



Revised: 8:32 a.m. 10/23/2020

Revised: 9:41 a.m. 10/26/2020

BETHEL SCHOOL BOARD MEETING

Virtual Meeting hosted from the District Office – 4640 Barger Drive

Monday, October 26, 2020 – 6:00 p.m.

Join Zoom Meeting:

<https://bethel-k12-or-us.zoom.us/j/98244327786?pwd=RDIXNFNkYXV2dmowTEp3Ly9jNVBYQT09>

Password: BSD

Or

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

Meeting ID: 982 4432 7786

Password: 958568

Executive Session per ORS 192.660(2)(d) – Labor Negotiations – Toward the end of the meeting.

At the end of the Executive Session, the Board will call the Regular Session to order and open to the public.

AGENDA

1. Call to Order

Greg Nelson, Chair

2. Approval of Minutes

3. Superintendent's Report

- A. Division 22 Assurances, Tasha Katsuda and Kee Zublin
- B. Bethel Health Center, Amy Tidwell and Brooke Cottle
- C. Legislative & School Finance Update
- D. Policy and Administrative Rule Update, 1st Reading
 - a. GBL – Personnel Records – *Updated to reflect new language*
 - b. GBN/JBA – Sexual Harassment – *New policy (replaces GBN)*
 - c. IGBAH-AR – Special Education – Evaluation and Eligibility Procedures – *Updated to reflect new language*
 - d. JBA/GBN – Sexual Harassment – *New policy (replaces JBA)*
 - e. JHH – Student Suicide Prevention – *New policy*
 - f. KBA – Public Records – *Updated to reflect new language*
- E. Metrics Review
- F.

4. Delegations and Visitors

Per ORS 192.670, this Board Meeting will be conducted as a virtual meeting. Public comment will not be taken verbally during the virtual meeting, but will be accepted via email until 4:00 p.m. on Tuesday, October 27, 2020. Please email relevant public comment to jill.busby@bethel.k12.or.us.

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

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5. Consent Agenda

Personnel Action

Resolution No. 18

6. Action Items

A. Approve Temporary Expansion of Bethel Health Center's Eligibility of Services

Resolution No. 19

B. Approve ODE Student Success Act – Student Investment Account Agreement

Resolution No. 20

C.

7. Information and Discussion

A. OSBA Virtual Annual Convention, November 14

B.

8. Board Activity Update

A.

9. Review of Next Meeting: Monday, November 9, 2020

A. Legislative & School Finance Update

B. Board Policies Up for Periodic Review

C.

10. The Board will meet in Executive Session per ORS 192.660(2)(d) to discuss labor negotiations.

11. Return to Regular Session

12. Adjournment

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
SEPTEMBER 28, 2020

The September 28, 2020 meeting of the Board of Directors was held virtually via Zoom.

ATTENDANCE

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

Absent: Dawnja Johnson

District staff, students, and community members identified: Superintendent Parra, Remie Calalang, Pat McGillivray, Kee Zublin, Tina Gutierrez-Schmich, Georgeann Harty, Amy Tidwell, Tasha Katsuda, Simon Levear, Sherine Forrest, David Bolton, Dan Hedberg, Catherine Panfilio, Brady Cottle, Hobie Blackhorn, Nancy Porter, Curt Nordling, Charissa Cannon, Amber Jackson, Relée Davis, an unidentified community member, and Jill Busby

CALL TO ORDER

Chair Nelson called the September 28, 2020 meeting of the Board of Directors to order at 6:01 p.m.

ACTION ON MINUTES

Chair Nelson presented the Minutes from the September 11, 2020 Emergency Board Meeting and the September 14, 2020 Board Meeting, and asked for additions or corrections. Hearing none, the Board approved both sets of Minutes as submitted.

TURF UPDATE, PAT MCGILLIVRAY

Community Relations Director Pat McGillivray shared photos of the new turf fields installed by FieldTurf at Willamette and Meadow View over the summer. In addition to installing the two turf fields, FieldTurf also replaced Willamette's track. Mr. McGillivray answered questions from the Board.

The previous turf fields lasted 12 years, which was their life expectancy.

NUTRITION SERVICES UPDATE, CATHERINE PANFILIO

Superintendent Parra introduced Nutrition Services Director Catherine Panfilio. Ms. Panfilio reported that the District is currently offering meals during Comprehensive Distance Learning under the Summer Food Service Program to all children under the age of 18. Multiple meals are distributed from schools to families on Tuesdays and Fridays. Ms. Panfilio shared a photo of a sample meal box, a sample menu, and statistical data reflecting the number of meals served in recent months. Ms. Panfilio also shared plans for expansion of the District's meal program and answered questions from the Board throughout the presentation. The Board discussed the possibility of a Work Session to further review details of the District's Nutrition Services Program.

MINUTES

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SEPTEMBER 28, 2020

SUPERINTENDENT'S REPORT

Financial Statement, Simon Levear

Business Services Director Simon Levear reviewed the August 2020 financial statement showing an estimated Ending Fund Balance of \$9,470,972, and commented on how the current movement of students could impact the State School Fund and reduce the amount of funding per student to districts.

Legislative & School Finance Update

Superintendent Parra provided an overview of the September 2020 Oregon Economic and Revenue Forecast. Despite current increased state revenue, longer-term forecasts are still predicted to be lower than anticipated prior to COVID-19. With \$3 billion in reserve funds available in the 2019-2021 biennium, legislative actions taken to balance 2019-2021 budget were effective. Superintendent Parra commented that many Oregonians are still struggling and the long-term economic impact of the pandemic and recent wildfires is unknown at this time.

Superintendent Parra also reviewed Oregon Health Authority's metrics to safely reopen schools and data from weekly monitoring periods beginning July 12, 2020 through October 3, 2020.

DELEGATIONS AND VISITORS

No public comment was submitted for this meeting via email by 4:00 p.m. on Tuesday, September 29, 2020.

CONSENT AGENDA

Resolution No. 11 – Personnel Action

Motion: Debi Farr moved, Alan Laisure seconded, to approve the Revised Consent Agenda as specified below.

#	Name	Type	Description
1.	Aumack, Stefan	Leave of Absence	Approve .2 FTE Miscellaneous Leave of Absence for the 2020-21 school year; Position: Principal @ Kalapuya.
2.	Brookshear, Mandy	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength Team Leader @ Shasta.
3.	Footlik, Samantha	Hire for 2020-21	Offer 2 nd Year Probationary Contract for 1.0 FTE 2 nd Grade Teacher @ Prairie Mountain; Replaces: Athena Imholt; Start Date: 8/31/2020.
4.	Gillis, Rachel	Hire for 2020-21	Offer Extra Duty Contract for PDC Chair @ District Office.
5.	Griesi, Misty	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength District Team Leader @ District Office.
6.	Harrison, Terry	Resignation	Accept resignation effective August 7, 2020; Position Held: CTE Metals Industry & Engineering Teacher @ Willamette; 25 years at Bethel.

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7.	Harty, Georgeann	Administrative Hire for 2020-21	Offer 1 st Year Probationary Administrator Contract for 1.0 FTE Assistant Special Services Director @ District Office; Start Date: 8/3/2020.
8.	Martins, Tony	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength District Team Leader @ District Office.
9.	Pullen, Heidi	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength District Team Leader @ District Office.
10.	Smith, Clair	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength District Team Leader @ District Office.
11.	Tacchini, Judy	Hire for 2020-21	Offer Extra Duty Contract for Sources of Strength Team Leader @ Cascade.
12.	White, Sue	Additional Hours for 2020-21	Offer 3 rd Year Probationary Contract for Additional .5 FTE Pre-School Transition Coordinator @ District Office; Total: 1.0 FTE.
13.	Zarate, Allison	Temporary Hire for 2020-21	Offer Temporary Contract for 1.0 FTE Kindergarten Teacher @ Meadow View; Start Date: 9/9/2020.
14.	Martinez, Ann	Resignation	Accept resignation effective August 28, 2020; Position Held: Science Teacher @ Shasta; 1 year at Bethel.

Motion Passed, 6-0

Absent: Dawnja Johnson

ACTION ITEMS

Resolution No. 12 – Adopt Policy BDDH

Motion: Paul Jorgensen moved, Rich Cunningham seconded, to adopt the following policy:

BDDH – Public Comment at Board Meetings

Motion Passed, 6-0

Absent: Dawnja Johnson

Resolution No. 13 – Budget Committee Openings and Timeline

Motion: Robin Zygaitis moved, Debi Farr seconded, to declare Budget positions #4 (3-year term) and #7 (3-year term) open and called for applications to be submitted by October 30, 2020, at 4:00 p.m. Appointments will be made at the Board of Directors meeting on November 9, 2020.

Motion Passed, 6-0

Absent: Dawnja Johnson

INFORMATION AND DISCUSSION

A. OSBA Virtual Annual Convention, November 14

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SEPTEMBER 28, 2020

BOARD ACTIVITY UPDATE

- A. Director Cunningham expressed that he is enjoying Kidsports' 7-on-7 football league. Games are held Friday nights at the new Civic Park sports center in Eugene.
- B. Director Farr shared that former Board member Ginger Poage's husband, Tom Poage, recently passed away and acknowledged the great memories the Board had together with Tom and Ginger.

REVIEW OF NEXT MEETING: MONDAY, OCTOBER 12, 2020

- A. Financial Statement, Simon Levear
- B. Legislative & School Finance Update
- C. Board Policies Up for Periodic Review

ADJOURNMENT

There being no further business to bring before the Board, Chair Nelson adjourned the meeting at 7:08 p.m.

Clerk – Chris Parra

jcb

Chair – Greg Nelson

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Personnel Records

Policy Number: GBL Effective Date: 11/2020

Date of Original Policy and Revisions: 3/14, 5/18

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

Date of Next Review: 11/2023

POLICY

An official personnel file will be established for each person employed by the District. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The Superintendent or designee will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions ~~to be~~ placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee ~~or designee~~ may arrange with the personnel office to inspect the contents of ~~his/her~~ their personnel file on any day the personnel office is open for business;
2. Others designated ~~in writing~~ by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out ~~his/her~~ their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The Superintendent and members of the central administrative staff designated by the Superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the District or the District's designated representative on matters of District business;

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BOARD OF EDUCATION POLICY STATEMENT**

9. The disciplinary records[†] of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and shall be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The District may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, or the Teachers Standards and Practices Commission, or the Oregon Department of Education a district shall provide the records of investigations of suspected child abuse by a district employee in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The Superintendent or designee may permit persons other than those specified above to use and to inspect personnel records when, in his/her their opinion, the person requesting access has a legitimate official purpose. The Superintendent or designee will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order listed above, will be in line with Board Policy KBA – Public Records.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

Legal Reference(s):

[ORS 342.850](#)
[ORS 652.750](#)
[ORS 342.143](#)
[ORS 339.370 - 339-375](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12243 112 (2018); 29 C.F.R. Part 1630 (2006~~19~~); 28 C.F.R. Part 35 (2006~~19~~).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

[†]Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

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

Subject: **Sexual Harassment**

Policy Number: **GBN/JBA** Effective Date: **11/2020**

Date of Original Policy and Revisions: **11/20**

Cancels Policy No.: **GBN** Dated: **12/18**

Date of Next Review: **11/2023**

POLICY

The District is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the District. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The District processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the District, the District will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The District may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures¹.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties² shall include:

¹ Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Harassment, including Intimidation, Bullying, Hazing, Menacing, Cyberbullying, Teen Dating Violence/Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

² “Third party” means a person who is not a student or a school or District staff member and who is: 1) on or immediately adjacent to school grounds or District property; 2) At a school-sponsored activity or program; or 3) Off school grounds or District property if a student or a school or District staff member acts toward the person in a manner that creates a hostile environment for the person while on school or District property, or at a school- or District-sponsored activity.

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1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student’s educational activity or program;
 - b. Interferes with a school or District staff member’s ability to perform their job; or
 - c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student’s, staff member’s or third party’s consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or District staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s action, offensive because of that other person’s sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
Remie Calalang	HR Director	(541) 689-3280	remie.calalang@bethel.k12.or.us
Tina Gutierrez-Schmich	Equity Director	(541) 689-3280	tina.schmich@bethel.k12.or.us

These individual(s) are responsible for accepting and managing complaints. The Equity Director is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a District official. The District official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or

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BOARD OF EDUCATION POLICY STATEMENT

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the District official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to District officials, this includes officials such as the principal, compliance officer or Superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate District official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The District may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The District will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The District may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for District electronic systems;
5. Trainings and education for staff and students; and

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6. Increased notifications regarding District procedures and resources.

When a student or staff member is harassed by a third party, the District will consider the following:

1. Removing that third party's ability to contract or volunteer with the District, or be present on District property;
2. If the third party works for an entity that contracts with the District, communicating with the third party's employer;
3. If the third party is a student of another District or school, communicate information related to the incident to the other District or school;
4. Limiting attendance at District events; and
5. Providing for additional supervision, including law enforcement if necessary, at District events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or District staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the District's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the District shall provide written notification to the following:

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the District should consider when to contact the person's parent.

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1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all person designated by the District to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or District that the person who filed the complaint may pursue, including the person designated for the school or District for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or District may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or District, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or District;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the District's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

⁴ Remember confidentiality laws when providing any information.

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Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the District office and on the website of the school or District.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity⁵;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

⁵ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

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This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A District's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The District will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The Equity Director is designated as the Title IX Coordinator and can be contacted at (541) 689-3280. The Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to this AR. The District prominently will display the contact information for the Title IX Coordinator on the District website and in each handbook.

Response

The District will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁶ The District shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

⁶ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁷ (Title 34 C.F.R. § 106.44(a)) 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.⁷ 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. (Title 34 C.F.R. § 99.30(a))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

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The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁹

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁰ The District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The District shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the District does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the District will respond.

No Retaliation

Neither the District or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The District must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The District may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

¹¹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the District website. This policy shall also be made available at each school office and at the District office. The District shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 243.706](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

HB 4150 (2018)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

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Bethel School District #52
Administrative Rule

IGBAH. SPECIAL EDUCATION - EVALUATION AND ELIGIBILITY PROCEDURES

Adopted: 1/2018, 11/2020

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent/guardian consent obligations, the district responds promptly to requests initiated by a parent/guardian or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent/guardian or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent/guardian and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents/guardians, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents/guardian to participate.
 - d. If the district agency refuses an evaluation requested by the parent/guardian, the district provides the parent/guardian with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's/guardian's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents/guardians agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent/guardian and the district agree in writing to a specific time when the evaluation will be completed;
 - c. The parent/guardian repeatedly fails or refuses to produce the child for evaluation.
4. Reevaluation
 - a. The district conducts reevaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents/guardians or teacher request a reevaluation; and
 - (3) At least every three years, unless that parent/guardian and the district agree that a reevaluation is unnecessary.
 - b. The district does not conduct reevaluation more than once a year, unless the parent/guardian and district agree otherwise.
5. Evaluation Planning
 - a. ~~The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), the child's IEP or IFSP team, including the parents~~

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

a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents/guardians and other qualified professionals as appropriate, must review existing information on the child, including:

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

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

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

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

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent/guardian and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:

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

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

- (1) Selected and administered so as not to be discriminatory on a racial or cultural basis;
- (2) Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;

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Administrative Rule

- (3) Used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Administered by trained and knowledgeable personnel; and
 - (5) Administered in accordance with any instructions provided by the producer of the assessments.
 - e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
 - f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
 - g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility
- a. If the child's IEP or IFSP team determines that no additional data is needed whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents/guardians to request an assessment.
 - b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents/guardians.
8. Evaluation Procedures for Transfer Students
- When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.
9. Eligibility Determination
- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
 - b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s)/guardian(s).
 - c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent/guardian;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
 - d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher

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recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.

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

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

Subject: **Sexual Harassment**

Policy Number: **JBA/GBN** Effective Date: **11/2020**

Date of Original Policy and Revisions: **11/20**

Cancels Policy No.: **JBA** Dated: **1/19**

Date of Next Review: **11/2023**

POLICY

The District is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the District. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The District processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the District, the District will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The District may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures¹.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties² shall include:

¹ Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Harassment, including Intimidation, Bullying, Hazing, Menacing, Cyberbullying, Teen Dating Violence/Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

² “Third party” means a person who is not a student or a school or District staff member and who is: 1) on or immediately adjacent to school grounds or District property; 2) At a school-sponsored activity or program; or 3) Off school grounds or District property if a student or a school or District staff member acts toward the person in a manner that creates a hostile environment for the person while on school or District property, or at a school- or District-sponsored activity.

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1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or District staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or District staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
Remie Calalang	HR Director	(541) 689-3280	remie.calalang@bethel.k12.or.us
Tina Gutierrez-Schmich	Equity Director	(541) 689-3280	tina.schmich@bethel.k12.or.us

These individual(s) are responsible for accepting and managing complaints. The Equity Director is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a District official. The District official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the District official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to District officials, this includes officials such as the principal, compliance officer or Superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate District official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The District may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The District will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The District may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for District electronic systems;
5. Trainings and education for staff and students; and

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

6. Increased notifications regarding District procedures and resources.

When a student or staff member is harassed by a third party, the District will consider the following:

1. Removing that third party's ability to contract or volunteer with the District, or be present on District property;
2. If the third party works for an entity that contracts with the District, communicating with the third party's employer;
3. If the third party is a student of another District or school, communicate information related to the incident to the other District or school;
4. Limiting attendance at District events; and
5. Providing for additional supervision, including law enforcement if necessary, at District events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or District staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the District's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the District shall provide written notification to the following:

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the District should consider when to contact the person's parent.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all person designated by the District to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or District that the person who filed the complaint may pursue, including the person designated for the school or District for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or District may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or District, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or District;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the District's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

⁴ Remember confidentiality laws when providing any information.

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BOARD OF EDUCATION POLICY STATEMENT

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the District office and on the website of the school or District.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity⁵;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

⁵ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A District's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The District will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The Equity Director is designated as the Title IX Coordinator and can be contacted at (541) 689-3280. The Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to this AR. The District prominently will display the contact information for the Title IX Coordinator on the District website and in each handbook.

Response

The District will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁶ The District shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

⁶ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁷ (Title 34 C.F.R. § 106.44(a)) 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.⁷ 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. (Title 34 C.F.R. § 99.30(a))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

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The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁹

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁰ The District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The District shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the District does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the District will respond.

No Retaliation

Neither the District or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The District must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The District may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

¹¹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the District website. This policy shall also be made available at each school office and at the District office. The District shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

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Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

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

Subject: **Student Suicide Prevention**

Policy Number: **JHH** Effective Date: **11/2020**

Date of Original Policy and Revisions: **11/20**

Cancels Policy No.: _____ Dated: _____

Date of Next Review: **11/2023**

POLICY

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of high-risk groups, including:
 - a. Youth bereaved by suicide;
 - b. Youth with disabilities, mental illness or substance abuse disorders;
 - c. Youth experiencing homelessness or out of home settings, such as foster care; and
 - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
 - a. When and how to refer youth and their families to appropriate mental health services; and
 - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;
7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis¹; and
8. A process for designating staff to be trained in an evidence-based suicide prevention program.²

The plan must be written to ensure that a district employee acts only within the authorization and scope of the employee's credentials or licenses.

¹ "Behavioral health crisis" as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual's mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual's mental or physical health.

² ODE will provide a list of available programs.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

The plan must be available annually to the community of the district, including district students, their parents and guardians, and employees and volunteers of the district, and readily available at the district office and on the district website.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES/COMMENTS

[ORS 332.107](#)

[ORS 339.343](#)

[OAR 581-022-2510](#)

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Public Records

Policy Number: KBA Effective Date: 11/2020

Date of Original Policy and Revisions: 11/08, 12/10, 1/15

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 11/2023

POLICY

“Public record” means any information that:

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

~~Public record includes any writing containing information relating to the conduct of the district’s business. Writing means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and papers, maps, files, facsimiles, electronic recording and e-mail, including deleted e-mail on backup. Public record does not include messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded.~~

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

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

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

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

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

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to ~~ORS 192.445~~ Oregon Revised Statute (ORS) 192.445 and ORS 192.502-(3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. -This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. District electronic mail addresses assigned by the district to district employees are not exempt.

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

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

The District shall retain and maintain its public records in accordance with OAR 166, Division 400.

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

~~The Board’s official minutes, its written policies and its financial records will be available at the Superintendent’s office for inspection by any citizen desiring to examine them during hours when the Superintendent’s office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advanced notice.~~

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

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

~~The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making copies of public records for the public.~~

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS Chapter 192](#)

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

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

[OAR 166-400](#)

HB 3464 (2017)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (20062017); 28 C.F.R. Part 35 (20062017).

Or. Dep't of Justice, Or. Att'y General's *Public Record and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008.

[Bethel Administrative Rule KBA: Public Records](#)

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October 26, 2020

RESOLUTION NO. 20-21: 18

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.	Hamar, Chelsea	Temporary Hire for 2020-21	Offer Temporary Contract for 1.0 FTE 7 th – 8 th Grade English Language Arts/Social Studies Teacher @Meadow View; Start Date: 10/19/2020.
2.	Jenkins, Carolyn	Resignation	Accept resignation effective October 23, 2020; Position Held: Autism/Behavior Consultant @District Office; 3 years at Bethel.
3.	Stephens, Kyle	Resignation	Accept resignation effective October 23, 2020; Position Held: 7 th – 8 th Grade English Language Arts/Social Studies Teacher @Meadow View; 6 years at Bethel.

Recommended by: Remie Calalang, Human Resources Director

ATTEST _____
 Clerk – Chris Parra

 Chair – Greg Nelson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

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

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October 26, 2020

RESOLUTION NO. 20-21: 19

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby approves the Bethel Health Center to expand its services to serve immediate family members of Bethel school-aged and preschool aged children, during the 2020-2021 school year.

ATTEST _____
Clerk - Chris Parra

Chair – Greg Nelson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

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

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October 26, 2020

RESOLUTION NO. 20-21: 20

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby approves the Oregon Department of Education Student Success Act – Student Investment Account Agreement, State of Oregon Grant No. 13593.

ATTEST _____
Clerk - Chris Parra

Chair – Greg Nelson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

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