

Policy Updates- Second Reading

Policy Update is a quarterly subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts. Sample policies reflecting these issues and changes in state and federal law, if applicable, are part of this newsletter.

LOSS COVERAGE

Summary

Policy DH, previously titled Bonded Employees and Officers, has been updated to Loss Coverage and language revised to reflect current terms and practices.

Local District Responsibility

If policy DH is included in the board's manual, consider updating and readopting.

Policy(ies) and ARs Impacted by these Revisions

DH – Loss Coverage, Highly Recommended

PERSONNEL RECORDS

Summary

After review of model sample policies GBL and GBLA, it was decided to combine the two policies. The resulting changes are proposed in this issue which includes the deletion of GBLA in lieu of changes made to model sample policy GBL – Personnel Records.

Local District Responsibility

Review and determine if the two referenced policies are listed in the board's policy manual; make the suggested changes to policy GBL – Personnel Records and rescind policy GBLA if it is present in the manual.

Policy(ies) and ARs Impacted by these Revisions

GBL – Personnel Records, Required

TALENTED AND GIFTED PROGRAM

Summary

Senate Bill 486 passed by the 2021 Legislature amends ORS 343.397 by adding a requirement that each talented and gifted student and student's parents have the opportunity to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available. It also adds a requirement for the plan to include the

name and contact information for the district’s coordinator of special education services and programs for talented and gifted students.

Local District Responsibility

The Board should review the recommended changes to required policy IGBB – Talented and Gifted Program and adopt the changes.

Policy(ies) and ARs Impacted by these Revisions

IGBB – Talented and Gifted Program, Required

STUDENT SAFETY

Summary

We need to update Board policy KL-JFH, its seven years old. OSBA has now listed the policies separate. JHF is now listed as “student safety” and you can see the recommended language.

Local District Responsibility

The Board should review the recommended changes to required policy JHF – Student Safety-adopt the changes.

Policy(ies) and ARs Impacted by these Revisions

JHF – Student Safety - Optional

PUBLIC COMPLAINTS

Summary

We need to update Board policy KL-JFH, its seven years old. OSBA has now listed the policies separate. JHF is now listed as “student safety” and you can see the recommended language.

KL is critical as it is the catch all complaint policy or the one policy primarily used when complaints arise. OSBA has four versions (choices) to choose from.

Local District Responsibility

The Board should review the recommended changes to required policy JHF – Student Safety-adopt the changes.

Policy(ies) and ARs Impacted by these Revisions

KL- Public Complaints- Required

Newberg School District 29J

Code: DH
Adopted:

Loss Coverage

The Board and designated district employees are responsible to safeguard the district against loss regarding funds, fees, cash collections and inventory. The Board shall designate the district employees responsible as custodians of such items. The district shall purchase bond coverage or equivalent crime coverage in an amount determined by the Board, in consultation with the district's agent of record. The district will pay the cost of such coverage.

END OF POLICY

Legal Reference(s):

[ORS 328.441](#)

[ORS 332.525](#)

[OAR 581-022-2405](#)

Newberg School District 29J

Code: GBL

Adopted:

Personnel Records *

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 or 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 will be responsible for establishing procedures 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'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the human resources department to inspect the contents of their personnel file on any day the human resources department 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 human resources department;
8. Attorneys for the district or the district's designated representative on matters of district business;

¹ Includes former employees.

9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the district, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district 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 Teacher 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;
11. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The superintendent 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 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.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 – 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)

[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)
[ORS Chapter 659](#)

[ORS Chapter 659A](#)
[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).

Newberg School District 29J

Code: IGBB
Adopted:

Talented and Gifted Program

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The Board directs the superintendent to develop a written identification process for identifying academically talented and intellectually gifted students in grades K through 12.

A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students and provides an opportunity for the student's parents to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available to the student.

The plan will be provided at the school or the district office when requested and on the district's website. The website shall also provide the name and contact information of the district's coordinator of special education and programs for talented and gifted.

The district may also identify and provide programs for students who demonstrate creative abilities, leadership abilities or unusual abilities in visual or performing arts.

END OF POLICY

Legal Reference(s):

[ORS 343.391-343.401](#)

[ORS 343.407-343.413](#)

[OAR 581-022-2325](#)

[OAR 581-022-2330](#)

[OAR 581-022-2500](#)

SB 486(2021)

Newberg School District 29J

Code: JHF

Adopted:

Student Safety

The Board directs the development and approval of a comprehensive safety program. The plan is designed to assure every student a safe, healthy environment in which to learn. The plan will comply with federal, state and local laws and regulations and with Board policy.

Local building safety and health committees will ensure that general safety regulations are reviewed with staff and students, as appropriate, to assure student safety.

Instruction in professional technical courses and other offerings such as science, family and consumer studies, art and physical education will include and emphasize accident prevention.

Safety instruction will assist students to:

1. Learn how to work, play and exercise safely, and to prevent accidents;
2. Learn proper procedures to reduce the possibility of accidents;
3. Develop habits of good cleanliness, proper storage and proper handling of materials;
4. Become familiar with personal protective equipment and the proper clothing to be worn for safety purposes;
5. Develop skills in the safe use of tools and equipment;
6. Learn how to cooperate with others in the promotion and operation of a safety program in the school;
7. Respond to emergency situations in all settings.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above. Instructors will teach and enforce all safety rules set up for these particular courses. Rules will include, but not be limited to, wearing personal protective equipment in appropriate activities.

Students will be asked to sign off upon completion of reading safety policies and materials and upon the completion of safety instruction.

A student will report any accident sustained by him/herself while on district property to a district staff member. ALL accidents will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[OAR 581-022-2225](#)

Newberg School District 29J

Code: KL

Adopted:

Public Complaints */**

(Version 4)

(This version of sample policy KL does not need an accompanying administrative regulation, it is a stand-alone policy. If this policy is chosen by the Board, recommend delete any other existing complaint procedure.)

Board members recognize that complaints about schools may be voiced by employees, parents of students who attend a school in the district, and persons who reside in the district. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

A complaint of retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should be made to the superintendent.

A person should initiate a complaint by discussing the matter with the teacher or employee first. That teacher or employee shall attempt to resolve the complaint within 10 working days of initiation of the complaint. If the complainant is dissatisfied, the complainant may file a written complaint with the administrator or designee. That administrator or designee shall attempt to resolve the complaint within 10 working days of initiation of the complaint with the administrator or designee. If the complainant is dissatisfied, the complainant may file a written complaint with the superintendent within 5 working days of the decision from the administrator or designee. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved after 20 working days of receipt of the complaint by the superintendent, the complainant may appeal to the Board. A written complaint referred to the Board may be considered at the next regularly scheduled or special Board meeting. A final written decision regarding the complaint shall be made by the Board within 30 days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board chooses not to hear the complaint, the superintendent's decision is final. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The timelines may be extended upon written agreement between the district the complainant.¹

Complaints against the principal should be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 20 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 20 days.

¹ For district information. The district's timeline established by each step of the district's complaint procedure for alleging a violation found in OAR 581-002-0003 must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. However, the district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)

The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in 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 use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 20 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in 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 shall decide, within 30 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 20 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair should be made directly to the Board vice chair or designee on behalf of the Board. The Board vice chair or designee shall present the complaint to the Board in 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 shall decide, within 30 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 20 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

A complainant must file a complaint within the later of either time limit set below, in accordance with State law:

1. Within three months after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within three month after the affected student has graduated from, moved away from or otherwise left the district.

The district's final decision for a complaint processed under this Board policy that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a parent or guardian of a student attending school in the district or a person that resides in the district, and the

complaint is not resolved through the complaint process above, the complainant may file an appeal² to the Deputy Superintendent of Public Instruction under OAR 581-002-0001 – 581-002-0023.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[OAR 581-022-2370](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).