



BETHEL SCHOOL BOARD MEETING

Hybrid Meeting hosted from the District Office – 4640 Barger Drive

Monday, December 12, 2022 - 6:30 p.m.

Join Zoom Webinar:

<https://bethel-k12-or-us.zoom.us/j/85997303233?pwd=bExGZTBZZStYUnFweC8zY3JxbmJHdz09>

Passcode: 784253

Or

Phone number to listen: 1-253-215-8782

Webinar ID: 859 9730 3233

Passcode: 784253

AGENDA

1. Call to Order

Rich Cunningham, Chair

2. Pledge of Allegiance

3. Approval of Minutes

4. Delegations and Visitors

Public comment will be taken either in person, via Zoom Webinar, or in writing and will be limited to thirty minutes. To sign up for public comment via Zoom Webinar, please complete [this form](#) by noon the day of the Board Meeting. Written comments can be submitted to publiccomment@bethel.k12.or.us. Board members will have access to written public comments submitted by noon the day of the Board Meeting.

5. Superintendent's Report

- A. Student Representative Reports, KHS and WHS
- B. School Presentations: Prairie Mountain and Meadow View
- C. Student Investment Account Report: Kee Zublin
- D. Financial Statement: Andrea Belz
- E. Superintendent's Update
- F. Policy Update, 1st Reading
 - a. IGDJ – Interscholastic Activities – *New policy*
 - b. IKF – Graduation Requirements – *Updated to reflect new language*
 - c.
- G.

6. Consent Agenda

Personnel Action

Resolution No. 20

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

December 12, 2022, Page 2 of 2

7. Action Items

- A. Adopt Policies/ARs: BG, GBN/JBA-AR2, JBA/GBN-AR2, IGAI, IGBAF, IGBAF-AR Resolution No. 21
- B. *Yes/No/Abstain* - OSBA Resolution 1 – Adopt OSBA Legislative Priorities and Principles Resolution No. 22
- C.

8. Information and Discussion

- A. 27th Annual Airport Rotary Foundation Dinner & Auction, Friday, February 24, 5:30pm, Valley River Inn
- B.

9. Board Activity Update

- A.

10. Review of Next Meeting: Monday, January 9, 2023

- A. Strategic Planning Work Session: Kristen Miles, OSBA
- B.

11. Adjournment

WORK SESSION NOTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
OCTOBER 24, 2022

The October 24, 2022 Work Session was held in person and was remotely accessible via Zoom Webinar.

ATTENDANCE

Board Members: Debi Farr, Greg Nelson, Paul Jorgensen, Robin Zygaitis, and Chair, Rich Cunningham

Absent: Ashley Espinoza and Caleb Clark

District staff and presenters: Superintendent Sproles, Remie Calalang, Erika Case, Carmen Adler, Kristin Miles, and Jill Busby

CALL TO ORDER

Chair Cunningham called the October 24, 2022 Work Session to order at 5:35 p.m.

ACTION ON MINUTES

Chair Cunningham presented the Minutes from the October 10, 2022 Board Meeting and asked for additions or corrections. Hearing none, the Board approved the Minutes as submitted.

Director Farr arrived at approximately 5:43 p.m.

STRATEGIC PLANNING: KRISTEN MILES, OSBA

Superintendent Sproles updated the Board on the District's strategic planning process and introduced OSBA Board Development Specialist Kristen Miles. Ms. Miles reviewed the work the Board did during the September 12th Work Session and provided the Board with a summary of their work she compiled in a document titled *Strategic Planning Group Work Summaries 9/12/22*.

Superintendent Sproles and Ms. Miles reviewed Bethel's equity decision making framework.

Student Success Administrator Erika Case shared the District's strategic planning timeline and reported that the District is currently assembling a team representative of Bethel's constituents to analyze data collected from surveys, focus groups, and perspective interviews. The Board discussed groups the District would like to engage with for feedback and barriers to hearing additional perspectives.

Chair Cunningham called a recess at 6:52 p.m.

Chair Cunningham reconvened the meeting at 6:57 p.m.

Director Nelson left at approximately 6:55 p.m.

Superintendent Sproles postponed Board perspective interview training which was initially planned for tonight's Work Session.

Administrator for Strategic Initiatives Carmen Adler provided an overview of the ongoing focus groups taking place throughout the District to gather feedback from staff. Ms. Adler shared questions asked during the focus group guided discussions and the staff focus group summary of results from Cascade's focus group which took place earlier this month. The staff focus group summaries include word frequency, themes, and anecdotal data, and will be used as one data set in the District's strategic planning process. They will also be provided as feedback to each building/department.

WORK SESSION NOTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
OCTOBER 24, 2022

The next Strategic Planning Work Session will be held January 9, 2023.

ADJOURNMENT

Chair Cunningham adjourned the Work Session at 7:32 p.m.

Clerk – Kraig Sproles
jcb

Chair – Rich Cunningham

Bethel School District GENERAL FUND
Revenue and Expenditure Report (unaudited)
Fiscal Year 2023

	better than forecast
	within 2% of forecast
	Within 2% - 4% of forecast
	Over 4% of forecast

	Actual July 2022	Actual Aug 2022	Actuals To November 2022	Future Months Projected To June 2023	Preliminary 2022-2023 Totals	2022-2023 ADOPTED BUDGET	Budget Variance
REVENUES							
LOCAL SOURCES:							
Property Taxes	0	0	11,930,213	6,799,778	18,729,991	18,729,991	0
Tuition from other districts	0	0	0	500	500	500	0
Investment earnings	22,249	33,433	191,887	308,113	500,000	100,000	400,000
Misc. local sources	404	1,085	18,719	125,281	144,000	144,000	0
Subtotal	22,654	34,518	12,140,820	7,233,671	19,374,491	18,974,491	400,000
INTERMEDIATE SOURCES:							
County School Fund	0	0	0	230,000	230,000	230,000	0
Heavy Equipment Tax	0	0	4,326	25,674	30,000	30,000	0
Subtotal	0	0	4,326	255,674	260,000	260,000	0
STATE SOURCES:							
State School Fund	7,051,311	3,523,531	21,145,433	21,209,212	42,354,645	42,354,645	0
Common School Fund	0	0	0	554,101	554,101	554,101	0
High Cost Disability	0	0	0	100,000	100,000	100,000	0
Subtotal	7,051,311	3,523,531	21,145,433	21,863,314	43,008,747	43,008,747	0
FEDERAL SOURCES:							
Federal Forest Fees	0	0	0	200,000	200,000	200,000	0
Subtotal	0	0	0	200,000	200,000	200,000	0
OTHER RESOURCES:							
Interfund Transfers In	0	0	50,000	0	50,000	0	50,000
Sale of or Comp for loss of asset	0	0	338	0	338	0	338
Subtotal	0	0	50,338	0	50,338	0	50,338
Total, monthly revenues	7,073,965	3,558,049	33,340,917	29,552,659	62,893,576	62,443,238	450,338
EXPENDITURES							
Salaries	390,868	722,587	9,438,296	23,931,708	33,370,003	34,740,644	(1,370,641)
Employee payroll costs & benefits	278,268	497,204	5,639,122	16,663,137	22,302,259	23,236,407	(934,148)
Purchased services	75,623	475,827	1,417,901	4,196,354	5,614,256	5,614,256	0
Supplies	60,599	142,120	625,158	852,319	1,477,477	1,477,477	0
Capital outlay	0	5,700	35,070	64,930	100,000	20,000	80,000
Insurance/Dues/Other	542,060	121,235	689,552	206,323	895,875	895,875	0
Interfund Transfers	0	0	155,269	1,769,317	1,924,586	1,924,586	0
Contingency	0	0	0	0	0	4,033,992	(4,033,992)
Total, monthly expend.	1,347,418	1,964,673	18,000,369	47,684,088	65,684,457	71,943,238	(6,258,781)
Operating Income / (Deficit)	5,726,547	7,319,922			(2,790,881)	(9,500,000)	

Beginning Fund Balance (unaudited) 10,152,808 9,500,000

Operating Income / (Deficit) (2,790,881) (9,500,000)

Estimated Ending Fund Balance 7,361,927 0

Ending Fund Balance as Percentage of Expenditures **11.21%** Goal - 9% (payroll for one month)

This page intentionally left blank.

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

Subject: **Interscholastic Activities**

Policy Number: **IGDJ** Effective Date: **1/2023**

Date of Original Policy and Revisions: **1/23**

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

Date of Next Review: **1/2026**

POLICY

The Board recognizes the integral role interscholastic activities¹ play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, advisors, student participants, and others associated with the District's high school activities programs and events shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the District and any associated voluntary organization². Each will be held accountable for their actions.

The District and its schools may only be members of and pay fees, if any, to a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities if the organization:

1. Implements and adheres to equity focused policies that:
 - a. Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic activity;
 - b. Prohibit discrimination;
 - c. Permit a student to wear religious clothing in accordance with the student's sincerely held religious belief and consistent with any safety and health requirements; and
 - d. Balance the health, safety, and reasonable accommodation needs of participants on an activity-by-activity basis;

2. Maintains a transparent complaint process that:
 - a. Has a reporting system to allow participants of interscholastic activities or members of the public to make complaints about student, coach, or spectator behavior;
 - b. Responds to a complaint made within 48 hours of the complaint being received; and
 - c. Resolves a complaint within 30 days of the complaint being received unless the organization determines that there is good cause to extend the timeline for resolving the complaint;

¹ Interscholastic activities includes: for students any grade from kindergarten through grade 12, athletics, music, speech and other similar or related activities; for students in any grade from kindergarten through grade eight, activities that are offered only before or after regular school hours and that may, but are not required to, involve interaction among other schools.

² Includes a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

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

3. Develops and implements a system of sanctions against schools, students, coaches, and spectators if a complaint is verified; and
4. Performs an annual survey of students and their parents to understand and respond to potential violations of equity focused policies or other discrimination.

The District shall allow homeschooled students that reside in the district, students eligible to attend school and enrolled in a high school equivalency program³ that reside in the district, and students attending a public charter school that does not provide interscholastic activities that reside in the District, the opportunity to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the District will comply with Title IX and other nondiscrimination laws.

District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a District school for interscholastic activity eligibility or participation. The principal, activities director, advisors and coaches are each responsible for ensuring student participants meet all District eligibility requirements of participation and those of the associated voluntary organization. The principal or designee is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal or designee shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with District activities with prior approval from the principal.

The principal shall investigate all allegations of District student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or the rules and regulations of the associated voluntary organization. The principal shall notify the Superintendent or designee of conduct that violates the terms of this policy and report to the associated voluntary organization if required.

An employee determined to have violated Board policies and/or rules and regulations of the associated voluntary organization may be subject to discipline, up to and including, dismissal. A student in violation of Board policies and/or the rules and regulations of the associated voluntary organization will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of Board policies and/or the rules and regulations of the associated voluntary organization shall be subject to discipline, up to and including, removal from District programs and activities and such other sanctions as may be deemed appropriate by the District.

Employees, volunteers, or students in violation of such policies, rules and/or regulations may be required to remunerate the District in the event fines are assessed as a result of their actions.

³ “High school equivalency program” means a program provided to assist a student in earning a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test.

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

The Superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all District rules governing the conduct of students, staff, and volunteers engaged in District activities are regularly reviewed and updated.

The District will annually review interscholastic activities and participation to determine whether the current offerings reflect the students the District serves.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

Legal Reference(s):

ORS 326.051	OAR 581-015-2255	OAR 581-026-0700
ORS 332.075(1)(e)	OAR 581-021-0045 – 0049	OAR 581-026-0705
ORS 332.107	OAR 581-022-2308(2)	OAR 581-026-0710
ORS 339.450 - 339.460	OAR 581-026-0005	

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2022).
Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).
Senate Bill 1522 (2022).

This page intentionally left blank.

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

Subject: Graduation Requirements

Policy Number: IKF Effective Date: 1/2023

Date of Original Policy and Revisions: 6/09, 10/12, 1/14, 10/16, 1/18, 5/18, 9/18

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

Date of Next Review: 1/2026

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:~~

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

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

~~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 ELL students who by the end of high school:~~

- ~~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.~~

~~The 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 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 when a student is taking an alternative assessment or after a documented history to qualify for a modified diploma, extended diploma or an alternative certificate 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 shall have the option of participating in a high school graduation ceremony with the student's class.~~

~~A student who receives 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, as determined by the individualized education program (IEP) team.~~

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

BETHEL SCHOOL DISTRICT #52 BOARD OF EDUCATION POLICY STATEMENT

~~A student who has received a 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.⁴~~

~~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 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 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.~~

~~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 Forces⁵, and the person was discharged or released under honorable conditions.~~

~~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.~~

The Board establishes graduation requirements for 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 the student is 18 years of age or older or emancipated.

⁴A 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.

⁵The 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.

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

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 child⁶;
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 an educational program⁷ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits in mathematics (must be Algebra I and above);
2. Four credits in language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (including history, civics⁸, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world languages⁹ (units shall be earned in any one or a combination).

⁶ As defined in ORS 30.297.

⁷ “Educational program in this state” means an educational program that is provided by a school district, a public charter school, the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.962 or a hospital identified in ORS 343.261.

⁸ Civics becomes a half-credit requirement beginning on January 1, 2026 ORS 329.451.

⁹ “World language” includes sign language, heritage language and languages other than a student’s primary language.

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

The District shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must¹⁰:

1. Develop an education plan and build an education profile;
2. Demonstrate extended application through a collection of evidence; and
3. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

¹⁰ The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).

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

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits in mathematics;
 - b. Two credits in language arts;

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

- c. Two credits in science;
- d. Three credits in history, geography, economics or civics;
- e. One credit in health;
- f. One credit in physical education; and
- g. One credit in the arts or a world language.

2. Have a documented history of:

- a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
- b. A medical condition that creates a barrier to achievement; or
- c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

Other District Responsibilities

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.

The district may not deny a student 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 listed under the above modified diploma or extended diploma requirements.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is emancipated or who has reached the age of 18 at the time the modified or extended diploma is awarded, or 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 shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in the later of 4 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.

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

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. 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 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.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate 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 instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and when added together provide a total number of hours of instruction and services that equals at least the total number of instructional hours that are required to be provided to students who are attending a public high school.

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 alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or 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 of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form¹¹ and submitting the form to the district.

The district will issue a high school diploma pursuant to Oregon law (ORS 332.114) to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety"

¹¹ Oregon Department of Education page for: [30-day notice and opt-out form](#)

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

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

Legal Reference(s):

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)
[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)
~~[OAR 581-022-1910](#)~~

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION (~~2017-18~~).

~~*Essential Skills and Local Performance Assessment Manual*, published by the OREGON DEPARTMENT OF EDUCATION (JANUARY 22, 2018).~~

[Bethel Administrative Rule IKF: Graduation Requirements](#)

Senate Bill 1522 (2022).

This page intentionally left blank.



December 12, 2022

RESOLUTION NO. 22-23: 20

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.	Ames, Kim	Infant Care Leave	Approve .5 FTE Infant Care Leave 2/2/2023 through the end of the 2022-23 school year; Position: Language Arts Teacher @Willamette.
2.	Hansen, Kelli	Temporary Hire for 2022-23	Offer 1 st Year Temporary Contract for 1.0 FTE Middle School Elective Teacher @Meadow View; Replaces: Matt O'Reilly; Start Date: 11/23/2022.
3.	Kenna, Sean	Hire for 2022-23	Offer Extra Duty Contract for Green Teacher Leader @Willamette.
4.	Kunhardt, Taylor	Temporary Hire for 2022-23	Offer 1 st Year Temporary Contract for 1.0 FTE Art Teacher @Meadow View; Replaces: Mike Glenn; Start Date: 11/28/2022.
5.	Mancuso, Joe	Resignation	Accept Resignation effective 1/6/2022; Position Held: Resource Teacher @Prairie Mountain; 7.5 years at Bethel.
6.	Owens, Ellie	Hire for 2022-23	Offer Extra Duty Contract for Green Teacher Leader @Prairie Mountain.
7.	Wallace, Becca	Hire for 2022-23	Offer Extra Duty Contract for Assistant Swimming Coach @Willamette.

Recommended by: Remie Calalang, Assistant Superintendent

ATTEST _____
Clerk – Kraig Sproles

Chair – Rich Cunningham

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				



December 12, 2022

RESOLUTION NO. 22-23: 21

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

- BG: Board – Staff Communications**
- GBN/JBA-AR2: Federal Law (Title IX) Sexual Harassment Complaint Procedure**
- JBA/GBN-AR2: Federal Law (Title IX) Sexual Harassment Complaint Procedure**
- IGAI: Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**
- IGBAF: Special Education – Individualized Education Plan (IEP)**
- IGBAF-AR: Special Education – Individualized Education Plan (IEP)**

ATTEST _____
 Clerk – Kraig Sproles

 Chair – Rich Cunningham

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				
Rich Cunningham				

This page intentionally left blank.

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

Subject: **Board – Staff Communications**

Policy Number: **BG** Effective Date: **12/2022**

Date of Original Policy and Revisions: **12/22**

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

Date of Next Review: **12/2025**

POLICY

The Board desires to maintain open channels of communication between itself and the District staff. The basic line of communication will be through the Superintendent.

Staff Communications to the Board

All formal communications or reports to the Board, or any Board committee, from staff members will be submitted through the Superintendent. If Board members are contacted directly, the Board members will redirect any communication or requests to the Superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues that are neither part of an active administrative procedure, nor disruptive to the operation of the District. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to Board meetings, which provide an opportunity to observe the Board’s deliberations on matters of District operation.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will provide appropriate communication to keep staff fully informed of the Board’s policies, priorities and actions.

Visits to Schools

Visits to address specific concerns from staff members will be considered official visits. Official visits by Board members will be carried out only under Board authorization and with the full knowledge of staff, including the Superintendent, principals and other supervisors. Unofficial school visits by Board members will be regarded as informal expressions of interest in school affairs and are encouraged. These visits are not “inspections” or visits for supervisory or administrative purposes.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 332.107](#)

[OAR 581-022-2405](#)

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

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

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

This page intentionally left blank.

Bethel School District #52
Administrative Rule

GBN/JBA-AR2 FEDERAL LAW (TITLE IX) SEXUAL HARASSMENT COMPLAINT
PROCEDURE

Adopted: 12/2022

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

Bethel School District #52
Administrative Rule

4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the

⁷ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

⁹ This includes the evidence upon which the district does not intent to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Bethel School District #52
Administrative Rule

parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;

8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

The person deciding the question of responsibility (the "decision-maker") must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

Bethel School District #52
Administrative Rule

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;

¹² Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

Bethel School District #52
Administrative Rule

2. Did not occur in the district's education program or activity¹⁴; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

¹⁴ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

Bethel School District #52
Administrative Rule

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-makers(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

Bethel School District #52
Administrative Rule

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁶

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

¹⁶ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response what not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

This page intentionally left blank.

Bethel School District #52
Administrative Rule

JBA/GBN-AR2 FEDERAL LAW (TITLE IX) SEXUAL HARASSMENT COMPLAINT
PROCEDURE

Adopted: 12/2022

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

Bethel School District #52
Administrative Rule

4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the

⁷ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

⁹ This includes the evidence upon which the district does not intent to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Bethel School District #52
Administrative Rule

parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;

8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

The person deciding the question of responsibility (the "decision-maker") must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

Bethel School District #52
Administrative Rule

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;

¹² Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

**Bethel School District #52
Administrative Rule**

2. Did not occur in the district's education program or activity¹⁴; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

¹⁴ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

Bethel School District #52
Administrative Rule

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-makers(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

Bethel School District #52
Administrative Rule

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁶

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

¹⁶ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response what not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

This page intentionally left blank.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education

Policy Number: IGAI Effective Date: 12/2022

Date of Original Policy and Revisions: 12/10, 4/12, 4/15

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 12/2025

POLICY

The District shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The District must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents/guardians, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that their child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school-age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
3. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;
4. Allays those fears concerning HIV that are scientifically groundless;
5. Is balanced and medically accurate;

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

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

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students’ ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

The District’s health and sexuality education will provide information on menstrual health and will be inclusive and affirming of transgender, non-binary, intersex, and two spirit/indigiqueer students; be positive and not fear- or shame-based; be age-appropriate; be medically-accurate; be culturally responsive; and be accessible for students with disabilities.

REPORTS

None

ATTACHMENTS

None

END OF POLICY

REFERENCES / COMMENTS

- [OAR 581-022-2030](#)
- [OAR 581-022-2050](#)
- [OAR 581-022-2220](#)
- [ORS 336.455 – 336.474](#)
- [ORS 336.035](#)
- [ORS 336.059](#)
- [ORS 336.107](#)
- [ORS 339.370 - 339.400](#)
- [OAR 581-021-0009](#)
- [OAR 581-021-0593](#)

This page intentionally left blank.

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

Subject: Special Education – Individualized Education Plan (IEP)

Policy Number: IGBAF Effective Date: 12/2022

Date of Original Policy and Revisions: 2/08, 11/09, 5/12, 6/15, 9/16, 1/20

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 12/2025

POLICY

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the District, kindergarten through 21 years of age, including those who attend a public charter school located in the District, are placed in or referred to a private school or facility by the District, or receive related services from the District. The District is responsible for initiating and conducting the meetings to develop, review, and revise the IEP of a student with disabilities. The District will ensure that one or both parents or guardians are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter, and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the District will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the District shall use other methods to ensure participation, including but not limited to, individual or conference telephone calls, or individual meetings.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

ORS 343.151	OAR 581-015-2210
ORS 343.155	OAR 581-015-2215
OAR 581-015-2000	OAR 581-015-2220
OAR 581-015-2190	OAR 581-015-2225
OAR 581-015-2195	OAR 581-015-2230
OAR 581-015-2200	OAR 581-015-2055
OAR 581-015-2205	OAR 581-015-2600
OAR 581-015-2235	OAR 581-015-2065
OAR 581-015-2265	OAR 581-015-2229

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 to -300.6, 300.22 to -300.24, 300.34, 300.43, 300.105 to -106, 300.112, 320.325, 300.328, 300.501 (2012).

[Bethel Administrative Rule IGBAF: Special Education – Individual Education Plan \(IEP\)](#)

This page intentionally left blank.

IGBAF. SPECIAL EDUCATION – INDIVIDUALIZED EDUCATION PLAN (IEP)

Adopted: 1/2020, 2/2022, 12/2022

1. General IEP Information

- a. The District ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the District is responsible; and
 - (3) Before the District implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The District uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The District develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's general education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The District takes steps to ensure that guardian(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The District ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP, including any amendments the District and guardians agreed to make between annual reviews.

The District takes whatever action is necessary to ensure that guardians understand the proceedings of the IEP team meeting, including arranging for an interpreter for guardians with deafness or whose home language is other than English.
- g. The District provides a copy of the IEP to the guardians at no cost.

2. IEP Meetings

- a. The District conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The District convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the guardian(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the District and the guardian(s) may amend or modify the student's current IEP without convening an IEP team meeting, using the procedures in the Agreement to Amend or Modify IEP subsection.

Bethel School District #52
Administrative Rule

- e. When the guardian(s) requests a meeting, the District will either schedule a meeting within a reasonable time or provide timely written prior notice of the District's refusal to hold a meeting.
- f. If an agency other than the District fails to provide agreed upon transition services contained in the IEP, the District convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The District's IEP team members include the following:
 - (1) The student's guardian(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's general education teachers if the student is or may be participating in the general education environment. If the student has more than one general education teacher, the District will determine which teacher or teachers will participate;
 - (5) A representative of the District (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about District resources. The representative of the District will have the authority to commit District resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the guardian or District, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the District includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the District will take other steps to consider the student's preferences and interests in developing the IEP.
- c. Participation by other agencies:
 - (1) With guardian or adult student written consent, and where appropriate, the District invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
 - (2) If the District refers or places a student in an ESD, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call, or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The District and the guardian may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team

Bethel School District #52
Administrative Rule

member's area of curriculum or service. The District designates specific individuals to authorize excusal of IEP team members.

- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the District ensures:

- (1) The guardian and the District consent in writing to the excusal;
- (2) The team member submits written input to the guardians and other members of the IEP team before the meeting; and
- (3) The guardian is informed of all information related to the excusal in the guardian's home language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the District considers the student's strengths, the guardian's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.

- b. The District ensures that IEPs for each eligible student includes:

(1) A statement of the student's present levels of academic achievement and functional performance that:

- (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
- (b) Describes the results of any evaluations conducted, including functional and developmental information;
- (c) Is written in language that is understood by all IEP team members, including guardians;
- (d) Is clearly linked to each annual goal statement;
- (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

(2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:

- (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students.
- (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
- (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.

(3) A statement of the special education services, related services, supplementary aids and services that the District provides to the student:

- (a) The District bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.

Bethel School District #52
Administrative Rule

- (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
 - (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
 - (5) A statement of any individual modifications and accommodations in the administration of state or District wide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or District wide assessment because of a disability unless the guardian requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular state or District assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
 - (6) A statement describing how the District will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.
6. Individualized COVID-19 Recovery Services¹

Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:

- a. Special education and related services;
- b. Supplementary aides and services;
- c. Additional or intensified instruction;
- d. Social emotional learning support; and
- e. Peer or adult support.

The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.

- a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.
- b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.
- c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.

Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.

- a. IEP teams are not required to meet more than once annually to consider the need for

¹ The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

Bethel School District #52
Administrative Rule

Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

- b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.

The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.

After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:

- a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;
- b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services
- c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.

If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.

Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.

Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.

7. Agreement to Amend or Modify IEP

Between annual IEP meetings, the District and the guardian may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the District and the guardian.

- a. The District and the guardian record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.

Bethel School District #52
Administrative Rule

- b. The District files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
 - c. The District provides the guardian prior written notice of any changes in the IEP and, upon request, provides the guardian with a revised copy of the IEP with the changes incorporated.
8. IEP Team Considerations and Special Factors
- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the guardian for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental, and functional needs of the child.
 - b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
 - c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the District will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a Free Appropriate Public Education (FAPE).
 - d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger if determined appropriate by the IEP team (including guardian(s)), and updated annually thereafter, the IEP must include:

Bethel School District #52
Administrative Rule

- (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
- (b) The transition services (including courses of study) needed to assist the student in reaching those goals.
 - (i) Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule 441-345-0020. Information about these services shall also be provided to the parent by the District at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

(2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the District has informed the student that all procedural rights will transfer at the age of majority; and

(3) If identified transition service providers, other than the District, fail to provide any of the services identified on the IEP, the District will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.

e. To promote self-determination and independence, the District shall provide the student and the student's guardians with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The District shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

9. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

10. Extended School Year Services

- a. The District makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide a free appropriate public education (FAPE).
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and

Bethel School District #52
Administrative Rule

- (3) Provided at no cost to the guardian.
- c. The District does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The District provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The District's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

11. Assistive Technology

- a. The District ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the District permits the use of District-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, District policy will govern liability and transfer of the device when the student ceases to attend the District.

12. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the District and enrolls in a District school within the same school year, the District (in consultation with the student's guardians) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the District either:

- (1) Adopts the student's IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the District with a current IEP from a district in another state, the District, in consultation with the student's guardians, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the District:

Bethel School District #52
Administrative Rule

- (1) Conducts an initial evaluation (if determined necessary by the District to determine Oregon eligibility) with guardian consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
- (2) If the student is eligible under Oregon criteria, the District develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the District provides prior written notice to the guardians explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

This page intentionally left blank.



December 12, 2022

RESOLUTION NO. 22-23: 22

Relevant Data:

Between November 15, 2022 and December 15, 2022, School Boards across the state may take official action on Oregon School Boards Association Resolution:

Resolution:

Adopts the OSBA Legislative Priorities and Principles as recommended by the Legislative Policy Committee.

BE IT RESOLVED, the Board of Directors of Lane County School District No. 52 hereby **ADOPTS / OPPOSES / ABSTAINS**.

It is further recommended that the Board direct the Superintendent or designee to submit this vote to OSBA no later than 5:00 p.m. on December 15, 2022.

ATTEST _____

Clerk – Kraig Sproles

Chair – Rich Cunningham

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				
Rich Cunningham				