



Watch for information coming soon for a **Policy Update** webinar.

Summer Board Conference
August 9–11, 2024
Salem, OR

Annual Convention
Nov. 7-9, 2024
Portland, OR

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- GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Delete
- GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Required, *New*
- GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting, Delete
- IGBAF – Special Education – Individualized Education Program (IEP)**, Required
- IGBAF-AR – Special Education: Individualized Education Program (IEP)**/*, Required

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This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district’s legal counsel.

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IGBAG – Special Education – Procedural Safeguards**, Required
JBA/GBN – Sexual Harassment, Required
JBAA – Section 504 – Students**, *Version 1 and 2*, Highly Recommended
JBAA-AR – Section 504 – Students**/*, Highly Recommended
JEA – Compulsory Attendance**, Highly Recommended
JEA-AR – Compulsory Attendance Notices[and Citations]**, Highly Recommended
JGA – Corporal Punishment**, Optional
JGAB – Use of Restraint or Seclusion**, Required
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JH – Student Welfare**, Optional
JHC – Student Health Services and Requirements**, Delete (in lieu of new EBBA)
JHCA/JHCB – Immunization and School Sports Participation**, Highly Recommended
JHCC – Communicable Diseases - Students, Delete
JHCC-AR – Communicable Diseases - Students, Delete
JHCCA – Students - HIV, HBV and AIDS**, Delete
JHCCF – Pediculosis (Head Lice), *Version 1*, Delete
JHCCF – Pediculosis (Head Lice), *Version 2*, Delete
JHCCF – Pediculosis (Head Lice), was *Version 3*, now stand-alone, Optional
JHCCF-AR – Pediculosis (Head Lice), *Version 1*, Delete
JHCCF-AR – Pediculosis (Head Lice), *Version 2*, Delete
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements**, Required
JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required
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Highly Recommended, (no updates)
KBA-AR – Public Records Request, Highly Recommended

CIVIL RIGHTS COORDINATOR

Summary

House Bill 2281 (2023), effective January 1, 2024, requires a district school board to designate one or more civil rights coordinators for the district. According to HB 2281, the civil rights coordinator may be an employee of the district or the district may contract with an ESD for the services of a civil rights coordinator.

HB 2281, Section 1 (see page 2 of the bill specifically) outlines the minimum responsibilities of a civil rights coordinator. Of note is the requirement to comply with rules adopted by the State Board of Education so OSBA is watching for news about these rules. Additionally, the bill includes use of the term “discrimination” which is defined further by ORS 659.850 and is used in the new bill. The bill further outlines a requirement for the Department of Education to make training available annually for these coordinators.

Finally, ORS 659.855, which allows the Superintendent of Public Instruction to sanction a public elementary or secondary school program if found in noncompliance with ORS 659.850 and 659.852, has been updated to include noncompliance with ORS 332.505(2) – Civil Rights Coordinator.

The bill can be read in its entirety with the link provided above.

There is no current requirement for language to be added to board policy or administrative regulation. The district may choose to add the proposed language to policy AC – Nondiscrimination. Oregon Administrative Rules from the Oregon State Board of Education are anticipated later this year, which will likely prompt another update to policy.

The district should consider posting notice of the designated civil rights coordinator and contact information together with the notice of nondiscrimination (and other notices) on the district's website.

Collective Bargaining Impact

None

Local District Responsibility

Review the recommendations for policy changes and present them to the board for adoption.

Policy(ies) and AR(s) Impacted by these Revisions

AC – Nondiscrimination, Required

STUDENT REPRESENTATIVE(S) ON THE BOARD

Summary

The practice of installing student representative(s) on local school boards has increased, and therefore a desire for more policy and administrative regulation options has been voiced. OSBA policy services staff present the model policy and administrative regulation published herein as options for establishing a student representative on a local school board. Oregon does not mandate a student representative, it is up to local decision makers.

Collective Bargaining Impact

None

Local District Responsibility

Review the proposed policy and/or administrative regulation to determine whether it is appropriate for the board. The policy requires adoption by the board to enact and the administrative regulation may be submitted to the board for their review. A policy and administrative regulation is recommended, although not required.

Policy(ies) and ARs Impacted by these Revisions

BCBA – Student Representative(s) on the Board, Optional
BCBA-AR – Student Representative(s) on the Board, Optional, *New*

SUPERINTENDENT'S CONTRACT

Summary

With the passage of [Senate Bill 283](#) (2023), the law was revised regarding superintendent contracts to remove mention of laws relevant to education service district boards added by Senate Bill 1521 in 2022 to ORS 332.505.

Collective Bargaining Impact

None

Local District Responsibility

Update policies with the recommended revisions if they are present in the board's policy manual and submit to the board for readoption.

Policy(ies) and ARs Impacted by these Revisions

CB – Superintendent, Highly Recommended

CBC – Superintendent’s Contract, Optional

EVALUATION OF THE SUPERINTENDENT AND ADMINISTRATOR(S)

Summary

There are not significant changes to policy on evaluation of the superintendent and administrators. However, it has been included in this update as a reminder to the board to review policy on evaluation of the superintendent to ensure current practice and contract language align, and for the superintendent to review administrator contract language with the same lens. If needed, revise policy language if different terms now apply.

Collective Bargaining Impact

None

Local District Responsibility

If the board has adopted a version of required policy CBG – Evaluation of the Superintendent or CCG – Evaluation of Administrators (as listed herein), take time to review the superintendent and administrator contracts to ensure there is not conflicting language adopted in board policy regarding the regularity of an evaluation. Revise board policy as needed and readopt.

Policy(ies) and ARs Impacted by these Revisions

CBG – Evaluation of the Superintendent, Required

CCG – Evaluation of Administrators, Required

PROCUREMENTS

Summary

OSBA recommends deleting the current versions of DJC – Bidding Requirements, DJC-AR – Exemptions from Competitive Bidding and Special Procurements, DJCA – Personal Service Contracts and DJCA-AR – Personal Service Contracts, and replacing them with the new proposed versions of DJC and DJC-AR. The proposed DJC outlines the procurement requirements for Small Procurement, Intermediate Procurement, Regular Procurement, Emergency Procurement, Sole-Source Procurement and Personal Services Contracts.

Additionally, the proposed policy DJC – Bidding Requirements, reflects the new amounts for the procurement levels passed in House Bill 1047 (2023) and went into effect January 1, 2024. The policy also defines “public improvements” for purposes of the procurement levels, defines “community benefit contract” and the “Construction Manager/General Contractor procurement.”

The proposed administrative regulation, DJC-AR – Exemptions from Competitive Bidding and Special Procurements, has been updated and continues to provide guidance for procurements which are exempt from competitive bidding or are special procurements.

Collective Bargaining Impact

None

Local District Responsibility

Revise and readopt highly recommended policy DJC – Bidding Requirements and consider whether to also add optional DJC-AR – Exemptions from Competitive Bidding and Special Procurements.

Policy(ies) and ARs Impacted by these Revisions

DJC – Bidding Requirements (*Versions 1 & 2*), Delete

DJC – Bidding Requirements, Highly recommended, *New*

DJC-AR – Exemptions from Competitive Bidding and Special Procurements, Delete

DJC-AR – Exemptions from Competitive Bidding and Special Procurements, Optional, *New*

DJCA – Personal Service Contracts, Delete

DJCA-AR – Personal Service Contracts, Delete

HEALTH SERVICES

Summary

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop “a written prevention-oriented health services plan for all students” (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR’s), included herein, which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

ODE [resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact

Review any terms and conditions of an applicable agreement.

Local District Responsibility

Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

Policy(ies) and ARs Impacted by these Revisions

EBBA – First Aid**, Delete
EBBA – Student Health Services**, Highly Recommended, *New*
EBBA-AR – First Aid - Infection Control, Delete
EBBAA – Infection Control and Bloodborne Pathogens, Optional
EBBB – Injury or Illness Reports, Required
GBEB – Communicable Diseases in Schools, Highly Recommended
GBEB-AR – Communicable Diseases in Schools, Highly Recommended
GBEBA – Staff – HIV, AIDS, and HBV, Delete
JH – Student Welfare**, Optional
JHC – Student Health Services and Requirements**, Delete (in lieu of new EBBA)
JHCA/JHCB – Immunization and School Sports Participation**, Highly Recommended
JHCC – Communicable Diseases - Students, Delete
JHCC-AR – Communicable Diseases - Students, Delete
JHCCA – Students - HIV, HBV and AIDS**, Delete

EMERGENCY PROCEDURES, FIRST AID and SAFETY THREATS

Summary

[House Bill 3584](#) was passed in the 2023 legislative session. The bill requires districts to adopt policy language about using electronic communication to notify parents, guardians and employees within 24 hours of a safety threat action that was not a drill. The bill states the communication should be “provided in a manner that communicates relevant facts and details as necessary and useful.” (HB 3584, Section 1., (3)(b)) More detail can be found by reading the entire bill.

This update includes a revision of other policies identified herein, resulting from recommendations on reorganization and may include recoding and/or reassigning content to a different policy or policy section.

Collective Bargaining Impact

None

District Responsibility

Review the recommendations regarding board policy changes and make decisions regarding new and updated policy. Any policy revisions, additions or recommendation to rescind a policy should be submitted to the board for action.

Policy(ies) and ARs Impacted by these Revisions

EBC/EBCA – Emergency Procedures and Disaster Plans, Delete
EBC – Emergency Plan and First Aid**, Highly Recommended, *New*
EBCA – Safety Threats**, Required, *New*
EBCB – Emergency Procedure Drills and Instruction, Highly Recommended

SEXUAL HARASSMENT DEFINITION

Summary

House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools and has since been followed up with new rule revisions. The revised definition changes the meaning of assault within the sexual harassment context and adds a section describing the meaning of “without consent,” which is also a new definition added to the law. When considering these recommended revisions, please review the designated names and positions listed for receiving such reports and amend as needed.

Collective Bargaining Impact

None

Local District Responsibility

Review recommended changes and board-adopt revisions to required policy GBN/JBA (JBA/GBN) – Sexual Harassment, in the board’s policy manual.

Policy(ies) and ARs Impacted by these Revisions

GBN/JBA – Sexual Harassment, Required
JBA/GBN – Sexual Harassment, Required

REPORTING CHILD ABUSE

Summary

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency’s current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. Reports must still be submitted to DHS as directed or to a law enforcement agency.

The form found in **GBNAB/JHFE-AR(2) (JHFE/GBNAB-AR(2))** – Abuse of a Child Investigations Conducted on District Premises, is included for convenience and reference; **no updates were made.**

Collective Bargaining Impact

None

Local District Responsibility

The district should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

Policy(ies) and ARs Impacted by these Revisions

BBF – Board Member Standards of Conduct (*Version 1 or 2*), Highly Recommended
BBFC – Reporting of Suspected Abuse of a Child, Optional
GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements**, Required
GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child, Required
GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises, Highly Recommended, (no updates)
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements**, Required
JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required
JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on District Premises, Highly Recommended, (no updates)

FINGERPRINTING

Summary

Newly revised rules regarding fingerprint collection offer the addition of a statewide vendor identified by DAS as an authorized fingerprint collector and removed the option for volunteers to appeal to ODE on a fitness determination issued by ODE. The other resulting changes come from a decision to have a stand-alone board policy.

Collective Bargaining Impact

None

Local District Responsibility

Review the recommended changes and issue them to the board for re-adoption. To clean up duplicate language, a new version of model policy GCDA/GDDA – Criminal Records Checks and Fingerprinting * has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and adopt the revised version to implement new policy language for GCDA/GDDA, before adopting, refer to the board’s existing version for direction on choosing brackets in the new version; make changes to reflect current practices as needed.

Policy(ies) and ARs Impacted by these Revisions

GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Delete
GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Required, *New*
GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting, Delete

SPECIAL EDUCATION and ABBREVIATED SCHOOL DAY

Summary

Board policy IGBAG – Special Education – Procedural Safeguards** and administrative regulations IGBAF-AR – Special Education – Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* are being updated.

Changes in IGBAF-AR – Special Education: Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* are due to the passage of Senate Bill 756 (2023) which requires district employees who are assigned to work with students who are on an IEP or 504 Plan, be invited to attend the student’s IEP meeting or 504 Plan meeting. The section

of the administrative regulation (AR) “Individualized COVID-19 Recovery Services” is deleted since the provision has sunset (see OAR 581-015-2229). IGBAF-AR is also updated to include information regarding abbreviated school days.

Changes in Board policy IGBAG are due to the passage of SB 758 (2023) to add language to the Independent Educational Evaluations section stating parents are entitled to examine their student’s record pertaining to identification, evaluation and educational placement, and the provisions of a free appropriate public education (FAPE) and setting a 10 business day timeline.

The legal references to IGBAF – Special Education – Individualized Education Program (IEP**) and JBAA – Section 504 – Students** (version 1 and 2) are updated to add references to the new laws.

Collective Bargaining Impact

Consider impact of requirement that certain staff be allowed to attend IEP and 504 meetings and be compensated for attendance.

District Responsibility

Revise and readopt required Board policy IGBAG – Special Education – Procedural Safeguards**; revise required administrative regulations IGBAF-AR – Special Education – Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* if present in the board’s policy manual. Also, update the legal references to IGBAF – Special Education – Individualized Education Program (IEP)** and JBAA – Section 504 – Students** as noted in the documents attached.

Policy(ies) and ARs Impacted by these Revisions

IGBAF – Special Education – Individualized Education Program (IEP)** , Required
IGBAF-AR – Special Education: Individualized Education Program (IEP)**/* , Required
IGBAG – Special Education – Procedural Safeguards** , Required
JBAA – Section 504 – Students** , *Version 1 and 2* , Highly Recommended
JBAA-AR – Section 504 – Students**/* , Highly Recommended

COMPULSORY ATTENDANCE AND HOMESCHOOL REQUIREMENTS

Summary

School districts are still required to monitor for nonenrollment and irregular attendance issues and to send related notices in accordance with ORS 339.080, however, as the Oregon Department of Education has recently noticed, citations for compulsory attendance are no longer issued.

However, after collaboration with their ESD about which entity will be responsible for tracking whether any students who are homeschooled have registered with the ESD or are complying with ORS 339.035, a district may choose to issue a citation. After discussion with the ESD, if the district will be responsible for tracking such students, the district may choose to add bracketed language in JEA-AR – Compulsory Attendance Notices[and Citations]**, regarding their actions concerning citations related to violation of homeschool statute (ORS 339.035) for registration and testing. A school district or ESD superintendent may issue a citation for violations of ORS 339.035. Before doing so, there must be specific notice given, as provided by law, and proposed model language is included in JEA-AR.

Additionally, a violation of compulsory attendance law is no longer a Class C violation, however violation of ORS 163.577 (1)(c) (failing to supervise a child) is still a Class A violation.

The model policy and administrative regulation have been revised and updated to reflect changes.

ODE staff anticipates some upcoming changes to the Uniform Citation Form and will communicate as soon as it is available.

Collective Bargaining Impact

None

Local District Responsibility

If the district has highly recommended policy JEA – Compulsory Attendance**, review and adopt revised and updated language resulting from changes to rules, and suggested revisions to highly recommended JEA-AR – Compulsory Attendance Notices[and Citations]** may be made and issued to the board for review.

Policy(ies) and ARs Impacted by these Revisions

JEA – Compulsory Attendance**, Highly Recommended

JEA-AR – Compulsory Attendance Notices[and Citations]**, Highly Recommended

RESTRAINT OR SECLUSION RECORD AND CORPORAL PUNISHMENT

Summary

The procedures for responding to an incident of restraint or seclusion are found in ORS 339.294 and were amended by [Senate Bill 1024](#) (2023; see Section 3 which begins on page 5 of the SB). These amended procedures are represented in the recommended changes to model administrative regulation, JGAB-AR – Use of Restraint or Seclusion** and policy JGAB – Use of Restraint or Seclusion**. There are several changes to highlight of which two are: 1) addition of immediate notice to the parent or guardian of any existing record, including audio or video, of the incident (which will be preserved in the original format without alternation), and 2) such record shall be reviewed at the debriefing meeting, to which parents shall be invited.

Additional information regarding the preservation and disclosure of such records, which have record retention and disclosure implications, are outlined in the new [SB](#), subsection 9 and 10.

The changes are a result of the adopted language from the bill and related, revised OARs recently adopted by the State Board.

A change to ORS 161.205 on issues of corporal punishment was put into effect by Senate Bill 577; also effective now.

Collective Bargaining Impact

None

Local District Responsibility

The district's responsibility is to update the current board policies and administrative regulation (AR) and comply with the new procedural requirements related to incidents of use of restraint or seclusion. The revised AR should be implemented and submitted to the board for review; recommended policy revisions should be submitted to the board for review and readoption.

Policy(ies) and ARs Impacted by these Revisions

JGA – Corporal Punishment**, Optional

JGAB – Use of Restraint or Seclusion**, Required

JGAB-AR – Use of Restraint or Seclusion**, Required

HEAD LICE (PEDICULOSIS)

Summary

Guidance on exclusion of students found with head lice has changed in recent years. There is now a consensus from other agencies, i.e., National Association of School Nursesⁱ, Center for Disease Control and Preventionⁱⁱ, Oregon School Nurses Association, which recommends against excluding students with head lice or nits from the classroom. Additionally, a rule, originally found in an Oregon Health Authority rule (OAR 333-019-0010), which allowed schools to create exclusionary practices for head lice, has since been repealed. Refer to [Communicable Disease Guidance for Schools](#) published by Oregon Health Authority and Oregon Department of Education for instructions on management.

As a result, OSBA is removing versions 1 and 2 of its model policy JHCCF – Pediculosis (Head Lice) and administrative regulations, leaving only what was a third version of the policy JHCCF – Pediculosis (Head Lice), which keeps a student in the classroom. See the [Communicable Disease Guidance for Schools](#) for more information.

ⁱ NASN – [Head Lice Management in Schools](#)

ⁱⁱ CDC – [Head Lice Information for Schools](#)

Collective Bargaining Impact

None

Local District Responsibility

Review the district's policy regarding management of head lice, if applicable, and update or rescind.

Policy(ies) and ARs Impacted by these Revisions

JHCCF – Pediculosis (Head Lice), *Version 1*, Delete

JHCCF-AR – Pediculosis (Head Lice), *Version 1*, Delete

JHCCF – Pediculosis (Head Lice), *Version 2*, Delete

JHCCF-AR – Pediculosis (Head Lice), *Version 2*, Delete

JHCCF – Pediculosis (Head Lice), was *Version 3*, now stand-alone, Optional

PUBLIC RECORDS

Summary

The purpose of this summary is to make schools aware of some minor changes to the definition of public records under ORS 192.005, which describes any information generated by the school in course of business “necessary to satisfy the legal, administrative, fiscal, **tribal cultural** or historical policies, requirements or needs of the state agency or political subdivision.” (ORS 192.005 (5) as amended by House Bill 2112 (2023)) Other changes made in ORS 192, specifically 192.050 include updating terminology to how terms are used in today’s public operations, e.g., analog or digital audio and video tape technology changing to **audio or video technology** or **audio recording and video recording**. Additionally, in ORS 192.060, any records made under ORS 192.040 and 192.050 “shall be properly indexed and **filed so as to facilitate access and retrieval.**” (ORS 192.060 as amended by House Bill 2112 (2023)) There are no policy changes resulting from this bill.

However, there are some other implications on appropriate administrative regulation (AR) language which are discussed herein under ‘district’ below.

Collective Bargaining Impact

None

Local District Responsibility

Review the district’s written procedures related to submitting public records requests. If there are separate written procedures made available which name the person or persons, and their address(es), for submitting public records requests, no modifications may be necessary. If the school operates under KBA-AR – Public Records Request, and if the AR does not name the person or persons to which a public records request should be submitted, make the addition using recommended bracketed language included herein and issue a revised AR for implementation and submit to the board for review.

Policy(ies) and ARs Impacted by these Revisions

KBA-AR – Public Records Request, Highly Recommended

ABOUT *POLICY UPDATE*

Policy Update is a subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts, education service districts, community colleges, and public charter schools.

Sample model policies reflecting these issues and changes in state and federal law, if applicable, are part of this newsletter. These samples are offered as a starting point for drafting local policy and may be modified to meet particular local needs. They do not replace district legal counsel advice.

To make the best use of *Policy Update*, we suggest you discuss the various issues it presents and use the sample model policies to determine which policies your district should develop or revise, get ideas for what a policy should contain, and as a starting point for editing, modifying and discussing your district’s policy position.

If you have questions about *Policy Update*, sample policies or policy in general, call OSBA Policy Services, 800-578-6722 or 503-588-2800.

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