



BETHEL SCHOOL BOARD MEETING

Virtual Meeting hosted from the District Office – 4640 Barger Drive

Monday, November 9, 2020 – 6:00 p.m.

Zoom information will be posted on Bethel School District's website by noon on Monday, November 9, 2020

Join Zoom Meeting:

<https://bethel-k12-or-us.zoom.us/j/95630821706?pwd=YsS2SWtGdWxpckZld2hJeIV5MFVWUT09>

Passcode: Barger

Or

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

Meeting ID: 956 3082 1706

Passcode: 407193

AGENDA

1. Call to Order

Greg Nelson, Chair

2. Approval of Minutes

3. Superintendent's Report

- A. Bond Results, Pat McGillivray
- B. Financial Statement, Simon Levear
- C. Legislative & School Finance Update
- D. Policy and Administrative Rule Update, 1st Reading
 - a. GBEA – Workplace Harassment – *New policy*
 - b. GBEA-AR – Workplace Harassment Reporting and Procedure – *New administrative rule*
 - c. GBA – Equal Employment Opportunity – *Updated to reflect new language*
 - d. ACB – All Students Belong – *New policy*
 - e. JFCFA – Racial Harassment – *Updated to reflect new language*
 - f. DFA – Short-Form Investment – *No changes*
 - g. DFB – Arbitrage Post-Issuance Compliance – *No changes*
 - h. DJC – Purchasing Goods or Services – *No changes*
 - i. DJCA – Personal Service Contracts – *No changes*
 - j. DLC – Expense Reimbursement – *No changes*
 - k. DN - Disposal of District Property – *No changes*
- E. Metrics Review
- F.

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

November 9, 2020, Page 2 of 2

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, November 10, 2020. Please email relevant public comment to jill.busby@bethel.k12.or.us.

5. Consent Agenda

Personnel Action

Resolution No. 20

6. Action Items

A. Approve Removal of Policies GBN and JBA

Resolution No. 21

B. Adopt Policies/AR: GBL, GBN/JBA, IGBAH-AR, JBA/GBN, JHH, KBA, DFA, DFB, DJC, DJCA, DLC, and DN

Resolution No. 22

C. Extend Budget Committee Timeline

Resolution No. 23

D.

7. Information and Discussion

A. OSBA Virtual Annual Convention, November 14

B.

8. Board Activity Update

A.

9. Review of Next Meeting: Monday, December 14, 2020

A. OSBA Election

B. Financial Statement, Simon Levear

C. Legislative & School Finance Update

D. Board Policies Up for Periodic Review

E.

10. Adjournment

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
OCTOBER 12, 2020

The October 12, 2020 meeting of the Board of Directors was held virtually via Zoom.

ATTENDANCE

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

Absent: None

District staff and presenters: Superintendent Parra, Remie Calalang, Pat McGillivray, Simon Levear, Nicole Butler-Hooton, Nathan Bridgens, and Jill Busby

CALL TO ORDER

Chair Nelson called the October 12, 2020 meeting of the Board of Directors to order at 6:10 p.m.

ACTION ON MINUTES

Chair Nelson presented the Minutes from the September 28, 2020 Board Meeting and asked for additions or corrections. Hearing none, the Board approved the Minutes as submitted.

SUPERINTENDENT'S REPORT

Calendar Updates

Superintendent Parra reviewed proposed revisions to the calendar that will be before the Board for adoption during the Action Items portion of the Board meeting. Oregon Department of Education's guidance for Comprehensive Distance Learning requires four regular check-ins/conferences with families throughout the school year, compared to the traditional parent-teacher conference held once per year for K-8. The revised calendar addresses the additional check-ins/conferences with families and allows for transition to the Hybrid Learning model, when possible. There are three in-service days not yet scheduled that will be used for professional development either when the District moves to a Hybrid Learning model or at the end of the school year.

Superintendent Parra shared photos from earlier today of the lawn outside of the Bethel School District Administration Building. Flags representing the 574 recognized US Tribal Nations were placed on the lawn by the Bethel Native Youth Empowerment Group in recognition of Indigenous People's Day.

Financial Statement, Simon Levear

Business Services Director Simon Levear reviewed the September 2020 financial statement showing an estimated Ending Fund Balance of \$9,877,152, and commented on the potential impact to funding based on decreased enrollment. Mr. Levear and Superintendent Parra answered questions from the Board related to the statewide decline in kindergarten enrollment and the September 2020 Oregon Economic and Revenue Forecast.

Oregon's 2021 Teacher of the Year, Nicole Butler-Hooton

Irving 2nd Grade Teacher Nicole Butler-Hooton shared her recent experience, as well as upcoming opportunities and events she will participate in, as Oregon's 2021 Teacher of the Year. Irving Principal Nathan Bridgens commented that Ms. Butler-Hooton is an excellent representative as Oregon's Teacher of the Year

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

OCTOBER 12, 2020

and shared a story about her tireless dedication to students. The Board congratulated Ms. Butler-Hooton and thanked her for her efforts on behalf of Bethel students and families.

Legislative & School Finance Update

Superintendent Parra reported on the “All Students Belong” temporary administrative rule recently adopted by the State Board of Education. The “All Students Belong” administrative rule prohibits display of the most recognized symbols of hate, including the swastika, confederate flag, and the noose, in any school-sponsored activities or on school grounds, in-person or remote, and will be in effect for six months beginning November 18, 2020. A permanent rule is expected to be passed. Districts will be required to adopt new policy prohibiting the use of hate symbols and procedures for responding to bias incidents. Superintendent Parra shared the history of similar language banning hate symbols within Bethel policy JFCFA.

Superintendent Parra also reviewed Oregon Health Authority’s updated School Metrics Data. Lane County does not currently meet the metrics to safely reopen schools.

DELEGATIONS AND VISITORS

No public comment was submitted for this meeting via email by 4:00 p.m. on Tuesday, October 13, 2020.

CONSENT AGENDA

Resolution No. 14 – Personnel Action

Motion: Paul Jorgensen moved, Robin Zygaitis seconded, to approve the Consent Agenda as specified below.

| # | Name | Type | Description |
|----------|----------------|------------------|--|
| 1. | Booth, Allison | Hire for 2020-21 | Offer Extra Duty Contract for Cross Country Coach @ Willamette. |
| 2. | Evans, Shannon | Hire for 2020-21 | Offer Extra Duty Contract for Yearbook @ Shasta. |
| 3. | Hagerman, Bree | Hire for 2020-21 | Offer 1 st Year Probationary Contract for 1.0 FTE School Counselor @ Willamette; Start Date: 8/20/2020. |

Motion Passed, 7-0

Absent: None

ACTION ITEMS

Resolution No. 15 – Notice of Intent to Maintain Participation in the Formal Governance of Lane ESD by requesting 50% or less of ADMw in Transit Dollars

Motion: Debi Farr moved, Alan Laisure seconded, to issue a Notice of Intent to Maintain Participation in the Formal Governance of Lane Education Service District by requesting 50% or less of ADMw in Transit Dollars for the 2021-22 school year.

Motion Passed, 7-0

Absent: None

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

OCTOBER 12, 2020

Resolution No. 16 – Adopt Revised 2020-21 Academic Calendar

Motion: Rich Cunningham moved, Paul Jorgensen seconded, to adopt the revised 2020-2021 Academic Calendar, as presented.

Motion Passed, 7-0

Absent: None

Resolution No. 17 – Authorize Superintendent Parra to revise the 2020-2021 Academic Calendar

Motion: Dawnja Johnson moved, Alan Laisure seconded, to authorize Superintendent Parra to further revise the 2020-2021 Academic Calendar, if necessary.

Motion Passed, 7-0

Absent: None

INFORMATION AND DISCUSSION

- A. OSBA Virtual Annual Convention, November 14
- B. Director Laisure inquired whether OSBA’s Virtual Annual Convention will feature Oregon’s 2021 Teacher of the Year.
- C. Director Cunningham inquired about making a donation to the Friends of Bethel Schools campaign committee.

BOARD ACTIVITY UPDATE

- A. Director Johnson shared that an immediate family member has returned home from the Middle East.

REVIEW OF NEXT MEETING: MONDAY, OCTOBER 26, 2020

- A. Division 22 Assurances, Tasha Katsuda and Kee Zublin
- 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 6:58 p.m.

Clerk – Chris Parra

jcb

Chair – Greg Nelson

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Bethel School District GENERAL FUND
 ie and Expenditure Summary/Projection (unaudited)
 Fiscal Year 2020/2021

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

| | Prior Months | Current Month | Future Months | Preliminary | 2020/2021 ADOPTED BUDGE | Budget Variance |
|---|--------------|-------------------------|---------------|---------------------|----------------------------|--------------------|
| | Actuals | Priliminary Oct 2020 | Projected | 2020/2021 Totals | | |
| REVENUES | | | | | | |
| LOCAL SOURCES: | | | | | | |
| Current year's levy* R1111 | 0 | 0 | 17,088,630 | 17,088,630 | 17,123,183 | (34,553) |
| Prior years' taxes* R1112 & 1190 & 1200 | 19,193 | 58,689 | 43,451 | 121,333 | 51,000 | 70,333 |
| Tuition from other Districts | 0 | 0 | 0 | 0 | 0 | 0 |
| Investment earnings R1510 | 54,390 | 15,780 | 303,428 | 373,597 | 450,000 | (76,403) |
| Misc. local sources R1910 & R1940 & R1960 | 54,906 | 37,787 | 54,072 | 146,764 | 159,000 | (12,236) |
| Subtotal | 128,488 | 112,255 | 17,489,581 | 17,730,324 | 17,783,183 | (52,859) |
| INTERMEDIATE SOURCES: | | | | | | |
| County School Fund* R2101 | 0 | 0 | 100,000 | 100,000 | 100,000 | 0 |
| Subtotal | 0 | 0 | 100,000 | 100,000 | 100,000 | 0 |
| STATE SOURCES: | | | | | | |
| SSF- Current Year R3101 | 13,831,041 | 3,456,719 | 24,415,106 | 41,702,866 | 42,004,029 | (301,163) |
| Common School Fund* R3103 | 0 | 0 | 531,882 | 531,882 | 531,882 | 0 |
| High Cost Disability | 0 | 0 | 100,000 | 100,000 | 100,000 | 0 |
| Other State Funds | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | 13,831,041 | 3,456,719 | 25,046,987 | 42,334,748 | 42,635,911 | (301,163) |
| FEDERAL SOURCES: | | | | | | |
| Other Federal Grants 4700 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Forest Fees* R4801 | 0 | 0 | 215,000 | 215,000 | 215,000 | 0 |
| Subtotal | 0 | 0 | 215,000 | 215,000 | 215,000 | 0 |
| OTHER RESOURCES: | | | | | | |
| Interfund Transfers In R5200 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sale of or Comp for loss of asset | 1,000 | 814 | 0 | 1,814 | 0 | 1,814 |
| Beginning fund balance R5400 | 11,608,040 | 0 | 0 | 11,608,040 | 9,618,283 | 1,989,757 |
| Subtotal | 11,609,040 | 814 | 0 | 11,609,854 | 9,618,283 | 1,991,571 |
| Total, monthly revenues | | | | 71,989,925 | 70,352,377 | 1,637,549 |
| EXPENDITURES | | | | | | |
| Salaries- 100 | 3,444,374 | 2,643,810 | 25,495,213 | 31,583,397 | 31,966,449 | (383,052) |
| Employee benefits- 200 | 2,449,194 | 1,845,111 | 18,354,616 | 22,648,921 | 22,841,954 | (193,032) |
| Purchased services- 300 | 637,876 | 276,613 | 4,395,448 | 5,309,936 | 5,748,665 | (438,729) |
| Supplies- 400 | 295,961 | 190,611 | 813,109 | 1,299,681 | 1,305,217 | (5,536) |
| Capital outlay- 500 | 0 | 0 | 18,656 | 18,656 | 20,000 | (1,344) |
| Insurance/Dues/Other- 600 | 504,517 | 1,274 | 19,325 | 525,117 | 542,460 | (17,343) |
| Interfund Transfers | 120,000 | 10,000 | 279,820 | 409,820 | 414,506 | (4,687) |
| Contingency | 0 | 0 | 0 | 0 | 7,513,125 | |
| Total, monthly expend. | 7,451,923 | 4,967,419 | 49,376,186 | 61,795,529 | 70,352,376 | (1,043,722) |
| Month-end Fund Balance | | | | 10,194,396 | 0 | |

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Workplace Harassment

Policy Number: GBEA Effective Date: 12/2020

Date of Original Policy and Revisions: 12/20

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

Date of Next Review: 12/2023

POLICY

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between District employees or between a District employee and the District in the workplace or at a work-related event that is off District premises and coordinated by or through the District, or between a District and a District employee off District premises. Elected school board members, volunteers and interns are subject to this policy.

Any District employee who believes they have been a victim of workplace harassment may file a report with the District employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The District employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The District, upon receipt of a report from a District employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The District employee receiving the report, whether a supervisor of the employer or the District employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation. The District may not require or coerce a District employee to enter into a nondisclosure² or nondisparagement³ agreement.

The District may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between District

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

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

employees or between a District employee and the District, in the workplace or at a work-related event that is off District premises and coordinated by or through the District, or between a District employee and employer off District premises.

The District may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a District employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the District as a term or condition of the agreement. The agreement must provide the District employee at least seven days after signing the agreement to revoke it.

If the District determines in good faith that an employee has engaged in workplace harassment, the District may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the District to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The District shall make this policy available to all District employees and shall be made a part of District orientation materials provided and copied to new District employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

Legal Reference(s):

[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)

[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Senate Bill 479 (2019)

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 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

GBEA. Workplace Harassment Reporting and Procedure

Any District employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administration regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the building principal, Human Resources Director or Superintendent.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 or 659A.112 or section 4 of Senate Bill 479 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the District as a separate confidential file and stored in the District office.

Investigation Procedure

The building principal is responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the building principal, the employee may report to the Human Resources Director. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include District-provided assistance services available to the District employee;
3. Provide a copy of the District's Board policy GBEA - Workplace Harassment and this administrative regulation to the District employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Step 2 If a complainant is not satisfied with the decision at step 1, the complainant may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten working days after receipt of the step 1 decision. The Superintendent or designee shall review the investigators report and findings. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary by the Superintendent or designee to discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant within ten working days after receipt of the appeal.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the findings and conclusion of the Superintendent or designee in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the Superintendent's or designee's decision as the District's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the Superintendent's decision in Step 2 is final.

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within thirty days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within ten days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Follow-up Procedures

The building principal will follow up with the District employee of the alleged harassment once every three months for the calendar year following the date on which the building principal received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The building principal will document the record of this follow-up. The building principal will continue follow-up in this manner until and unless the employee directs the building principal in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

¹ Provide information about legal resources and counseling and support services, which may include District-provided assistance services available to the District employee, and a copy the District's Board policy GBEA - Workplace Harassment and this administrative regulation to the District employee.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Bethel School District

4640 Barger Drive
Eugene, OR 97402
(541) 689 - 3280

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

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

Signature: _____ Date: _____

Bethel School District
4640 Barger Drive
Eugene, OR 97402
(541) 689 - 3280

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

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

Subject: Equal Employment Opportunity

Policy Number: GBA Effective Date: 12/2020

Date of Original Policy and Revisions: 3/87, 5/91, 1/95, 11/95, 1/00, 2/06, 12/08, 10/11, 3/15, 2/17

Cancels Policy No.: GAAA Dated: 3/87

Date of Next Review: 12/2023

POLICY

The District supports the belief that personnel diversity will improve and strengthen society and our schools. The Board of Directors supports equal employment opportunity, and equal treatment shall be practiced by the District. The Superintendent or designee shall develop specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

Equal employment opportunity and treatment shall be practiced by the District regardless of actual or perceived race, color, religion, gender¹, sex, sexual orientation², national origin, marital status, pregnancy, childbirth or a related medication condition³, age, veterans' status⁴, service in uniformed service, an individual's juvenile record that has been expunged, ethnicity, cultural background, genetic information, socioeconomic status, source of income, familial status, physical characteristic, or linguistic characteristics of a national origin group, and disability⁵ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The Superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The Superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the District alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

REPORTS

None.

ATTACHMENTS

None.

¹ Gender refers to gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

² "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality, or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

³ This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

⁴ The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁵ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

END OF POLICY

[ORS 174.100](#)
~~[ORS 192.630](#)~~
~~[ORS 243.672](#)~~
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
~~[ORS 652.210 - 652.220](#)~~
[ORS 659.850](#)
[ORS 659.870](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)
~~[ORS 659A.142](#)~~
~~[ORS 659A.145](#)~~
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)

[ORS 659A.321](#)
[ORS 659A.409](#)
~~[ORS 659A.805](#)~~
~~[ORS 659A.820](#)~~
[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, ~~as amended~~, 42 U.S.C. § 2000e, et. seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (20128); 29 C.F.R Part 1626 (20169).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ ~~503~~, 791, ~~793~~-794 (2012); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (20128);
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (20169); 28 C.F.R. Part 35 (2019).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, ~~as amended~~, 38 U.S.C. § 4212 (20128).
~~Title II of the~~ Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).
~~Chevron USA Inc. v. Echazabal~~, 536 U.S. 736 (2002).

See Policy: [AC](#) - Nondiscrimination

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

Subject: All Students Belong

Policy Number: ACB Effective Date: 12/2020

Date of Original Policy and Revisions: 12/20

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

Date of Next Review: 12/2023

POLICY

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

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

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

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

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag¹, and whose display:

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

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

In responding to the use of any symbols of hate, the district will use non-disciplinary remedial action whenever appropriate.

The district prohibits retaliation against an individual because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

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

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

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

Legal Reference(s):

[ORS 659.850](#)
[ORS 659.852](#)

[OAR 581-002-0005](#)
[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).
State v. Robertson, 293 Or. 402 (1982).
Bethel School District Office of Civil Rights Case 10001185, July 2001
Bethel School District Policy JFCFA – Racial Harassment
Bethel School District Policy AC - Nondiscrimination

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: **Racial Harassment**

Policy Number: **JFCFA** Effective Date: **12/2020**

Date of Original Policy and Revisions: **4/01, 6/01, 12/06, 2/08, 4/10, 10/11, 10/16**

Cancels Policy: _____ Dated: _____

Date of Next Review: **12/2023**

POLICY

Racial harassment will not be tolerated in the Bethel School District, on the area immediately adjacent to school grounds, on school-provided transportation, or at any official school bus stop, activity, program, event, internship, or trip sponsored by the district. Additionally, incidents of racial harassment that interfere with or disrupt the educational process are prohibited.

This policy gives notice to all employees, students, and patrons that all racial harassment allegations shall be investigated and dealt with quickly and effectively.

“*Racial Harassment*” means unwanted behavior of a nonverbal, verbal, written, graphic, sexual or physical nature related to actual or perceived race, color, national origin, ethnicity, cultural background, physical characteristics, or linguistic characteristics of a national origin group.

The following examples of racial harassment include, but are not limited to conduct that:

- interferes with an individual’s work or school performance;
- creates an intimidating, hostile, or offensive school or work environment; or,
- includes racial slurs regardless of intent, gestures, insignias, acronyms (e.g. KKK), name-calling or symbols (e.g. swastikas, Confederate flags) that make an individual feel threatened or uncomfortable (see policy ACB –All Students Belong)

Student Responsibility

Students are expected to follow the standards for student behavior outlined in School Board policy, the district’s Student Rights and Responsibilities Handbook, and school handbooks. Students who violate this racial harassment policy are liable for discipline, suspension, or expulsion following the rules established in the Student Rights and Responsibilities Handbook. In addition, violators of this policy will be provided with appropriate education regarding racial harassment.

Students are expected to hold themselves, their peers, and other students to the standards established by this policy. Students are expected to bring violations to the attention of a teacher, counselor, building administrator, or other staff member.

District Staff Responsibility

Teachers, other staff members, and volunteers who observe students, staff, volunteers, or other adults engaging in racial harassment must take action to stop the behavior and report such acts to an administrator. A building administrator will investigate as soon as possible and take appropriate action. An employee who permits racial harassment to continue or does not respond to a racial harassment complaint may be subject to disciplinary action.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

School Responsibilities

1. All racial harassment allegations, or incidents that may suggest that racial harassment has occurred, will be treated as a racial harassment allegation.
2. A building administrator will conduct a thorough, sensitive and timely investigation of all racial harassment allegations as soon as possible and take appropriate action. Disciplinary actions and educational opportunities will be implemented contingent upon the outcome of the conclusions of the investigation. Retaliatory behavior of any kind against any complainant or any participant in the complaint process will not be tolerated.
3. The school will notify parents/guardians of the victim(s) and perpetrator(s) regarding the outcome of the investigation.
4. Necessary support structures will be available and implemented for victims of racial harassment.
5. Each racial harassment allegation will be documented and information will be forwarded to the District Title VI coordinator in a timely fashion.

District Responsibilities

The District will:

1. provide an educational program that teaches students to be respectful of others in a diverse society and to understand the impact of racial harassment on students, staff, and community;
2. ensure sensitive and full investigations of each and all racial harassment allegations;
3. ensure appropriate documentation of all reported incidences;
4. conduct an annual review of racial harassment violations and make recommendations for improvement;
5. ensure appropriate education and discipline for racial harassment violations are available for perpetrators;
6. ensure support structures are provided for victims of racial harassment; and,
7. publicize this Policy in the Bethel “Student Rights and Responsibilities Handbook”, school handbooks, and employee manuals and make it available on the Bethel School District website.

Training

The district shall provide for the training and orientation of staff, students, volunteers and district representatives on the contents of this policy. Training will be mandatory. Through this training, staff will learn to create positive learning and social environments throughout the district; and prevent, recognize, discourage, and deal with racial harassment.

Reporting Harassment / Investigation / Complaints (See [Administrative Rule KL: Complaint Procedure](#))

A student or his or her guardian who believes the student is the object of racial harassment shall, at the earliest opportunity, report the incident to a staff member on duty at the time, or to the student’s teacher, or to a building administrator. This report may be made anonymously. The incident shall be investigated by a

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

building administrator and discipline enforced, as necessary, at the building level. Anyone reporting racial harassment shall be free from retaliation.

Complaints against a building administrator shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Anyone reporting racial harassment shall be free from retaliation. Retaliation is defined as harassment, which includes intimidation, bullying, hazing, menacing or cyberbullying, toward a person in response to a previously reported racial harassment incident. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry, is prohibited. Such retaliation shall be considered a serious violation of board policy independent of whether a complaint is substantiated. If the complaint is found to be without merit or cannot be substantiated, all parties shall be so notified. Individuals determined to be guilty of racial harassment shall have the right to appeal the determination to the superintendent and the board of directors. Reports may be submitted anonymously.

Any person found to knowingly make false accusations of racial harassment shall be subject to discipline procedures following the rules established in the Student Rights and Responsibilities Handbook.

REPORTS

None.

ATTACHMENTS

None.

REFERENCES / COMMENTS

Title VI of Civil Rights Act of 1964

[Administrative Rule KL - Complaint Procedure](#)

Bethel School District Office of Civil Rights Case 10001185, July 2001

Bethel District Policy ACB – All Students Belong

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

Subject: Short-Form Investment

Policy Number: DFA Effective Date: 11/2020

Date of Original Policy and Revisions: 2/13, 9/16

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

Date of Next Review: 11/2023

POLICY

Oregon Revised Statutes Section 294.135 and 294.052 generally requires a local government to have its investment policy reviewed by the Oregon Short Term Fund Board (“OSTFB”) before the local government adopts the policy and makes investments that are longer than 18 months from their purchase date. The District may wish to invest its bond proceeds longer than 18 months to match investment maturity dates to the expected schedule for payment of construction costs. The OSTFB has made this short-form policy available to local governments that desire to invest only bond proceeds or bond related funds described in ORS 294.052 for more than 18 months, and that desire expedited review by the OSTFB before the investment policy is adopted. This short-form policy contains very substantial limitations and does not provide the District with the controls or flexibility that a comprehensive investment policy should provide.

SCOPE

This investment policy applies only to the investment of bond proceeds or bond related funds described in ORS 294.052. All other funds of the District that are subject to ORS 294.135 will be invested under 18 months.

OBJECTIVE

The primary objectives, in order of priority, for the District’s investment under this policy are as follows:

1. Legality: The investments will be in compliance with all statutes governing the investment of public funds in the State of Oregon.
2. Liquidity: The investments will be made in a manner that generates sufficient cash flow to meet the expected project cost schedule. A liquidity component of at least 10% of the current bond proceed balance will be maintained in cash and/or the LGIP, assuming that this amount is within ORS 294.810 restrictions.
3. Safety: Investments are limited to U.S. Treasury, non-callable fixed rate Government Sponsored Enterprise and Agency securities, and Senior unsecured debt obligations guaranteed by the Federal Deposit Insurance Corporation under the Temporary Liquidity Guarantee Program (TLGP) described in Section 8.0, below.
4. Yield: The yield will be dependent on the timing of the investments.

DELAGATION OF AUTHORITY

The Investment Officer is responsible for all investment decisions.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that may conflict with the proper execution of the investment program, or may impair their ability to make impartial investment decisions.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Investment Officer will maintain a list of dealers with whom they are authorized to do business. These may include “primary” dealers or regional dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule). If an investment advisor is hired, the advisor may execute directly with the approved dealers.

INVESTMENT ADVISORY SERVICES

The District may seek outside investment advisory services to assist with the investment of bond proceeds. The services will be non-discretionary and the advisor shall be required to act with fiduciary responsibility.

AUTHORIZED AND SUITABLE INVESTMENTS

Only the following investments may be purchased under this policy:

- Obligations of the U.S. government;
 - U.S. Treasury Notes, Bonds and Bills
 - Senior unsecured debt obligations guaranteed by the Federal Deposit Insurance Corporation under the Temporary Liquidity Guarantee Program (TLGP)

- Obligations and guarantees of U.S. government agencies, corporations wholly owned by the U.S. government or any Government Sponsored Enterprises (GSE’s): Specific listing:
 - Federal Home Loan Bank – FHLB
 - Federal Farm Credit Bank – FFCB
 - Federal Home Loan Mortgage Corporation – FHLMC
 - Federal National Mortgage Association – FNMA

- All treasury and agency securities must be non-callable with a fixed rate.

- Oregon Short-Term Fund - LGIP

SAFEKEEPING AND CUSTODY

All security transactions entered into by the District will be conducted on a delivery-versus-payment (DVP) basis. Securities may be held in safekeeping by a third party custodian designated by the Investment Officer.

DIVERSIFICATION

The District will diversify the total bond project funds by issuer.

Diversification by Issuer:

- | | |
|------------------------|---|
| ○ U.S. Treasury Issues | Up to 100% |
| ○ TLGP | Up to 35% with no more than 5% per issuer |
| ○ Agency (GSE’s) | Up to 33% per issuer |
| ○ LGIP/Cash | Minimum of 10% of bond proceeds, maximum is the lesser of 100% or the amount permitted by ORS Chapter 294.810 |

MAXIMUM MATURITIES

Maximum Maturity of Single Issue 3 years

REPORTING REQUIREMENTS

The Investment Officer shall prepare quarterly and annual investment reports summarizing the investment portfolio as to types of investments, earnings, maturities, cost, transactions and mark-to-market values.

INTERNAL CONTROLS AND ACCOUNTING METHOD

The Investment Officer, in conjunction with the Secretary of State’s office will evaluate conformance of the portfolio with the Investment Policy and audit internal controls. The District shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP) relating to investment accounting.

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

INVESTMENT POLICY ADOPTION

Must be adopted annually by the Local Governing Body and minutes sent to the Oregon State Treasury.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 294.052](#)

[ORS 294.135](#)

[ORS 294.810](#)

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

Subject: Arbitrage Post-Issuance Compliance

Policy Number: DFB Effective Date: 11/2020

Date of Original Policy and Revisions: 2/13, 9/16

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

Date of Next Review: 11/2023

POLICY

The purpose of this post-issuance compliance policy and procedure manual is to adopt policies and procedures to guide the Bethel School District, hereafter referred to as “District”, in meeting the requirements of the Internal Revenue Code of 1986, as amended, and Treasury Regulations (the “Tax Code”) concerning tax-exempt and tax-advantaged debt (“debt issuances”). Non-compliance with the Tax Code may result in fines and/or loss of the preferential status of the debt issuances.

COMPLIANCE OFFICER:

The Compliance Officer shall be the person primarily responsible for ensuring that the District successfully carries out its post-issuance compliance requirements under applicable provisions of the Tax Code with regard to all debt issuances of the District. The Compliance Officer shall be assisted by other District staff and officials when appropriate. The Compliance Officer will also be assisted in carrying out post-issuance compliance requirements by contracted entities including Bond Counsel, Financial Advisor, Paying Agent, Trustee, Arbitrage Consultant, and/or other consultants deemed necessary.

The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to other District staff, Bond Counsel, the Financial Advisor, the Paying Agent, the Trustee and the Arbitrage Consultant. The Compliance Officer shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the Bethel School District No 52.

I. GENERAL OVERVIEW OF ARBITRAGE, YIELD RESTRICTION AND REBATE REQUIREMENTS

A. Overview

The purpose of this section is to introduce the concept of arbitrage and its requirements. There are exceptions to many of the arbitrage rules. Advice from the District’s Arbitrage Consultant and/or Bond Counsel is strongly recommended before any action is taken.

B. Definition

Arbitrage is the price differential, or profit made, from investing inherently lower yielding debt issuance proceeds in higher yielding taxable investments. In other words, arbitrage is the difference between the yield on an issuer's debt issuance and the investment income earned on the proceeds invested in taxable instruments. Arbitrage rebate refers to the positive or negative amount that must be paid (rebated) to the federal government.

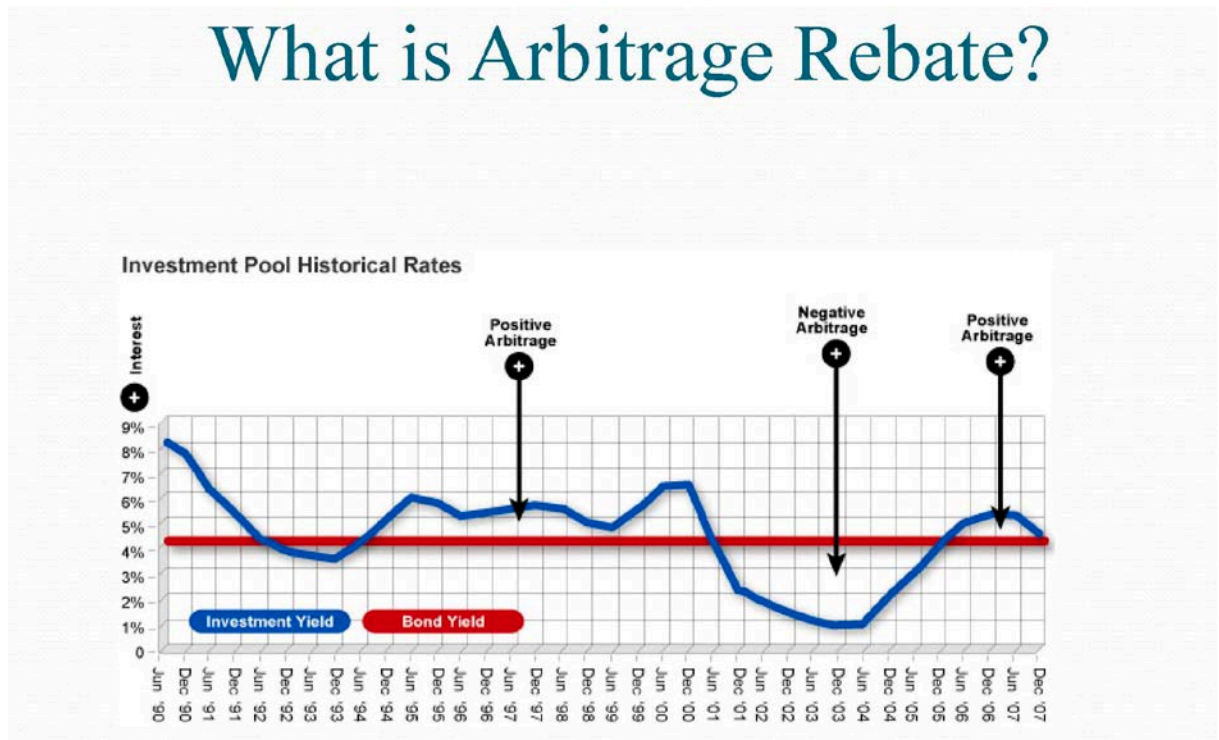
| <i>Debt Yield</i> | <i>Overall Investment Yield for Gross Proceeds</i> | <i>Result</i> |
|-------------------|--|---------------------------|
| 4.0% | 5.0% | <i>Positive Arbitrage</i> |

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

| | | |
|------|------|--------------------|
| 5.0% | 5.0% | No Arbitrage |
| 6.0% | 5.0% | Negative Arbitrage |

C. Areas of arbitrage compliance that must be addressed:

1. The arbitrage rebate requirements identify what must be done with any arbitrage (profits or earnings) above the debt issuance’s yield earned on the investment of the gross proceeds of the debt issuance. Arbitrage on gross proceeds must be rebated to the federal government every five years after the date of issuance (or earlier if elected) through and including the final maturity (“filing date”).

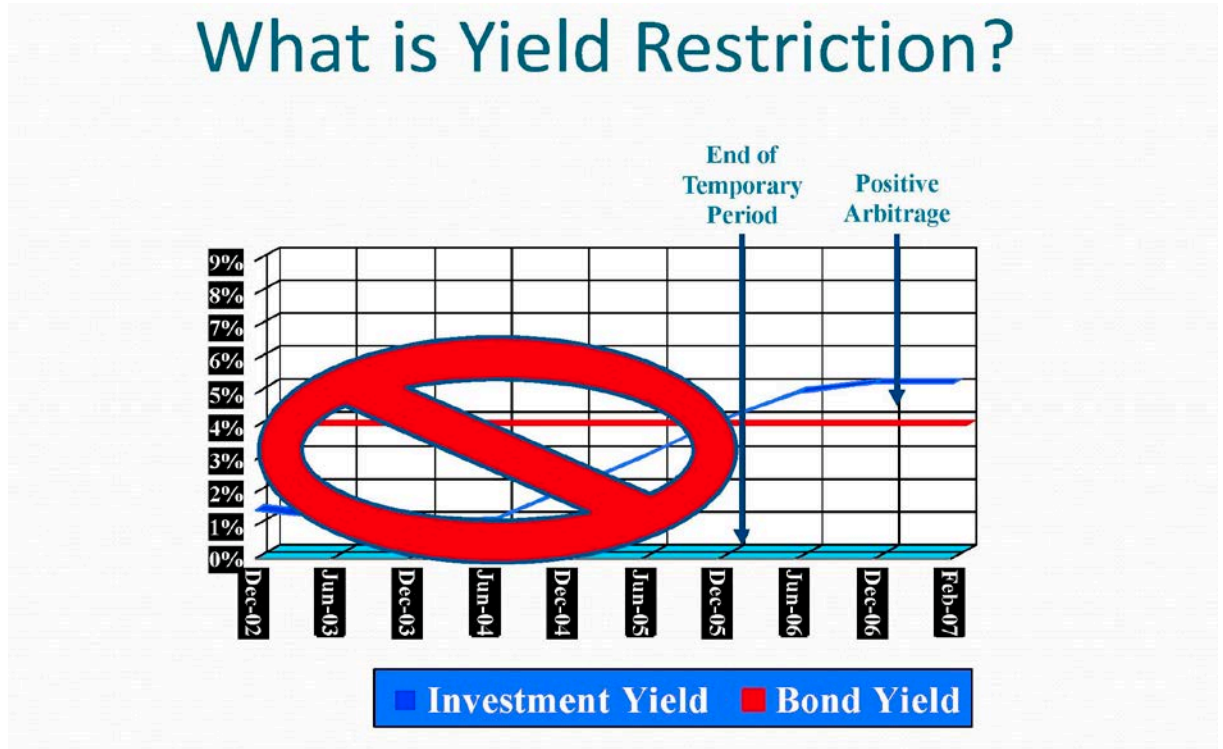


2. The yield restriction requirements set forth various investment yield limitation conditions for different categories of gross proceeds from a debt issuance (e.g. construction, refunding escrow, debt service, and reserve funds). The issuer should meet these various yield restriction conditions to avoid compromising the tax-exempt or tax-advantaged status of the debt issuance. Since the yield restriction requirements are specific to a debt issuance it is recommended that the Bethel School District consult with the Arbitrage Consultant and/or Bond Counsel to determine the specific yield restriction requirements on a per debt issuance basis.

Construction Fund Yield Restriction: The most common yield restriction constraint for an issuer is related to construction funds. Generally, if there are unexpended project/construction proceeds at the end of the initial 3-year temporary period in excess of the **minor portion** (the lesser of \$100,000 or 5% of the sale proceeds of the debt issuance), an issuer may no longer invest the remaining proceeds above the **materially higher yield** (debt issuance yield + .125%) without taking corrective actions to remedy interest earnings above the materially higher yield. The issuer must yield restrict the proceeds below the materially higher yield, or a yield reduction payment report will be required. Any yield reduction payment under the yield restriction requirements must be paid per the same deadlines as the arbitrage rebate

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

requirements: every five years after the date of issuance (or earlier if elected) through and including the final maturity.



D. Purpose of the Tax Code regarding arbitrage:

The Tax Code was put into place to minimize the benefits of investing tax-exempt or tax-advantaged debt proceeds, thus encouraging expenditures for the governmental purpose of the debt issuance and to remove the incentive to:

1. Issue debt earlier than needed,
2. Leave debt outstanding longer than necessary, and/or
3. Issue more debt than necessary for a governmental purpose.

E. Type of debt issuances and funds subject to arbitrage compliance:

1. The following types of debt issuances are subject to arbitrage compliance as of the following dates:
 - a. Single Family Debt Issuances 09/25/79
 - b. Private Activity Debt Issuances 12/31/84
 - c. Student Loan Debt Issuances 12/31/85
 - d. Governmental Debt Issuances 08/31/86

2. The following funds and proceeds of a debt issuance are defined as **Gross Proceeds** of a debt issuance:
 - a. Project funds
 - b. Debt service funds
 - c. Costs of issuance funds
 - d. Refunding escrow funds
 - e. Reserve funds

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

- f. Disposition proceeds
- g. Replacement proceeds (other than debt service funds)
- h. Transferred proceeds (if an old debt issuance has been refunded by a new debt issuance and the old debt issuance has unspent funds, such funds may transfer to the new debt issuance)

Note of Concern: An often misunderstood concept is that monies received upon closing of a debt issuance are the only monies subject to arbitrage rebate. One of the most common funds found to be subject to arbitrage rebate that is not funded from debt issuance proceeds is the debt service fund. The debt service fund receives a majority of its funding from tax or use revenues. The debt service fund is required to be included in the arbitrage rebate calculation unless the fund balance is depleted at least once each bond year, except for a reasonable carryover amount not to exceed the greater of:

- a. The earnings on the fund for the immediate preceding bond year; **or**
- b. One-twelfth of the principal and interest payments on the Debt Issuance or the immediately preceding bond year.

F. Exceptions to the rebate requirements:

The Tax Code sets forth general arbitrage and rebate requirements for debt issuances. The general rule is that any arbitrage earned must be determined and reported to the federal government every fifth anniversary date after the date of issuance of the debt issuance and on the final maturity, or as elected. Arbitrage rebate is essentially 100% of investment earnings in excess of the debt issuance's yield. There are several exceptions to the arbitrage and rebate requirements, and if any one of these exceptions are met, all or a portion of the debt issuance's proceeds are not subject to the arbitrage and rebate requirements. Consult with the District's Arbitrage Consultant and/or Bond Counsel to determine if the debt issuance is eligible for a particular exception, to establish the appropriate investment plan for the debt issuance proceeds, and to assess whether the exception requirements were met.

The purpose of this section is to introduce the concept of spending exceptions and their requirements. There may be special elections and circumstances for a debt issuance that can affect how the exceptions are tested. Advice from the District's Arbitrage Consultant and/or Bond Counsel is strongly recommended before any action is taken. Below are descriptions of the various exceptions:

1. **6-month spending exception:** If all gross proceeds and actual interest earnings are spent within 6-months after issuance, the interest earned during that period is not subject to the rebate requirements. Intermediate expenditure requirements are necessary (95% by 6 months and 100% within 12 months).

If there are unspent proceeds remaining at the end of the 6-month period, an issuer may still qualify for the spending exception under the following condition:

- a. If the remaining amount is 5% or less and is spent within 6 months from the end of the 6-month spending date.
2. **18-month spending exception:** If a debt issuance *does not* qualify as a construction issuance (75% of the debt issuance actually spent on construction) then the debt issuance is eligible for the 18-month spending exception, but *not* the 2-year spending exception. If all gross proceeds and expected interest earnings for the 6-month and 12-month period and actual interest for the 18-month period is spent within 18-months according to a strict timetable, the interest earned during that period is not subject to the rebate requirements. Intermediate expenditure requirements are necessary (15% by 6 months, 60% by 12 months, 100% by 18 months).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

If there are unspent proceeds remaining at the end of the 18-month period an issuer may still qualify for the spending exception under the following conditions:

- a. A reasonable retainage amount of 5% or less is allowed for business purposes and the retainage is spent within 12 months from the end of the 18-month spending date, **or**;
 - b. If the remaining amount does not exceed the lessor of \$250,000 or 3% of the issue price and due diligence is exercised to complete the project and spend the remaining project/construction proceeds.
3. **2-year spending exception:** If a debt issuance qualifies as a construction issuance (75% of the debt issuance is actually spent on construction) and all gross proceeds and expected interest earnings for the 6-month, 12-month, and 18-month period and actual interest for the 24-month period are spent within 2 years according to a strict timetable, then interest earned during that period is not subject to the rebate requirements. Intermediate expenditure requirements are necessary (10% by 6 months, 45% by 12 months, 75% by 18 months and 100% by 2-years).

If there are unspent project/construction proceeds remaining at the end of the 2-year period, an issuer may still qualify for the spending exception under the following conditions:

- a. A reasonable retainage amount of 5% or less is allowed for business purposes and the retainage is spent within 12 months from the end of the 2-year spending date, **or**;
 - b. If the remaining amount does not exceed the lessor of \$250,000 or 3% of the issue price and due diligence is exercised to complete the project and spend the remaining project/construction proceeds.
4. **Small issuer exception:** General taxing authorities reasonably expecting to issue \$5M or less in tax-exempt or tax-advantaged debt during each calendar year (cumulative for all debt issuances) may qualify for the small issuer exception to the rebate requirements, *but must still satisfy the yield restriction requirements*. The small issuer exception does not apply to private activity, 501(c)(3) or student loan debt.
- a. General requirements:
 - i. The issuer must have general taxing powers.
 - ii. The debt issuances must be governmental debt issuances.
 - iii. At least 95% of the proceeds must be used for local governmental activities of the issuer or by governmental units located within the issuer's boundaries.
 - iv. All tax-exempt or tax-advantaged debt issued in a calendar year cannot exceed \$5,000,000.
 - b. Additional requirements for refunding debt issuances:
 - i. The debt being refunded (old debt issuance) must have qualified for the small issuer exception.
 - ii. The weighted average maturity of the refunding debt issuance (new debt issuance) must not exceed the weighted average maturity of the refunded debt (old debt issuance). Current refunding debt issuances that have a three year or less weighted average maturity are exempt from the weighted average maturity test.
 - iii. The refunding debt (new debt issuance) must not mature more than thirty years after the issuance of the original refunded debt (old debt issuance).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Note – Historically 1/3 of refunding debt issuances (new debt issuances) will fail one of the three rules listed above and become subject to the rebate requirements.

c. Additional requirements for public school debt issuances:

- i. Public school debt issuances issued from 8/31/86 – 12/31/97
\$5 Million small issuer exception available
- ii. Public school debt issuances issued from 1/1/98 – 12/31/01
\$10 Million small issuer exception available: \$5 Million can be used for any purpose; the amount that exceeds \$5 Million *must* be for new public school construction.
- iii. Public school debt issuances issued from 1/1/02 – current
\$15 Million small issuer exception available: \$5 Million can be used for any purpose; the amount that exceeds \$5 Million *must* be for new public school construction.

II. DUE DILIGENCE REVIEW AT REGULAR INTERVALS

This policy and its related procedures start with a review of the due diligence measures that will take place at regular intervals, as well as each filing date to ensure that each debt issuance is compliant with the requirements of the Tax Code. The District will complete the annual due diligence review every year on all debt issuances.

III. IDENTIFYING THE COMPLIANCE OFFICER RESPONSIBLE FOR REVIEW

The Business Office is primarily responsible for the administration of this policy. Within the Business Office, the Compliance Officer will be responsible for the due diligence review. The due diligence review will apply to all debt issuances.

IV. TRAINING OF COMPLIANCE OFFICER

The Compliance Officer has and will continue to take all necessary steps to maintain an adequate understanding of post-issuance compliance requirements relating to the debt issuances for which he/she will review. These steps include, but are not limited to: trainings provided by the District's Arbitrage Compliance Consultant as well as Oregon Association of School Business Officials.

V. RETENTION OF ADEQUATE RECORDS TO SUBSTANTIATE COMPLIANCE

A. General overview

1. **Debt not refunded:** Currently the IRS record retention requirements are to keep all records, data and documents associated with non-refunded debt issuances for three years past the final maturity date for the debt issuance (or longer if required by local or state law.)
2. **Refunded debt:** Since the refunding debt issuance (new debt issuance) is dependent on the tax-exempt or tax-advantaged status of the refunded debt issuance (old debt issuance), all records are required to be maintained for three years past the final maturity of both debt issuances (or longer if required by local or state law).
3. **Electronic data storage requirements:** Electronic records may be stored in an electronic format in lieu of hard copies if certain requirements are satisfied, for example:

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

- a. The system must ensure an accurate and complete transfer of the hard copy books and records to the electronic storage system and contain a retrieval system that indexes, stores, preserves, retrieves and reproduces all transferred information.
- b. The system must include reasonable controls and quality assurance programs.
- c. The information maintained in the system must be cross-referenced with the books and records in a manner that provides an audit trail to the source documents.
- d. Upon request by the IRS, a complete description of the electronic storage system, including all procedures relating to its use and the indexing system must be provided.
- e. Upon request by the IRS, the issuer must retrieve and reproduce hard copies of all electronically stored records.
- f. The system must not be subject to any agreement that would limit the IRS' access to the use of the system.

B. Electronic file storage and backup: Financial/accounting transactions will be retained in a designated computer file folder labeled as and will be backed up by Bethel School District Technology Department, Access to this folder will be restricted as authorized by the Compliance Officer.

C. Storage of hard copies: A folder jacket, box or other media storage container displaying the debt issuance description will be set up for each debt issuance. The storage container will contain the documents mentioned in Section E on the next page. Access will be restricted to persons authorized by the Compliance Officer.

D. Destruction of records: A log will be kept of all debt issuances whose records are destroyed after the IRS mandated retention period detailing the debt issuance description, allowable destruction date, date records were destroyed, the Compliance Officer's signature authorizing the record destruction, and witness signature. Access to this information will be restricted as authorized by the Compliance Officer and stored at the District's Administrations Business Office.

E. Required information to be stored for each debt issuance

1. **Documents:** Bond Counsel shall send a Transcript for the debt issuance to the Compliance Officer. If a Transcript was not compiled, then copies of the following documents will be forwarded or made available to the Compliance Officer's office:

- a. Bond Counsel Opinion
- b. Final Official Statement or Private Placement Memorandum
- c. Insurance Documents
- d. Council Certificate for Ordinance
- e. Copy of Ordinance Authorizing Debt Issuance
- f. IRS Form 8038-G, Form 8038-GC, Form 8038, Form 8308-TC or Form 8038-B
- g. CPA Verification Report (for refunding debt issuances only)
- h. Non-Arbitrage Tax Certificate or similar document
- i. All Debt Service Schedules not included in the Official Statement
- j. Letter of Credit Agreement (generally for variable rate debt issuances only)
- k. Swap Agreement (generally for variable rate debt issuances only)
- l. Winning Bid Forms
- m. Trust Indenture
- n. Investment Banker's Closing Memorandum
- o. Investment Banker's Notice of Delivery Memorandum
- p. Investment Banker's Sources and Uses of Funds Memorandum

2. **Reports completed after issuance**

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

- a. Rebate calculation reports
- b. Yield restriction reports
- c. Spending exception reports
- d. Penalty in lieu of rebate reports
- e. CPA verification report for restructuring of escrow
- f. Payment documentation to include:
 - i. Form 8038-T
 - ii. Cancelled check
 - iii. Proof of mailing
- g. Refund claims
- h. Other reports related to the Debt Issuance

3. Correspondence

- a. Bond Counsel
- b. Board Meetings
- c. Financial Advisor
- d. Arbitrage Consultant
- e. Underwriter
- f. Investment Firms
- g. Other correspondence concerning any other aspect of the debt issuance to include but not limited to expenditures, investments, allowable projects, etc.

4. Investment activity: Trust statements (or equivalent) with detailed investment activity for the entire computation period for each fund/account in which gross proceeds of the debt issuance were held. Investment information must be recorded on a daily transactional level. This information is required to compute the yield on the investments and to comply with archive requirements. Investment activity details should include such items as:

- a. General ledgers
- b. Subsidiary ledgers
- c. Investment statements (state pools, bank statements, etc.)
- d. Type of investment
- e. Date of purchase and purchase price
- f. Interest rate
- g. Interest payment amounts
- h. Maturity date
- i. Interest payment dates
- j. Interest calculation methodology
- k. Date of sale and sales price
- l. Investment contract information to include:
 - i. Evidence of the purchase price paid for investment contract
 - ii. Detailed documentation of the investment contract bid process
 - iii. Certification by the investment contract provider of fees paid for contract
 - iv. All bid solicitation forms (3 bid minimum)
 - v. Administrative costs

5. Expenditure information: The Business Department will capture expenditure information. The following expenditure information must be captured and stored in accordance with the above mentioned record retention requirements to include:

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

- a. Description of expenditure
- b. Date of expenditure
- c. Amount of expenditure
- d. Invoices
- e. Proof of payment (canceled check, wire information, etc.)

6. **Initial letter of credit information to include:**

- a. Payment amounts
- b. Date of payment
- c. Terms

7. **Actual letter of credit information to include:**

- a. Actual amount paid
- b. Actual date payment is made
- c. Invoices
- d. Statements

8. **Initial swap/hedge agreement information to include:**

- a. Payment amounts
- b. Date of payment
- c. Terms

9. **Final swap/hedge agreement information to include:**

- a. Actual date payment is made
- b. Actual amount paid
- c. Invoices
- d. Statements

10. **Allocation of gross proceeds to expenditures:** Any allocation of gross proceeds to expenditures must involve a current outlay of cash for the governmental purpose of the debt issuance. A current outlay of cash is an outlay reasonably expected to occur within five banking days after the date of an allocation. If expenditure is paid by check, the outlay is the date the check is mailed, provided that it is expected to be cashed in five days.

- a. **Allocation:** Reasonable allocation methods for allocating funds from different sources to expenditures for the **same** governmental purpose include any of the following methods if consistently applied:
 - i. The first in, first out/FIFO method permits the District to put the proceeds of more than one debt issuance into a single account (commingle) and treat all expenditures as coming from proceeds of the first debt issuance until they are fully spent.
 - ii. The gross proceeds spent first method is used where available funds include, tax revenues, private contributions, etc., in addition to debt issuance proceeds. The debt issuance proceeds are treated as spent first.
 - iii. The specific tracing method permits the District to keep proceeds from different debt issuances in separate accounts. Costs may be charged to any debt issuance/checking account at the District's discretion.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

- iv. The ratable allocation method permits the District to place proceeds of more than one debt issuance into a single account (commingle) and treat expenditures as coming from proceeds of each debt issuance that contributed proceeds to that account. The expenditures are allocated to each debt issuance ratably based on each debt issuance's proportion of ownership of the account.
 - b. **Timing:** An issuer must account for the allocation of proceeds to expenditures not more than 18 months after the later of: the date the expenditure is paid or the date the project, if any, that is financed by the debt issuance is placed in service. This allocation must be made in any event by the date 60 days after the fifth anniversary of the issuance date or the date 60 days after the retirement of the debt issuance, if earlier. This paragraph applies to debt issuances issued on or after May 16, 1997.
11. **Allocation of investments in a commingled fund:** The Tax Code requires that all payments and receipts on investments held in a commingled fund must be allocated to the different sources/investments in the fund not less frequently than the close of a consistently used fiscal period (not in excess of three months); this allocation must be based on a consistently applied, reasonable ratable allocation. Treasury Reg. Section 1.148-6(e). Currently, the District allocates all payments and receipts monthly.
12. **Qualified use of proceeds, financed property, private business use:** The qualified use of proceeds, property financed, and private business use limitations by the debt issuance should be identified and continually monitored to ensure compliance with the limitations as defined in the debt issuance documents or if more restrictive, state law or the Tax Code's limitations. Supporting documentation is required to support qualified use of proceeds, property financed, and private business use. The Compliance Officer will ensure such limitations are in compliance with debt issuance documents or if more restrictive, state law or the Tax Code's limitations.
13. **Issuance price and volume cap allocation:** The issuance price and volume cap allocation activity limitations should be identified and monitored to ensure compliance with the limitations as defined in the debt issuance documents or if more restrictive, state law or the Tax Code's limitations. Supporting documentation is required for issuance price determination and volume cap allocation limitations of the debt issuance. The Compliance Officer will ensure such limitations are in compliance with the debt issuance documents or if more restrictive, state law or the Tax Code's limitations.
14. **Fair market value of investments:** The District is to provide information to support that the investments were purchased or sold at a fair value. The District may not purchase an investment at a price in excess of fair market value with gross proceeds of the debt issuance. Nor may the District sell an investment purchased with gross proceeds at a price lower than fair market value. Treasury Regulations Section 1.148-6(c). In dealing with fair market value requirements, the Tax Code specifically provides three safe harbor categories of investments:
- a. Securities traded on an established market from a willing seller in a bona fide arm's-length transaction.
 - b. Certificates of deposit purchased using a safe harbor under the applicable Tax Code. The safe harbor is available only for certificates that have a fixed interest rate, a fixed payment schedule and a substantial penalty for early withdrawal.
 - c. Guaranteed investment contracts purchased used a three-bid safe harbor under the Tax Code.
15. **Continuing disclosure:** The District is to provide continuing disclosure, such as annual financial information and material event notices in accordance with SEC rule 15c2-12. The Compliance Officer is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

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

VI. PROCEDURES TO IDENTIFY NON-COMPLIANCE

This policy and its related procedures begin with a review of the due diligence measures that will take place at regular intervals to ensure that each debt issuance is compliant with the Tax Code.

Date due diligence review completed: _____

Person(s)/Contractor(s) completing review:

| | | | |
|---------------------|------------|----------------|--------------------|
| Compliance Officer: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|---------------|------------|----------------|--------------------|
| Bond Counsel: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|-----------------------|------------|----------------|--------------------|
| Arbitrage Consultant: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|--------------------|------------|----------------|--------------------|
| Financial Advisor: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|----------|------------|----------------|--------------------|
| Trustee: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|--------|------------|----------------|--------------------|
| Other: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|--------|------------|----------------|--------------------|
| Other: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|--------|------------|----------------|--------------------|
| Other: | _____ | _____ | _____ |
| | Name/Title | Signature/Date | Sections Completed |

| | | | |
|-----------------------------|------------|-----------|-------|
| Results accepted by: | _____ | _____ | _____ |
| | Name/Title | Signature | Date |

Date of next due diligence review: _____

The following pages contain items that are required to be verified for compliance. For all “no” responses, provide an explanation in Schedule A.

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

| A. GENERAL OVERVIEW OF ARBITRAGE, YIELD RESTRICTION AND REBATE REQUIREMENTS | Yes/No | Responsibility |
|---|---------------|-----------------------|
| 1. Debt Facts | | |
| a. Has a debt listing been prepared identifying all debt issuances issued on and after August 31, 1986? Include the following facts: <ul style="list-style-type: none"> i. Debt issuance description ii. Date of issuance iii. Maturity date iv. Subjectivity to arbitrage rebate v. Subjectivity to project fund yield restriction | | |
| 2. Debt Issuances that are Subject to Arbitrage Rebate | | |
| a. Have arbitrage reports been completed for each filing date? | | |
| 3. Debt Issuances Subject to Project Fund Yield Restriction | | |
| a. Have project proceeds been spent before the end of the temporary period for each debt issuance? If no, proceed with question 3.b. below. | | |
| b. Have yield restriction calculations been completed for all filing dates until the project monies were spent below the minor portion? If no, provide the following information on Schedule A: <ul style="list-style-type: none"> i. End date of temporary period ii. Balance remaining on temporary period end date iii. Balance remaining as date of the review (if known) iv. Explanation of compliance measures taken | | |

| B. TRAINING OF COMPLIANCE OFFICER AND OTHER RESPONSIBLE PARTIES | |
|---|----------------|
| Provide the following information for training sessions attended since the last due diligence review. | |
| Name(s) of Attendees: | _____ _____ |
| Name of Program: | |
| Program Provider's Organization: | |
| Date of Training: | |
| Hours of Training: | |

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

| C. RETENTION OF ADEQUATE RECORDS | Yes/No | Responsibility |
|---|---------------|-----------------------|
| 1. Retention of Adequate Records in Adherence to Policy Manual Guidelines | | |
| a. Electronic data storage requirements met? | | |
| b. Electronic file storage and backup requirements met? | | |
| c. Storage of hard copy requirements met? | | |
| d. Destruction of records requirements met? | | |
| e. Document data storage requirements met? | | |
| f. Report storage requirements met? | | |
| g. Correspondence storage requirements met? | | |
| 2. Recording of Financial Transactions in Adherence to Policy Manual Guidelines | | |
| a. Investment activity recording requirements met? | | |
| b. Expenditure activity recording requirements met? | | |
| c. Allocation of gross proceeds to expenditure requirements met? | | |
| d. Allocation of investments in commingled fund requirements met? | | |
| 3. Qualified Use of Proceeds, Financed Property, Private Business Use | | |
| a. Have proceeds been properly spent on allowable uses? | | |
| b. Has the financed property been used in accordance with the allowable uses including Private Business Use limitations? | | |
| 4. Issuance Price, Volume Cap Allocation and Private Activity | | |
| a. Has the issuance price been identified appropriately according to the requirements of the Tax Code and guidelines stated within the debt issuance documents? | | |
| b. Have the volume cap allocation requirements been satisfied for applicable debt issuances as identified in the Tax Code and guidelines stated within the debt issuance documents? | | |
| c. Have all qualified private activity debt issuances been identified appropriately according to the requirements of the Tax Code and guidelines stated within the debt issuance documents? | | |
| 5. Fair Market Value of Investments | | |
| a. Have all investments purchased since the last due diligence review qualified under the safe harbor rules for purchasing investments at fair market value? | | |
| 6. Continuing Disclosure | | |
| a. Have continuing disclosure requirements been met for each debt issuance? | | |

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Such action may include, but is not limited to the following steps:

- A. Notify Compliance Officer.
- B. Notify Bond Counsel, Arbitrage Consultant, and/or Financial Advisors.
- C. Resolve non-compliance in a timely manner in order to reduce penalties and late interest. A 60 day resolution period is recommended.
- D. Take the appropriate remedial action as advised by Bond Counsel. Remedies may include, but are not limited to:
 1. Enter the Voluntary Closing Agreement Program (VCAP).
 2. Pay all past due arbitrage rebate or yield restriction liabilities to the IRS to include a letter of explanation for late payment, late interest and/or penalties.
 3. Correct non-compliance matter to ensure future compliance.

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Purchasing Goods or Services

Policy Number: DJC Effective Date: 11/2020

Date of Original Policy and Revisions: 2/08, 10/08, 1/12, 9/16

Cancels Policy No.: DJF Dated: 1/84, 9/94, 11/99, 10/05, 11/10

Date of Next Review: 11/2023

POLICY

All public contracts for goods or services shall be based upon applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts and special procurements exempted by the Local Contract Review Board (LCRB) upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the contracting agency;
7. Emergency contracts;
8. Any other public contract specifically exempted from the code by another provision or law.
9. Contracts between public agencies utilizing an existing solicitation or current requirement contract of one of the public agencies that is a party to the contract as provided by law.

The Board will serve as the LCRB for the District. All District purchasing shall be conducted in accordance with the Board's adopted rules¹.

The Board, acting as its own LCRB, adopts² the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049, in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law. Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the District and made available on request.

The District shall review its rules each time the Attorney General adopts a modification of the model

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to District rules to ensure compliance with statutory changes. New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Opportunity will be provided to all responsible suppliers to do business with the District. The business manager will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

Records of bids, proposals and specifications will be kept in the District administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Public Contract Rules*.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS Chapters 279A, 279B and 279C](#)

[OAR Chapter 125](#), Divisions 246-249

Oregon Department of Justice, or [Attorney General's Model Public Contract rules Manual \(2004\)](#)

[Administrative Rule DJC: Purchasing Goods or Services](#)

¹The Board may contract with another public agency to serve as its LCRB.

²Purchases shall be governed by ORS Chapter 279, 279A, 279B, and 279C. Additionally, the Board may, as provided by ORS 279, 279A. 065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR 137) adopted by the Attorney General.

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

Subject: Personal Service Contracts

Policy Number: DJCA Effective Date: 11/2020

Date of Original Policy and Revisions: 2/08, 10/08, 12/10, 1/12, 9/16

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 11/2023

POLICY

The District may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The District may enter into a personal services contract with a current District employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$150,000 shall require prior Board approval.

The Superintendent will develop administrative regulations as necessary to implement this policy.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS Chapters 279, 279A, 279B, 279C](#); [ORS 332.107](#); [ORS 670.600](#); [OAR 459-010-0030](#)
Internal Revenue Service, [Publication 1779](#): Independent Contractor or Employee (2005).
Cross Reference(s): Personal Services Contracts, [DJC - Bidding Requirements](#)

[Bethel Administrative Rule DJCA: Personal Service Contracts](#)

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

Subject: Expense Reimbursement

Policy Number: DLC Effective Date: 11/2020

Date of Original Policy and Revisions: 1/04, 10/05, 10/08, 11/10, 1/12, 9/16

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 11/2023

POLICY

Bethel School District Employees and Bethel School Board Members may be reimbursed for reasonable and necessary expenses actually incurred on school business. When these individuals incur expenses in their official capacities, they will submit required documentation to the District for reimbursement. The District shall reimburse travel expenses that arise from professional development and other expenditures. Procedures for payments are in Administrative Rule DLC.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 332.018\(3\)](#)

[Bethel Administrative Rule DLC: Expense Reimbursement](#)

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

Subject: Disposal of District Property

Policy Number: DN Effective Date: 11/2020

Date of Original Policy and Revisions: 11/08, 11/10, 1/12, 9/16

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 11/2023

POLICY

The Superintendent may dispose of all obsolete, surplus, unwanted and/or excessively damaged equipment and supplies owned by the District in accordance with the following procedures:

1. The Board will pass a resolution declaring any surplus property valued greater than \$5,000.
2. Items estimated by the Maintenance Supervisor, or designee, to have value of less than \$500 may be sold at prices estimated to be the market values of the items; or donated to a non-profit organization. All sales will be recorded by item, price and buyer.
3. Property or materials estimated by the Maintenance Supervisor, or designee, to be greater than \$500 may be declared surplus and may be sold through a bidding procedure. If public sales fail to produce any interested buyers or bidders, remaining unsold materials may then, at the Maintenance Supervisor's or designee's discretion, be disposed of as scrap or junk, or be donated to appropriate charitable or educational agencies.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 279B.055](#)

ORS Chapters [279A](#), [279B](#) and [279C](#)

[ORS 332.155](#)

[Bethel Administrative Rule DN: Disposal of District Property](#)

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November 9, 2020

RESOLUTION NO. 20-21: 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. | Gates, Mary Anne | Additional Hours for 2020-21 | Offer Contract for Additional .15 FTE Speech Language Pathologist @Clear Lake; Total: 1.0 FTE. |
| 2. | Young, Kathryn | Resignation | Accept resignation effective November 6, 2020; Position Held: Resource Teacher @Prairie Mountain; 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 Zygaitis | | | | |

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November 9, 2020

RESOLUTION NO. 20-21: 21

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

GBN: Sexual Harassment

JBA: Sexual Harassment

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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Subject: Sexual Harassment
Policy Number: GBN Effective Date: 12/2018
Date of Original Policy and Revisions: New Policy
Cancels Policy No.: N/A Dated: N/A
Date of Next Review: 12/2021

POLICY

The Board is committed to the elimination of sexual harassment in District schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members, or third parties who are on or immediately adjacent to school grounds, at any District-sponsored activity, on any District provided transportation or at any official District bus stop, by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: District facilities; District premises and nondistrict property if the student or staff member is at any District sponsored, District approved or District related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the District; or where the staff member is engaged in District business. The prohibition also includes off duty conduct which is incompatible with District job responsibilities.

Sexual harassment of students, staff members or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff members;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with a staff member's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, staff members or third parties.

Examples of sexual harassment may include, but not be limited to, physical 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 sexuality in front of

others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any students, staff members or third parties who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the principal, compliance officer or Superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate District official.

Upon receipt of a complaint by a student, student's parents, a staff member or a third party alleging behavior that may violate this policy, the District shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.

The initiation of a complaint in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant, any terms or conditions of employment or work environment of the staff member complainant or any terms or conditions of employment or of work or educational environment of a third party complainant. There shall be no retaliation by the District against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the District to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the Board.

Additionally, the District may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The Superintendent or designee shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of District officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the District's website and published in student/parent and staff handbooks. The District's policy shall be posted on a sign in all schools. Posted signs shall be at least 8 1/2 inches by 11 inches in size.

The Superintendent or designee will establish a process of reporting incidents of sexual harassment.

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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Subject: Sexual Harassment

Policy Number: JBA Effective Date: 1/2019

Date of Original Policy and Revisions: New Policy

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

Date of Next Review: 1/2022

POLICY

The Board is committed to the elimination of sexual harassment in District schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members, or third parties who are on or immediately adjacent to school grounds, at any District-sponsored activity, on any District provided transportation or at any official District bus stop, by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: District facilities; District premises and nondistrict property if the student or staff member is at any District sponsored, District approved or District related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the District; or where the staff member is engaged in District business. The prohibition also includes off duty conduct which is incompatible with District job responsibilities.

Sexual harassment of students, staff members or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff members;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with a staff member's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, staff members or third parties.

Examples of sexual harassment may include, but not be limited to, physical 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 sexuality in front of

others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any students, staff members or third parties who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the principal, compliance officer or Superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate District official.

Upon receipt of a complaint by a student, student's parents, a staff member or a third party alleging behavior that may violate this policy, the District shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.

The initiation of a complaint in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant, any terms or conditions of employment or work environment of the staff member complainant or any terms or conditions of employment or of work or educational environment of a third party complainant. There shall be no retaliation by the District against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the District to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the Board.

Additionally, the District may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The Superintendent or designee shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of District officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the District's website and published in student/parent and staff handbooks. The District's policy shall be posted on a sign in all schools. Posted signs shall be at least 8 1/2 inches by 11 inches in size.

The Superintendent or designee will establish a process of reporting incidents of sexual harassment.

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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November 9, 2020

RESOLUTION NO. 20-21: 22

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

- GBL:** Personnel Records
- GBN/JBA:** Sexual Harassment
- IGBAH-AR:** Special Education – Evaluation and Eligibility Procedures
- JBA/GBN:** Sexual Harassment
- JHH:** Student Suicide Prevention
- KBA:** Public Records
- DFA:** Short Form Investment
- DFB:** Arbitrage Post-Issuance Compliance
- DJC:** Purchasing Goods or Services
- DJCA:** Personal Service Contracts
- DLC:** Expense Reimbursement
- DN:** Disposal of District Property

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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**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 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 may arrange with the personnel office to inspect the contents of their personnel file on any day the personnel office is open for business;
2. Others designated 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 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;

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

9. 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, the Teachers Standards and Practices Commission, or the Oregon Department of Education 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 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 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 - 339-374](#)
[ORS 339.388](#)
[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

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. 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:

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.

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

- 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
- 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,

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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
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

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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:

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.

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.

⁴ Remember confidentiality laws when providing any information.

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

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.

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;

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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.

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

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

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.

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

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).

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))

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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

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.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 243.706](#)

[ORS 332.107](#)

[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](#)

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

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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 (2020).

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

Bethel School District #52
Administrative Rule

- 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;
 - (3) Used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Administered by trained and knowledgeable personnel; and

Bethel School District #52
Administrative Rule

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

Bethel School District #52
Administrative Rule

- 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. 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:

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.

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

- 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
- 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,

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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
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

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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:

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.

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.

⁴ Remember confidentiality laws when providing any information.

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

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.

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;

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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.

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

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

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.

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

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).

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))

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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

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.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 243.706](#)

[ORS 332.107](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

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[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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 (2020).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

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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 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 public records available pursuant to law. 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.

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 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.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

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.

The 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.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS Chapter 192](#)

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

[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 (2017); 28 C.F.R. Part 35 (2017).

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

Americans with Disabilities Act Amendments Act of 2008.

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



November 9, 2020

RESOLUTION NO. 20-21: 23

BE IT RESOLVED, that the Board of Directors, Bethel School District No. 52, Lane County, hereby extends the application period for the following open positions on the Budget Committee. Applications must be submitted to the Bethel District Office by _____, at 4:00pm. Appointments will be made at a future Board of Directors meeting

| POSITION | CURRENT MEMBER | TERM |
|----------|----------------------|--------|
| #4 | Shaun Davis (open) | 3-year |
| #7 | Alisa Hammond (open) | 3-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 | | | | |