ~~(5) A description of any other factors that are relevant to the district's proposal or refusal;~~
- ~~(6) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Notice of Procedural Safeguards* may be obtained; and~~
- ~~(7) Sources for parents to contact to obtain assistance in understanding their procedural safeguards.~~

~~a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the district:~~

- ~~1. Proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education to the child; or~~
- ~~2. Refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education to the child.~~

~~b. The content of the prior written notice will include:~~

- ~~1. A description of the action proposed or refused by the district;~~
- ~~2. An explanation of why the district proposed or refused to take the action;~~
- ~~3. A description of each evaluation procedure, test, assessment, record, or report used as a basis for the refusal;~~
- ~~4. A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;~~
- ~~5. Sources for parents to contact to obtain assistance in understanding their procedural safeguards;~~
- ~~6. A description of other options the IEP team considered and the reasons why those options were rejected; and~~
- ~~7. A description of other factors that are relevant to the agency's proposal or refusal.~~

~~c. The prior written notice is:~~

- ~~1. Written in language understandable to the general public; and~~
- ~~2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;~~
- ~~3. If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:~~

- ~~(a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;~~
- ~~(b) The parent understands the content of the notice; and~~
- ~~(c) There is written evidence that the requirements of this rule have been met.~~

~~d. If the proposed action requires prior written notice and written consent, the district may give notice at the same time consent is requested.~~

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7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the school district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Reevaluation

- a. The district obtains informed parent consent before conducting any reevaluation of a child with a disability, except:
 - (1) The district does not need written consent for a reevaluation, if, after reasonable efforts to obtain informed consent, the parent does not respond. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the reevaluation, the district may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures.
- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the reevaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.

¹“Consent” means that the parent or adult student: a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

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- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and,
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or reevaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or reevaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or

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- (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to, provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the school district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

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- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a school district or ESD is violating or has violated the Individuals with Disabilities Education Act or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the Oregon Department of Education (ODE) forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

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16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses the Oregon Department of Education (ODE) for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing.
- c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting

See Board Policy JGDA – Discipline of Disabled Students.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Evaluation Procedures

Policy Number: IGBAH Effective Date: 6/15

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 6/12

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 6/18

POLICY

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student’s educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) ~~school~~ located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/VECSSE) services. The district’s designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or reevaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or reevaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;

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BOARD OF EDUCATION POLICY STATEMENT

3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular or modified diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Are selected and administered so as not to be racially or culturally discriminatory;
2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts reevaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a reevaluation;
2. When the child's parents or teacher requests a reevaluation; and,
3. At least every three years, unless that parent and the district agree that a reevaluation is unnecessary.

The district does not conduct reevaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

REPORTS

None.

ATTACHMENTS

None.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 to-2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ [300.300](#), 300.7, 300.530 - 300.534, 300.540 - 300.543 (2006-17).

~~Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ [300.300](#) (2008).~~

[Bethel Administrative Rule IGBAH: Special Education – Evaluation Procedures](#)

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IGBAH. SPECIAL EDUCATION - EVALUATION AND ELIGIBILITY PROCEDURES

Adopted:

1. Request for Initial Evaluation

- a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
- b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.

(1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.

(a) The team may make the decision to evaluate with or without a meeting.

(b) The district documents team members' input, including parents, whether or not the district convenes a meeting.

- c. If a meeting is held, the district invites parents to participate.
- d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
- e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.

2. The initial evaluation consists of procedures:

- a. To determine if the child has a disability; and
- b. To identify the child's educational needs.

3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:

- a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
- b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed;
- c. The parent repeatedly fails or refuses to produce the child for evaluation.

4. Reevaluation

a. The district conducts reevaluations:

(1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;

(2) When the child's parents or teacher request a reevaluation; and

(3) At least every three years, unless that parent and the district agree that a reevaluation is unnecessary.

b. The district does not conduct reevaluation more than once a year, unless the parent and district agree otherwise.

5. Evaluation Planning

- a. The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), the child's IEP or IFSP team, including the parents

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and other qualified professionals, as appropriate, review and document their review of existing evaluation data on the child including:

- (1) Evaluations and information provided by the child's parents;
- (2) Current classroom-based, local or state assessments and classroom-based observations; and
- (3) Observations by teachers and related service providers.

b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:

- (1) Whether the child has a disability;
- (2) The child's present levels of academic achievement and related development needs;
- (3) Whether the child needs or continues to need EI/ECSE or special education and related services; and
- (4) For reevaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:

- (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
- (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.

c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:

- (1) Whether the child has a disability; and
- (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child are:

- (1) ~~Are s~~ Selected and administered so as not to be discriminatory on a racial or cultural basis;
- (2) ~~Are p~~ Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
- (3) ~~Are u~~ Used for the purposes for which the assessments or measures are valid and reliable;
- (4) ~~Are a~~ Administered by trained and knowledgeable personnel; and
- (5) ~~Are a~~ Administered in accordance with any instructions provided by the producer of the assessments.

e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect

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the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).

- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;

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- (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities to more than one disability category, but the team needs to find the child eligible under only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Free Appropriate Public Education (FAPE)

Policy Number: IGBAJ Effective Date 6/15

Date of Original Policy and Revisions: 2/08, 5/09, 6/12

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 6/18

POLICY

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
 - b. Who have not graduated with a regular or modified diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or,
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children enrolled in district charter schools.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular or modified diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

REPORTS

None.

ATTACHMENTS

None.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

END OF POLICY

REFERENCES / COMMENTS

[ORS 338.165](#)

[ORS 339.115](#)

[ORS 343.085](#)

[ORS 343.224](#)

[OAR 581-015-2020](#)

[OAR 581-015-2035](#)

[OAR 581-015-2040 to-2065](#)

[OAR 581-015-2050](#)

[OAR 581-015-2530](#)

[OAR 581-015-2600](#)

[OAR 581-015-2605](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).

[Bethel Administrative Rule IGBAJ: Special Education – Free Appropriate Public Education \(FAPE\)](#)

IGBAJ. SPECIAL EDUCATION - FREE APPROPRIATE PUBLIC EDUCATION (FAPE)
Adopted:

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students, including students enrolled in public charter schools located in the district with disabilities, except as provided below.

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular *or modified* high school diploma is no longer entitled to FAPE.
- b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular *or modified* high school diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular *or modified* high school diploma.
- d. Graduation with an alternative document:
 - (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation, or require prior written notice.
- e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular *or modified* diploma.

4. Incarcerated Youth

- a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.

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- b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an *individualized education program* (IEP).
- c. The district's provisions of FAPE does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves resident children with disabilities attending charter schools sponsored by the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. ~~The district convenes an IEP meeting as soon as possible following notification by the charter school that a student with a disability has enrolled.~~ *The district shall, in consultation with the student's parent, guardian, or person in parental relationship, provide FAPE to the students, in accordance with Oregon Administrative Rule (OAR) 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts, and implements a new IEP*

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that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP with OAR 581-015-2330(2).

- c. The district provides supplementary and related services on site at a district charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. The district ensures that resident children attending charter schools not sponsored by the district are provided special education and related services in accordance with ORS 338.165. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian, or person in parental relationship to provide information about:
 1. The district's responsibility to identify, locate, and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 2. The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student is no longer enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 1. That the student no longer is enrolled in the public charter schools; and
 2. That the district will provide the student education records, including all information related to the student's IEP, if the student seeks enrollment or services for the district in which the student resides.
- b. The student's parent, guardian, or person in parental relationship to provide information about:
 1. The responsibility of the school district in which the student resides to identify, locate, and evaluate students and implement services;
 2. The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 3. The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

Bethel School District #52
Administrative Rule

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education;
- d. Are enrolled in the district.

9. Students with Disabilities *under IDEA Enrolled in Covered by Public Benefits or Insurance*

A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a student with disabilities *under IDEA*, the district:

- a. ~~Will~~ *May* not require a parent to sign up for or enroll in public insurance programs in order for their student with disabilities to receive FAPE under ~~Part B~~ of the IDEA, *but may pay the cost that the parent otherwise would be required to pay; and*
- b. ~~Will not require parents to incur an out-of-pocket expense in order for their student with disabilities to receive FAPE under Part B of the IDEA; and~~
- c. Will not use the student's benefits under a public insurance if that use would:
 - (1) Decrease available lifetime coverage or any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures; and

Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student's parents and must obtain written consent that:

- a. *States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);*
- b. *States the purpose of the disclosure (e.g. billing for services under IDEA);*
- c. *Names the agency to which the disclosure may be made (e.g. Medicaid);*
- d. *Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;*
- e. *Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and*
- f. *Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:*
 1. *Decrease available lifetime coverage or any other insured benefit;*
 2. *Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;*
 3. *Increase premiums or lead to the discontinuation of insurance; or*
 4. *Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures*

10. Students with Disabilities Covered by Private Insurance

Bethel School District #52
Administrative Rule

- a. ~~Each time the district proposes to access a parent's private insurance proceeds, the district will:
 - (1) Obtain parent consent (as defined in OAR 581-015-2090); and
 - (2) Inform the parents that their refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent(s).~~
- b. ~~The district may use its IDEA Part B funds for a specified service required to ensure FAPE if the district is unable to obtain consent to use a child's private insurance.~~
- c. ~~If the parent would incur a cost for the school district's use of private insurance, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the private insurance (e.g. the deductible or co-pay amounts).~~

11. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

12. *Extended School Year (ESY) services* as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

13. *Assistive Technology devices or services* as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR

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**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: **Graduation Requirements**

Policy Number: **IKF** Effective Date: **1/2018**

Date of Original Policy and Revisions: **6/09, 10/12, 1/14, 10/16**

Cancels Policy No.: **N/A** Dated: **N/A**

Date of Next Review: **1/2021**

POLICY

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if they are 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that other district or public charter school².

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in the Essential Skills of Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year are:

¹As defined in ORS 30.297.

²For a high school diploma awarded on or after January 1, 2018.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

1. On track to meet all other graduation requirements; and
2. Unable to demonstrate proficiency in the Essential Skills in English.

The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year:

1. Are on track to meet all other graduation requirements;
2. Are unable to demonstrate proficiency in the Essential Skills in English;
3. Have been enrolled in a U.S. school for five years or less; and
4. Receives at least a level 3 (Intermediate) on the English Language Proficiency Assessment (ELPA)³.

⁴The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

The district may not deny a student, who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded. A student who is emancipated or has reached the age of 18 at the time the modified diploma or the extended diploma is awarded may sign the consent.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or

³This criteria does not apply to students seeking a diploma in 2017-2018.

⁴[This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skill of Apply Mathematics and other courses.]

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years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

Beginning in grade five or after a documented history to qualify for an extended diploma has been established, the district will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma and an alternative certificate.

A student who ~~qualifies to receive or~~ receives a modified diploma, an extended diploma or an alternative certificate ~~will~~ shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a ~~modified diploma~~, an extended diploma or an alternative certificate shall have access to individually designed instructional hours, hours of transition services and hours of other services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school, ~~unless reduced~~ as determined by the individualized education program (IEP) team.

A student who qualifies to receive a modified diploma but has not yet been awarded the modified diploma shall continue to have access to individually designed instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.⁵

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an ~~alternate~~ alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified by grade five of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted-out of the ~~Smarter Balanced or alternate Oregon Extended Assessment~~ statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

⁵A student who received a modified diploma prior to July 1, 2018 shall continue to have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

The district will issue a high school diploma, upon request, and pursuant to Oregon law (ORS 332.114) to a person who served in the Armed Forces⁶, as specified in Oregon law, if and the person was discharged or released under honorable conditions and has received either a General Educational Development, a post-secondary degree or has received a minimum score on the Armed Services Vocational Aptitude Battery.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
~~[ORS 338.115](#)~~
[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)
~~[OAR 581-022-1910](#)~~
~~[OAR 581-022-0615-2115](#)~~
~~[OAR 581-022-0617-2120](#)~~
~~[OAR 581-022-1130-2000](#)~~
~~[OAR 581-022-1131-2025](#)~~
~~[OAR 581-022-1133-2015](#)~~
~~[OAR 581-022-1134-2010](#)~~
~~[OAR 581-022-1135-2020](#)~~
~~[OAR 581-022-1210-2030](#)~~
~~[OAR 581-022-1215](#)~~

⁶The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
 - a. World War I;
 - b. World War II;
 - c. The Korean Conflict; or
 - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
 - a. Operation Urgent Fury (Grenada);
 - b. Operation Just Cause (Panama);
 - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
 - d. Operation Restore Hope (Somalia);
 - e. Operation Enduring Freedom (Afghanistan); or
 - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.

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BOARD OF EDUCATION POLICY STATEMENT

[OAR 581-022-1350-2505](#)
HB 2655 (2015)

TEST ADMINISTRATION MANUAL, APPENDIX L-REQUIREMENTS FOR ASSESSMENT OF ESSENTIAL SKILLS.
[Bethel Administrative Rule IKF: Graduation Requirements](#)

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Use of Physical Restraint and Seclusion

Policy Number: JGAB Effective Date: 4/14

Date of Original Policy and Revisions: 6/07, 4/10, 11/12

Cancels Policy: _____ Dated: _____

Date of Next Review: 4/17

POLICY

Bethel School District encourages positive behavioral interventions and supports to maintain a safe and secure environment for all students and staff. The Board is dedicated to the development and application of best practices within the district's public educational/behavior programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during, and after the use of physical restraint and/or seclusion as an intervention with district students.

Definitions

1. "Physical restraint" means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. Physical restraint does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.
2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion does not include removal of a student for a short period of time to provide the student with an opportunity to regain self-control, in a setting from which the student is not physically prevented from leaving.
3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
5. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional's scope of practice.
 6. "Prone restraint" means a restraint in which a student is held face down on the floor.

The use of physical restraint and/or seclusion ~~are~~ **is** only permitted as part of a behavior support plan when other less restrictive interventions would not be effective and the student's behavior poses a threat

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

of imminent, serious, physical harm to the student or others. ~~Physical restraint and/or seclusion may also be used in an emergency by a school administrator, teacher, school employee, or volunteer when the student's behavior poses a reasonable threat of imminent, serious physical harm to the student or others. Bethel School District has selected the Oregon Intervention System (OIS) training program of physical restraints and seclusion for use in the district. As required by State regulation, this program includes behavior support, prevention, de-escalation, and crisis response techniques.~~

Except in the case of an emergency, only staff current in the required training in accordance with the district-designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. ~~In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher, or other school employee as necessary when the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student's behavior poses a threat of imminent, serious physical harm to themselves or to others. Any student being restrained or secluded within the district, whether in an emergency or as part of a plan, shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlines in Oregon Administrative Rule (OAR) 581-021-0568.~~

Bethel School District shall utilize the Oregon Intervention System (OIS) training program of physical restraints and seclusions for use in the district. As required by State regulation, this program includes behavioral supports, prevention, de-escalation, and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year, ~~including a review of all district cases involving restraint and/or seclusion,~~ shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with the district's policies and procedures. The results of the annual review shall be documented, and shall include at a minimum:

1. The total number of incidents of physical restraint;
2. The total number of incidents of seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
7. The total number of students placed in physical restraint and/or seclusion more than 10 times in a school year;
8. The total number of physical restraint and seclusion incidents carried out by untrained individuals;
9. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed;

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BOARD OF EDUCATION POLICY STATEMENT

10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This report shall be made available to the Board and to the public at the district's main office and on the district's website.

At least once each school year the public shall be notified as to how to access the report.

The district shall investigate all complaints regarding the use of restraint and seclusion practices as per according to the procedures outlined in Board Policy KL – Public Complaints and KL-AR district Administrative Rule KL. This does not preclude complaints under other applicable provisions. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

A complainant, who is a student, is a parent or guardian of a student attending school in the district, or is a person who resides in the district, may appeal a final decision by the Board to the Deputy Superintendent of Public Instruction as provided in OAR 581-002-0400.

The superintendent or designee shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of physical restraint or seclusion by district personnel.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 161.205](#)

[ORS 339.250](#)

[ORS 339.285](#)

[ORS 339.288](#)

[ORS 339.291](#)

[OAR 581-021-0061](#)

[OAR 581-021-0062](#)

[OAR 581-021-0550](#)

[OAR 581-021-0553](#)

[OAR 581-021-0556](#)

[OAR 581-021-0559](#)

[OAR 581-021-0563](#)

[OAR 581-021-0566](#)

[OAR 581-021-0568](#)

[OAR 581-021-0569](#)

[OAR 581-021-0570](#)

[OAR 581-022-2370](#)

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

[Bethel Administrative Rule KL: Complaint Procedure](#)

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Student Fees, Fines and Charges

Policy Number: JN Effective Date: 1/2018

Date of Original Policy and Revisions: 5/14

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 1/2021

The Board recognizes the need for student fees to fund certain school activities which are not sufficiently funded by the District.

No student will be denied an education because of his/her inability to pay supplementary fees.

No student, however, is exempt from charges for lost or damaged books, locks, materials, supplies and equipment.

All student fees and charges, both optional and required, will be listed and described annually in the student/parent handbook, or in some other written form, and distributed to each student. -Students will be advised of the due dates for such fees and charges as well as of possible penalties for failure to pay them.

In accordance with the law and with Board policy, restrictions and/or penalties may be imposed until such fees, fines or charges are paid.

The District may waive all or a portion of the debt if one of the following conditions are met:

1. The District determines that the student or the parent or guardian of the student is unable to pay the debt;
2. The payment of the debt could impact the health or safety of the student;
3. The cost to notify the student and his/her parents would cost more than the potential total debt collected relating to the notice; or
4. There are mitigating circumstances as determined by the Superintendent or designee of the District that preclude the collection of the debt.

Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Prior to collection of debts, the Superintendent or designee will ensure that notice has been provided as required by ORS 339.260 and 339.270.

END OF POLICY

Legal Reference(s):

ORS 326.565 ORS 326.575
ORS 339.115 ORS 339.155
ORS 339.260 ORS 339.270

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January 8, 2018

RESOLUTION NO. 17-18: 24

RESOLUTION: CONSENT AGENDA/PERSONNEL ACTION

The Board of Directors, School District No. 52, Lane County, approves personnel action involving licensed employees and extra duty contracts at each regularly scheduled School Board meeting. If the Board of Directors would like to discuss any of these recommendations in executive session, the employee should be identified by the number preceding the name and it will be withdrawn pending further instruction from the Board. Remie Calalang is available for questions.

RECOMMENDATION:

It is recommended that the School Board approve the Consent Agenda as reflected in this resolution and any addendum presented along with this resolution.

#	Name	Type	Description
1.	Ellis, Haley	Temporary Hire for 2017-18	Offer Temporary Contract for 1.0 FTE Title Teacher @ Prairie Mountain; Start Date: 1/2/2018.
2.	Yarbrough, Raymond	Hire for 2017-18	Offer Extra Duty Contract for Jumps Track Coach @ Willamette.

Recommended by: Remie Calalang, Human Resources Director

ATTEST _____
 Clerk – Chris Parra

 Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				

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January 8, 2018

RESOLUTION NO. 17-18: 25

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County,
hereby adopts the following Board Policies:

- JBA: Education of Students Experiencing Homelessness**
- JED: Student Absences and Excuses**
- JN: Student Fees, Fines and Charges**

ATTEST _____
Clerk – Chris Parra

Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				
Rich Cunningham				

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Education of Students Experiencing Homelessness

Policy Number: JBA Effective Date: 1/2018

Date of Original Policy and Revisions: 9/06, 12/12, 6/16

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 1/2021

POLICY

Students experiencing homelessness in the district will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

A liaison for students in homeless situations will be designated by the district to carry out duties as required by law.

The District will ensure that students are not stigmatized nor segregated on the basis of their status as homeless.

Eligible students will be admitted, in accordance with the student's best interest, to the student's school of origin or enroll the student in a district school in the attendance area in which the student is actually living, unless contrary to the request of the parent or unaccompanied student. Transportation will¹ be provided by the attending or resident districts of the student in accordance with law.

The superintendent or designee will develop administrative regulations to remove barriers to access and participation by students experiencing homelessness.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2015).

¹McKinney-Vento Homeless Assistance Act (see 42 U.S.C. 11432(g)(1)(J)(iii)).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

[Bethel Administrative Rule JBA: Education of Homeless Students](#)

[ORS 339.133](#) (1) – Residency

[ORS 339.115](#) (7) – Admission of students

[ORS 109.056](#) - Delegation of certain powers by parent or guardian; delegation during period of military service

[ORS 327.006](#) - Definitions for State School Fund distributions

[ORS 339.133](#) - Determination of residency of student for school purposes

[ORS 433.267](#) - Immunization of school children; rules; exceptions; effect of failure to comply

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Student Absences and Excuses

Policy Number: JED Effective Date: 1/2018

Date of Original Policy and Revisions: 5/07, 1/10, 10/11, 10/11, 11/14

Cancels Policy: JE Dated: 1/2010

Date of Next Review: 1/2021

POLICY

Maintaining regular attendance in all assigned classes is the responsibility of parents or guardians and students. Absence from school or class will be excused under the following circumstances:

1. Illness of the student;
2. Illness of an immediate family member, when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Field trips and school-approved activities;
5. Medical (dental) appointments. Confirmation of appointments may be required;
6. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.

Each school shall notify a parent or guardian by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Schools will publish specific attendance rules and procedures annually in student handbooks.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s)

ORS 109.056	ORS 339.065
ORS 332.107	ORS 339.071
ORS 339.030	ORS 339.420
ORS 339.055	OAR 581-021-0046
	OAR 581-021-0050
	OAR 581-023-0006 (11)

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January 8, 2018

RESOLUTION NO. 17-18: 26

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby adopts the 2018-2019 Budget Calendar.

ATTEST _____
Clerk – Chris Parra

Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				
Rich Cunningham				

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BETHEL SCHOOL DISTRICT
EUGENE, OREGON

2018-2019 - Budget Calendar



DECEMBER 11, 2017	Board Reviews Draft 2018-2019 Budget Calendar
JANUARY 8, 2018	Board Adopts 2018-2019 Budget Calendar
JANUARY 22, 2018	Appoint Budget Committee Members
APRIL 2, 2018	All budget materials due from buildings—300,400,500,600 series
APRIL 16, 2018	Submit notice to <u>Register Guard</u>
APRIL 23, 2018	Publish first notice of Budget Committee Meeting (<i>5 to 30 days prior to meeting</i>)
MAY 14, 2018	Budget Committee 'Orientation', 5:30 p.m. Budget Document/Budget Message presented to the Budget Committee First Budget Committee Meeting , District Office, 7:00 p.m.
MAY 17, 2018	Budget Committee Meeting at District Office, 5:30 p.m. Discussion of budgets for Elementary, K-8, Middle School and High School Programs, Administration, Special Services, All Schools, Other Funds and General Fund Revenue Approval of Budget
MAY 24, 2018	Alternative date for approval of the budget, District Office, 7:00 p.m.
JUNE 11, 2018	Publication of NOTICE OF BUDGET HEARING, FINANCIAL SUMMARY, and FUND SUMMARIES (<i>not more than 25 nor less than 5 days prior</i>)
JUNE 25, 2018	Public Hearing on Budget Enact resolutions adopting the budget, making the appropriations, and declaring the tax levy

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Fax: (541) 689-0719 • www.bethel.k12.or.us



January 8, 2018

RESOLUTION NO. 17-18: 27

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby acknowledges receipt of the 2016-2017 Comprehensive Annual Financial Report submitted by the firm of Grove, Mueller, and Swank, P.C.

ATTEST _____
Clerk – Chris Parra

Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				

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January 8, 2018

RESOLUTION NO. 17-18: 28

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby reauthorizes the approval of the Lane ESD 2017-19 Local Service Plan Year Two and requests the Lane ESD to provide the services described during the 2018-19 (year two) fiscal year in accordance with ORS 334-175.

ATTEST _____
Clerk – Chris Parra

Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				
Rich Cunningham				