



**Newberg Public Schools 29J**  
**Board Agenda**  
**April 25, 2023**  
**Work Session**

**Board Meeting –Work Session Agenda**

I.	Call to Order	Dave Brown	6:00 pm
II.	Flag Salute	Trevor Dehart	
III.	<b>Recess to Executive Session as per:</b> ORS 192.660 (2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.		
IV.	Report from Executive session	Dave Brown	7:00 pm
V.	Review Agenda: <ul style="list-style-type: none"> <li>• Additions and/or Deletions</li> </ul>	Dave Brown	
VI.	Approval of Minutes: Approve 4.11.23 Board Minutes	Dave Brown	
VII.	Presentation from Mayor Rosacker, Councilor Derek Carmon and City Manager Will Worthey		7:15 pm
VIII.	Superintendent Comments		
IX.	Consent Agenda: <ul style="list-style-type: none"> <li>• New hires &amp; resignations</li> <li>• Donation to District – City of Newberg</li> </ul>	Dave Brown	
X.	Reports, Presentations and Discussion Items: <ul style="list-style-type: none"> <li>• Principal Presentations <ul style="list-style-type: none"> <li>○ NHS</li> <li>○ Dundee</li> </ul> </li> <li>• First Reading- Policies</li> <li>• Budget Committee Applicants</li> </ul>	Tami Erion Tim Wright Scott Linenberger	
XI.	Future Agenda Items: <ul style="list-style-type: none"> <li>• Audit Review 2021-22 (5.9.23 Heather Bixby)</li> </ul>		
XII.	Future Board Meeting: Budget Committee: May 2 <sup>nd</sup> , 2023 @ 6:00 pm Regular Session: May 9 <sup>th</sup> , 2023 @ 7:00 pm Work Session: May 23 <sup>rd</sup> , 2023 @ 7:00 pm		
	Adjourn Meeting		

**NO PUBLIC COMMENTS DURING BOARD WORK SESSIONS-** Thirty (30) minutes has been allotted for public comments, with a two (2) minute limit per person. Public comments will be processed in the order received. Comments may be submitted via email until 4 pm the Monday before regular session board meetings to: [publiccomment@newberg.k12.or.us](mailto:publiccomment@newberg.k12.or.us) (If you do NOT receive a response of receipt of your public comment, please reach out to Tabitha at 503.554.5041). Those submitted via email will be read by a board member or Superintendent unless otherwise noted. We will also accept comment cards, in person, from those wishing to speak on the evening of regular session meetings. Executive Session is closed to the public.

[Link to April 25, 2023 Board Meeting](#) To listen to the meeting, call one of these numbers and follow the prompts:  
1-253-215-8782 or 1-301-715-8592 or login via Zoom, using Meeting ID: 810 1897 7783; Passcode: 610912

**NEWBERG SCHOOL DISTRICT 29J**  
Board Regular Session Meeting, April 11, 2023  
In Person / Virtual via Zoom Session

**DRAFT MINUTES**

**BOARD MEMBERS PRESENT**

Renee Powell  
Brian Shannon  
Raquel Peregrino de Brito  
Ron Rilee  
Shelley Kolb  
Trevor DeHart

**BOARD MEMBERS ABSENT**

Dave Brown

**STAFF PRESENT**

Dr. Stephen W. Phillips, Superintendent  
Tabitha Renne, Board Secretary  
Scott Marlin, Technology Supervisor  
Scott Linenberger, Director of HR  
Heather Bixby, Director of Finance  
Becky Brenner, Fiscal Services Asst.  
Holly Miele, Teaching & Learning Coordinator  
Brittany Morales, Teaching & Learning  
Coordinator

**OTHERS PRESENT**

Rose Etherington - Communications  
Student Representatives:  
Lucia Tomaselli  
Maira Turpen

- I. **REGULAR SESSION CALL TO ORDER (Begins at approx. 3:50 on the YouTube Video Link)**  
A duly called and noticed Regular Meeting of the Board of Directors of Newberg School District 29J was called to order by Vice Chair Brian Shannon at 7:00 pm on Tuesday, April 11<sup>th</sup> 2023. Board members and staff were present, public attended in person and via Zoom Session. This video session was recorded and posted on the Newberg School District website. [Board Meeting 4.11.23- YouTube](#)
- II. **FLAG SALUTE**  
Trevor DeHart led the Board in the Pledge of Allegiance.
- III. **RECESS TO EXECUTIVE SESSION as per: ORS 192.660 (2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (Begins at approx. 4:25 on the YouTube Video Link)**

**RESUME TO REGULAR SESSION AT 7:22 PM**

- IV. **REVIEW AGENDA (Begins at approx. 26:40 on the YouTube Video link)**  
Board Vice Chair, Shannon, reviewed the agenda.
- V. **APPROVAL OF MINUTES (Begins at approx. 26:50 on the YouTube Video link)**  
**Motion:** Move to approve the Board Minutes, as presented.  
Motion: Director Perigrino de Brito  
2<sup>nd</sup>: Director Kolb **Motion Passed: 6 Yes - 0 No**
- VI. **PUBLIC COMMENTS (Begins at approx. 27:35 on the YouTube Video link)**  
There was one (1) public comment that was submitted via email and read by Superintendent Phillips and FIVE (5) public speakers that addressed the Board, staff and community.

**VII. STUDENT REPRESENTATIVES, BOARD AND SUPERINTENDENT COMMENTS (Begins at approx. 38:45 on the YouTube Video link)**

**VIII. CONSENT AGENDA: Vice Chair Shannon (Begins at approx. 1:09:04 on the YouTube Video link)**

**Motion:** Move to approve the Consent Agenda, as presented.

Motion: Director Kolb

2<sup>nd</sup>: Director Powell

**Motion Passed: 6 Yes - 0 No**

**IX. BOARD ACTION ITEMS:**

2023/2024 Board Calendar – presented by Superintendent Phillips

**(Begins at approx. 1:09:50 on the YouTube Video link)**

**Motion:** Move to approve the Board Calendar 2b, as presented.

Motion: Director DeHart

2<sup>nd</sup>: Director Perigrino de Brito

**Motion Passed: 6 Yes - 0 No**

2023/2024 Academic Calendar – presented by Superintendent Phillips

**(Begins at approx. 1:14:04 on the YouTube Video link)**

**Motion:** Move to approve the Academic Trimester Calendar (2b), as presented.

Motion: Director Perigrino de Brito

2<sup>nd</sup>: Director Powell

**Motion Passed: 6 Yes - 0 No**

**X. REPORTS, PRESENTATIONS AND DISCUSSION (Begins at approx. 1:27:05 on the YouTube Video link)** Small change in line up of reports and presentations. Will start with World Language Adoption.

- **World Language Adoption** –Teaching and Learning team, Holly Miele and Brittany Morales, presented to the board and public. The team explained that during the sampling and reviewing of the curriculum, only two members of community reached out with questions. Those questions were addressed with no further inquiry. The choice of curriculum was unanimous with staff.

**Motion:** Move to approve the World Language Adoption, as presented.

Motion: Director Perigrino de Brito

2<sup>nd</sup>: Director Powell

**Motion Passed: 6 Yes - 0 No**

- **New Website Rollout (Edlio) – (Begins at approx. 1:40:55 on the YouTube Video link)**  
Technology Supervisor, Scott Marlin, & Communications Team Lead, Rose Etherington, gave an update to board, staff and community.
- **Parent Bill of Rights Update (Begins at approx. 1:44:40 on the YouTube Video link)**  
Presented by Superintendent Phillips – Several questions from board members and student representatives. The board agreed that the district should hold another meeting with the Parent Bill of Rights Committee, as requested.

## YOUTUBE and/or ZOOM DISCONNECTION

- **Budget Review** - Presented by Heather Bixby. Both expenditure and revenue reports from March 2023 were included in the board packet. The audit is being finalized and it is the intention of the district and finance department to present to board at the May 9<sup>th</sup> board meeting. Heather acknowledged that there were several districts throughout the State of Oregon that were still waiting on their Audit Review.
- **Superintendent Review** – At the April 25<sup>th</sup> board meeting, the board of directors will enter into Executive Session to complete their review of Superintendent Phillips.

### XI. FUTURE AGENDA ITEMS

- Principal Presentations 4.25, NHS & Dundee
- Superintendent Review

### XII. FUTURE BOARD MEETING:

- Policy Committee Mtg, April 19<sup>th</sup>, 2023 @ 6:00 pm
- Executive Session, April 25<sup>th</sup>, 2023 @ 6:00 pm
- Work Session 4.25.23 @ 7:00 pm
- Budget Committee May 2<sup>nd</sup>, 2023 @ 6:00pm
- Regular Session May 9<sup>th</sup>, 2023 @ 7:00pm

### Adjourn Meeting

Meeting adjourned at 9:22 pm

Recorded by: Tabitha Renne, Board Secretary

Approved by Board of Directors on \_\_\_\_\_

\_\_\_\_\_  
Chair Dave Brown



## Newberg Public Schools 29J

### Board Meeting Date: April 25th, 2023

ITEM: Consent Agenda  
PRESENTER: Director Dave Brown

### **ACTION**

**Accept Probationary Teacher Contract: Effective July 1, 2023**

Joanna Carsen — Teacher, Mountain View Middle School  
Lohan Currier — Teacher, Ewing Young Elementary School  
Timothy France — Teacher, Catalyst School  
Alissa Muir —Teacher , District Office

**Accept Licensed Teacher Resignation: Effective June 16 , 2023**

Naomi Haworth — Teacher, Edwards Elementary School  
Justin Rusaw — Teacher, Newberg High School

**Accept Licensed Teacher Retirement: Effective July 1, 2023**

Carleen Johnson — Teacher, Antonia Crater Elementary School

**Donation(s):**

- Accept the donation of funds from the Ciity of Newberg to offset the costs of an additional SRO and other student safety programs for Newberg Public Schools in the amount of \$152,247.00.
- Accept the donation/grant in the amount of \$372.00 from The Rotary Club of Neweberg, Early Birds, for promoting testing and assessments.

**RECOMMENDATION:**

Move that the Newberg School District Board of Directors approve the consent agenda as presented.



***Principal Board Presentation Form***

**BUILDING** Newberg High School **BOARD MEMBER REP(s)** \_\_\_\_\_

**PRINCIPAL** Tami Erion

**TOTAL ENROLLMENT** 1250

**TOTAL # STAFF** 99 (Includes admin, licensed and classified staff)

**HIGHLIGHTS:**

1 Freshmen Academic Successes & Challenges/On Track Rates

2 Opportunities and Successes (Dual Credit, AP, CTE)

3 Looking Forward - New Building (CTE), New Schedule

**AREA OF IMPROVEMENT:**

Accreditation Feedback - Systems, Student Growth, Professional Growth



***Principal Board Presentation Form***

**BUILDING** Dundee Elementary      **BOARD MEMBER REP(s)** Trevor DeHart

**PRINCIPAL** Tim Wright

**TOTAL ENROLLMENT** 210

**TOTAL # STAFF** 31

**HIGHLIGHTS:**

- 1 Academic Achievement and Growth- Mid year test results show consistent improvements in academic achievement.
- 2 School Climate and Culture- Supported by systems that include daily character education instruction, multiple weekly community circle conversations, strong staff that goes above and beyond for students.
- 3 Community Engagement- Dundee Parent Group, Volunteers, Partnerships with GFU

**AREA OF IMPROVEMENT:**

**Attendance-** Still working to improve attendance for our students attending below 90 percent of school days. Educating families about the importance of attendance. Following through with families of students who are struggling with strong attendance.

## **Policy Updates- First 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.

## **CONTENTS**

GCBDA/GDBDA – Family Medical Leave, Required

GCBDF/GDBDF – Paid Family Medical Leave Insurance \*, Version 2, Optional – **New**

ICB – Religious and Cultural Holidays\*\*, Optional – **New**

JFCF – Harassment, Intimidation, Bullying, Cyberbullying, or Teen Dating Violence Reporting Procedures – Student, Required

JGE – Expulsion\*\*, Required

---

## **FAMILY MEDICAL LEAVE**

### **Summary**

Oregon signed into law Senate Bill (SB) 454 in June 2015, making Oregon the fourth state to enact a statewide mandatory paid sick leave law. The SB was initially brought forward to ensure that employees had the ability to take leave for preventive medical care as well as for illnesses for both themselves and their family without losing their job. The new law requires Oregon employers to provide sick time to employees beginning on January 1, 2016. Employees are able to use the sick time for a wide range of illness or preventative care reasons as well as to take care of family members. (Adopted: September 22, 1995; January 20, 1996; June 29, 2012, June 19, 2016; January 20, 2017; June 24, 2018).

### **Local District Responsibility**

Adopt and revise and policy - GCBDA/GDBDA – Family Medical Leave, Required

### **Policy(ies) and ARs Impacted by these Revisions**

GCBDA/GDBDA – Family Medical Leave, Required

---

## **PAID FAMILY LEAVE INSURANCE**

### **Summary**

The Oregon Legislature has passed paid family leave laws with benefits becoming available on September 3, 2023. This policy is intended to help districts make decisions and implement these laws. The district has the option of using the state-run program Paid Leave Oregon, or continuing with an equivalent plan and there is a model policy available for either situation.



If the district chooses Version 1, there is an accompanying administrative regulation (AR) which is highly recommended to support adoption of Version 1 of the model policy; these are highly recommended if the district will be using Paid Leave Oregon to support this program. The accompanying AR includes procedure language covering topics such as: application; employee notices; concurrent use of district-provided leave; return to work; communications; employer notices; filings; employee protections.

An administrative regulation is not necessary if Version 2 of the model policy is selected.

### **Local District Responsibility**

Determine whether the district will be using Paid Leave Oregon or an equivalent plan. If using Paid Leave Oregon, consider adopting policy GCBDF/GDBDF Paid Family Medical Leave Insurance \* (Version 1) and the accompanying AR (both Highly Recommended). If using an equivalent plan, consider adopting GCBDF/GDBDF Paid Family Medical Leave Insurance \* (Version 2).

### **Policy(ies) and ARs Impacted by these Revisions**

GCBDF/GDBDF – Paid Family Medical Leave Insurance \*, Version 2, Highly Recommended –  
**New**

---

## **CULTURAL AND RELIGIOUS HOLIDAYS**

### **Summary**

Districts are prohibited from discriminating against student, staff and community members on the basis of religion and other protected classes. To assist districts in valuing the cultural and religious backgrounds of the communities that they serve, OSBA is releasing new optional policy ICB– Religious and Cultural Holidays\*\*

### **Local District Responsibility**

Consider adapting new policy ICB – Religious and Cultural Holidays\*\* Optional

### **Policy(ies) and ARs Impacted by these Revisions**

ICB – Religious and Cultural Holidays\*\*, Optional – **New**

---

## **COMPLAINT PROCEDURES**

### **Summary**

The revisions to the complaint procedures are to clarify timelines and more closely align with legal requirements.

### **Local District Responsibility**

The Board should review the recommended changes to required policy – JFCF – Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, Domestic Violence – Student, and adopt the changes.

### **Policy(ies) and ARs Impacted by these Revisions**

JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, Domestic Violence – Student - Required

---

## **EXPULSION**

### **Summary**

ORS 339.250(2) and OAR 581-021-0070 require school districts to have a policy on expulsion. There has been some confusion on the board's role in expulsions, especially related to the expulsion hearing. This change clarifies the board's role and gives the board the option of delegating the hearings officer role in the policy, thus relieving the board of the obligation to meet every time there is a recommendation for expulsion to designate a hearings officer. The board retains authority on appeal.

### **Local District Responsibility**

Revise and readopt policy JGE - Expulsion\*\* (Required)

### **Policy(ies) and ARs Impacted by these Revisions**

JGE – Expulsion\*\*, Required

---

# OSBA Model Sample Policy

Code: GCBDA/GDBDA  
Adopted:

## Family Medical Leave \*

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee's worksite, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA apply to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

---

### Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

R4/13/17 | RS

Family Medical Leave \* – GCBDA/GDBDA

[ORS 659A.093](#)  
[ORS 659A.096](#)

[ORS 659A.099](#)  
[ORS 659A.150 to -659A.186](#)

[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).  
Americans with Disabilities Act Amendments Act of 2008.  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

# OSBA Model Sample Policy

Code: GCBDF/GDBDF  
Adopted:

## **Paid Family Medical Leave Insurance \*** (Version 2)

The district provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan has been approved by the Employment Department.<sup>1</sup> The district will file the Oregon Quarterly Tax Report as required.

The district will make available a notice poster that outlines the requirements and procedures for the equivalent plan.<sup>2</sup> This poster will be displayed in each of the district's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided<sup>3</sup> to remote employees upon hire or assignment to remote work.

END OF POLICY

---

### Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

[OAR 471-070-2200 - 2460](#)

---

<sup>1</sup> Deadlines for the district to file an exemption application can be found on OAR 471-070-2205. Application requirements can be found in OAR 471-070-2210.

<sup>2</sup> For poster requirements, see OAR 471-070-2330.

<sup>3</sup> By hand delivery, regular mail, or through an electronic delivery method.

# OSBA Model Sample Policy

Code: ICB

Adopted:

## Religious and Cultural Holidays\*\*

### Accommodation for Religious Instruction and Cultural Observance

The district recognizes each student’s individual right to free exercise of religion. The district may accommodate students’ religious or cultural<sup>1</sup> observance, while neither promoting one religion or culture over another nor preferring religion over non-religion. Specific requests for religious or cultural accommodation should be directed to the student’s teacher or principal in accordance with Board policy IGBHD, Program Exemptions.

### Release Time for Religious and Instruction and Cultural Holidays

The district will permit elementary and secondary school students to be released from school each week consistently for religious instruction in accordance with Oregon law.

### Accommodation of Absences for Religious and Cultural Reasons

Any student unable to attend classes on a particular day due to religious beliefs or cultural observance shall be excused from attendance requirements for that day. No such absence shall be counted against a student in determining eligibility for educational benefits, exclusion from programs, reduction of grades or failure.

### Scheduling Around Major Religious and Cultural Holidays

For purposes of this policy, “major religious or cultural holidays”<sup>2</sup> are holidays, observance of which: (1) is common among adherents of a student’s religion or culture; (2) include ritual or worship obligations or practices that cannot reasonably be fulfilled during school activities;<sup>3</sup> and (3) fulfillment of such obligations or practices would necessarily conflict with scheduled school activities.<sup>4</sup>

1. School wide and Grade wide Events. Schools should avoid scheduling important events that by their nature cannot be made up (such as picture day, open house, prom, graduation, and Outdoor School) on days that conflict with major religious or cultural holidays that may impact student attendance or participation. Such events shall be scheduled on major religious or cultural holidays only if such scheduling is reasonably necessary to carry out the proper functioning of a school program or course

---

<sup>1</sup> An example of a major non-religious cultural holiday would be the Chinese New Year.

<sup>2</sup> Districts are encouraged to engage with the community to identify holidays that are observed by students, staff and community members that would be considered major religious or cultural holidays.

<sup>3</sup> For example, holiday-related dietary restrictions may still be observed while at school, but group prayer or ritual hymns may not.

<sup>4</sup> If such obligations occur in the evening, then there would be no constraints on scheduling such activities during the school day, so long as the students will be timely released to engage in such evening activities.

of study, to avoid an unreasonable burden on other students, or if such scheduling is outside the control of school employees.

The district will make a good faith effort to identify major religious or cultural holidays observed in the local community by consulting generally accepted sources of information. Students and families may request that one or more holidays from their religious or cultural tradition be included on the district's list of major religious or cultural holidays under this policy.

2. **Field Trips, Co-Curricular and Extra-Curricular Activities.** When scheduling other special events such as field trips, try-outs, plays, concerts and major co-curricular and extra-curricular activities, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Staff will inform students and parents of plans as far in advance as possible, so that conflicts with major religious or cultural holidays can be avoided, if it is possible to do so without making burdensome demands on programs or other students, and otherwise accommodated if not. Parents and students are encouraged to communicate their need for accommodation to the school, for major religious or cultural holidays not already recognized by the district.

The field trip approval process will include a question about scheduling and major religious or cultural holidays. For a field trip to be scheduled on a major religious or cultural holiday, an administrator must review and approve the request. Administrator approval is also required to schedule a major co-curricular or extra-curricular activity on a major religious or cultural holiday when scheduling is within the control of the school or district.

3. **Tests and Assignments.** Any tests and assignments a student misses because of religious instruction or religious or cultural observances shall be given to the student at another time. Teachers shall provide students a meaningful opportunity and reasonable time to make up missed classwork, tests, quizzes, and final exam reviews, and to complete homework due on that day or the following school day. When scheduling tests, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Make-up opportunities will not be required of a student on the school day immediately after a student is absent from school to observe a major religious or cultural holiday.
4. **Final Exams.** Final exams are scheduled based on the district-adopted calendar. The Board should consider the likely resulting exam schedule and possible conflicts with major religious or cultural holidays as they consider calendar options.

## **Communication**

The superintendent will prepare guidelines implementing this policy, including a list of major religious holidays and cultural holidays, which will be communicated to staff. School staff will be informed at least twice per year of dates of major religious or cultural holidays. Parents will be informed at least annually about this policy and their student's right to request accommodation. Information including a list of major religious or cultural holidays will be made available on the district website. Parents are encouraged to communicate their student's need for accommodation to the school.

The superintendent shall reconsider the scope of this policy and recommend changes to the Board as needed if the total number of school days identified as major religious or cultural holidays is likely to impose an unreasonable burden on the district's ability to schedule important school events.

END OF POLICY

---

**Legal Reference(s):**

[ORS 336.035\(2\)](#)  
[ORS 336.465](#)  
[ORS 336.615](#)  
[ORS 336.625](#)

[ORS 336.635](#)  
[OAR 581-002-0035](#)  
[OAR 581-021-0009](#)

[OAR 581-021-0071](#)  
[OAR 581-022-2050](#)  
[OAR 581-022-2110](#)  
[OAR 581-022-2505](#)



# OSBA Model Sample Policy

Code: JFCF

Adopted:

## **Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student**

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

Harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited in the district. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, menacing, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action, which may include discipline, up to, and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action, which may include discipline, up to, and including dismissal. Third parties 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.

Students, staff, or third parties may also be referred to law enforcement officials.

The principal and the superintendent are responsible for ensuring that this policy is implemented.

### **Definitions**

“District” includes district facilities, district premises, and nondistrict property if the student 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.

“Third parties” include, but are not limited to, coaches, 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.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, and having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. Behavior by which a person uses or threatens to use physical and/or sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, menacing, or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, menacing, teen dating violence, acts of cyberbullying, or retaliation.

“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

## **Reporting**

The building principal/designee and/or superintendent/designee<sup>1</sup> will take reports and conduct a prompt investigation within five (5) working days of any reported acts of harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the building principal/designee and/or superintendent/designee who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the

---

<sup>1</sup> Required by ORS 339.356(2) (g). Other bracketed language regarding menacing exceeds the requirements of ORS 339.356 and is under Board authority ORS 332.107.

building principal/designee and/or superintendent/designee. Failure of an employee to report any act of harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence to the building principal/designee and/or superintendent/designee may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been subjected to an act of harassment, intimidation or bullying, menacing, or cyberbullying or feel they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to the building principal/designee and/or superintendent/designee who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the building principal/designee and/or superintendent/designee. A report made by a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the superintendent or designee review the actions taken in the initial investigation, in accordance with district complaint procedures.

### **Notification to Parents or Guardians**

The building principal/designee and/or superintendent/designee shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the building principal/designee and/or superintendent/designee reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The building principal/designee and/or superintendent/designee determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The building principal/designee and/or superintendent/designee informs the student that federal law may require the student's parents and guardians to have access to the student's education record, including any requests of nondisclosure (from item 1 above).

If the building principal/designee and/or superintendent/designee determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

### **Training and Education**

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

### **Notice**

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and district’s website, and school and district office.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

---

### **Legal Reference(s):**

[ORS 163.190](#)  
[ORS 163.197](#)  
[ORS 107.705](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 174.100](#)

[ORS 332.072](#)  
[ORS 332.107](#)  
[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.351 - 339.368](#)  
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)  
[OAR 581-021-0055](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2370](#)  
House Bill 2631 (2021)  
House Bill 3041 (2021)

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

# OSBA Model Sample Policy

Code: JGE

Adopted:

## Expulsion\*\*

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

A student may only be expelled for the following circumstances:

1. When a student's conduct poses a threat to the health or safety of students or employees;
2. When other strategies to change the student's conduct have been ineffective, except that expulsion may not be used to address truancy; or
3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observations or upon a report from an employee, the student's conduct poses a direct threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing.

The Board delegates the authority to decide on an expulsion to the superintendent. The superintendent may designate another person to handle the potential expulsion, and the superintendent, a designee or another individual may act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will not be associated with the initial actions of the building administrators. The hearings officer will conduct the hearing and make a final decision regarding the expulsion. A decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review.

If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the student's parents at the same time. At a future meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision.

When a recommendation for an expulsion is made and a hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service<sup>1</sup> or by certified mail<sup>2</sup> at least five (5) calendar days prior to the scheduled hearing. Notice shall include:
  - a. The specific charge or charges and the specific facts that support the charge or charges;
  - b. A statement of intent to consider the charges as reason for expulsion;
  - c. The student's right to a hearing;
  - d. When and where the hearing will take place; and
  - e. The student may be represented by counsel or other persons.
2. If the parent or student does not understand the English language, the district will provide an interpreter during the hearing. All communications will be in a manner that is understandable to the parents and student;
3. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney, parent or other person. The district's attorney may be present;
4. The student shall be afforded the right to present their version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
5. The student shall be permitted to be present and to hear the evidence presented by the district;
6. The hearings officer or the student may record the hearing;
7. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
8. A Board-conducted hearing or a Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:
  - a. The name of the minor student;
  - b. The issues involved, including a student's confidential records;
  - c. The discussion;
  - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion for reasons other than a weapons violation, the district must notify the student and parents of alternative programs of instruction or instruction combined with counseling and document this notification.

**END OF POLICY**

---

<sup>1</sup> The person serving the notice shall file a return of service. (OAR 581-021-0070)

<sup>2</sup> When "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

**Legal Reference(s):**

[ORS 192.660](#)

[ORS 332.061](#)

[ORS 336.615 - 336.665](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 - 021-0075](#)