

Clatskanie School District 6J
PO Box 678
Clatskanie OR 97016
BOARD OF DIRECTORS' REGULAR BOARD MEETING
November 9, 2020, 6:30 pm via Zoom

BOARD MEETING MINUTES

Board Members Present: Megan Evenson-Board Chair, Kara Harris-Vice Chair, Ian Wiggins, Kathy Engel, Katherine Willis
Admin Team Present: Cathy Hurowitz-Superintendent, Mark Berghold-Business Manager, Tami Burgher-Board Secretary, Jim Helmen-Director of Student Services and Innovation, Kara Burghardt-CES Principal, Kim Oblack-CMHS Principal
Guests: Monique Morrell-The Chief, Yvonne Krause, Daisy McGinnis, Lucius Jones, Stacy Hicks, Rick Becker-McKinstry, Ryan Tompkins, Sarah McClure, Cami Sprague, Annie Kynsi Dines, Donna Thompson, Tim and Jaime Erwin, Amanda Tompkins

I. CALL TO ORDER: 6:30 pm

- A. Agenda Review: M. Evenson made a couple of additions to the agenda. The board needs to take action on Item B. under New Business. The SSA Grant Agreement needs to be approved by the Board. Item D. will be added to New Business entitled Contract Negotiations with CEA union. M. Berghold needs to amend the Old Business Item A. to Clatskanie School District Findings Statement - Approval to hold a public hearing at the December 14th board meeting for the Design-Build Contractor.

II. COMMUNICATIONS AND HEARINGS OF INTERESTED PARTIES

A. Public Comment: None

This is the time for citizens to address the Board. All speakers should state their name prior to speaking. Speakers are asked to write their name, address, phone number and topic to be addressed on the registration card. Speaking time is limited to three minutes per speaker. Speakers may offer objective criticism of district operation and programs, but the Board will not hear any complaints concerning specific District personnel. The Chair will direct the visitor to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals. The right to address the Board does not exempt the speaker from any potential liability for defamation.

B. Student Body Report: None

- C. Oregon School Employees Association Representative Report: Y. Krause stated they are still at 100% enrollment. She can only speak for herself and some other classified staff, but they are looking forward to having kids back in the classroom. This year is a negotiation year for the classified and they are looking forward to starting that process as well.

- D. Clatskanie Education Association Representative Report: L. Jones reported that teachers are looking forward to having students in the building. They recognize that the back to school plan is aggressive and ambitious, and they are fully in support of bringing students back safely. We are glad to assume positive intent and look forward to working with the principals, admin and classified and all of the people in the process. T. Erwin thanked Nina and the Leadership Class for the phenomenal Spirit Week they just finished. They did an amazing job putting together many activities across the whole week to get kids out of the doldrums of distance learning and give them something to look forward to. It was very popular and the kids really enjoyed it. On Wednesday, Mrs. Erwin and the Choir, along with Kim Oblack, have put together a Veteran's Day presentation that will be released online Wednesday morning to honor the community's veterans. It will be available at 11 am.

- E. COVID Safety Update - Ryan Tompkins: R. Tompkins reported that the new guidance has allowed them to have 20 kids in a cohort, up from 10. This has allowed them to have more flexibility in our building, they can basically bring in any kids that need it and that has been really positive. One issue he has been dealing with is ambiguity around masks outside. To remedy this, they went with Cathy Hurowitz and Kim Oblack's advice to wear masks at all times while on campus. This took away any of the ambiguity around the issue and has actually been very positive. A lot of things they are doing is in preparation for the kids returning to the building, so they know what works and what doesn't. Athletics has returned to the building recently, which has been very positive. They have been doing a lot of troubleshooting, so they can have most issues hammered out by the time kids return.

III. OLD BUSINESS

- A. Clatskanie School District Findings Statement - ~~Approval of Alternate Contractor Contracting Procedure, Design-Build Contractor (action needed)~~: Approval to hold a public hearing at the December 14th board meeting for the Design-Build Contractor. M. Bergthold discussed the findings statement and where it is located on the website (under Bond Information). He expects to add the latest diagram of the high school showing how it looks now and how it would look if the bond measure passes to the website. He discussed the project priorities for CMHS (separating CMS and CHS, adding security measures and fixing the HVAC system). The next step is to hold a public hearing at the December 14th board meeting. It needs to be advertised beforehand and putting in The Chief automatically puts it on the Public Notice of Oregon, which satisfies the posting requirements. There will be a public comment section at the meeting, which usually has little to no people speaking up. Discussed the time of the public hearing, and decided on December 14 before the regular board meeting at 6:15 pm.

IV. NEW BUSINESS

- A. OSBA resolution (action needed): M. Evenson read the resolution by OSBA regarding 2021-2022 Legislative Priorities and Principles as recommended by the Legislative Policy Committee, see attached.

A motion was made to adopt the OSBA resolution as read.

KH/IW - UNANIMOUS

- B. Student Success Act (action needed): C. Hurowitz discussed the SSA application and the grant agreement. She spoke about the \$642,000 we were supposed to receive and the priorities we had based on that amount of money. The grant agreement is now for \$204,076. We can spend that this year, or due to COVID, we may be able to push some spending into next year. We did hire the .5 CTE Family and Consumer Sciences Teacher. We are in real need of a special education teacher for the kids that are too high for Life Skills and too low for Resource Room at the middle high school. The money is a new tax on larger businesses in our state and should provide steady income for the district and should go up over the years. There is some concern that the state could reduce a district's general fund because they know that schools will be receiving SSA money. This application is due November 15th. J. Helmen is hoping to develop our 18-21 special ed program at CMHS and make sure it is community based. C. Hurowitz said that the district also needs to plan for next year's SSA money, we will have to have the same kinds of meetings we had last year. She just had to make some clarifications in the application for ODE, but did not change anything.

A motion was made to approve the grant for the Student Success Act.

KE/KH - UNANIMOUS

- C. Hate symbol policies - 1st reading: These policies must be adopted by January 1st, 2021. The 2nd reading will occur at the December 14th board meeting.
1. ACB
 2. ACB-AR
- D. CEA Contract - 2% COLA for 20-21 and clarification on health insurance language.

A motion was made to accept the 2% COLA as agreed upon, when it is ratified by the union and also the change in language for the health insurance policy.

KH/KW

Discussion: Clarification was requested regarding the language change. M. Evenson responded that it had to do with clarifying which plan the health insurance language is based on. There is no actual change and it doesn't affect the coverage at all.

UNANIMOUS

V. SUPERINTENDENT'S REPORT

- A. K-6 Principal Report: Written. K. Burghardt said they are prepping for opening for business and that is what they are all working on right now. CES had a zoom meeting the other night and over 100 people attended and it went really well.
- B. 7-12 Principal Report: Written. K Oblack reiterated what Mr. Erwin said regarding Spirit Week. It was something fun for the kids to do since we did not have Homecoming. 1st quarter concludes this week and secretaries are working on setting up conferences with parents. It's hard to engage parents for conferences when not in COVID times, so lots of phone calls are happening. CMHS is looking at opening up at the end of 1st semester. Because kids rotate in between classes, it's a little more difficult. Any given kid can't crossover with more than 100 other kids, so they won't be able to rotate like they normally do. They have meetings on how that is going to work in the next few weeks. May try rotating teachers instead of kids, it's a big puzzle. There was a discussion about how conferences may work.

- C. Student Services Report: Written. J. Helmen recognized staff, they are working very hard, just like everyone else is. There is one program he wants to recognize especially and that is the CES TAG program. Dawn Warren has done a tremendous job, being really innovative and strategic in adjusting TAG services at the elementary. Jim believes it is the foundation that our future TAG program will be based on.
- D. Superintendent Report: Oral. C. Hurowitz thanked the teachers union for working with us on the MOU and for being patient this year, she appreciates it. A lot of Cathy's time has been spent in preparation of the K-3 reopening at CES, facilitated by Kara Burghardt and the leadership team. Cathy's job has been to purchase, purchase, purchase (air purifiers, safety equipment, masks, plexiglass surrounds, sanitizer, etc). Free standing thermometers were purchased for each building that will scan each person to see if they have a fever. We are not obligated to take temperatures by the state, but it is a comfort for staff, another layer of security and safety. We couldn't have done this without the funding that the city gave us. Cathy attended the city meeting and thanked them and let them know what their funds were purchasing. Stephan purchased the tv's for CES, they are in the building now. C. Hurowitz discussed the local metrics and how it is determined whether a district can move forward with opening. C. Hurowitz thanked the district office staff for all of the work they have done on the new office; painting, putting things together, working hard, etc. Our motto is "whatever it takes to get it done", she appreciates it. First meeting on hate symbols went well at CES, she will be moving to CMHS next. C. Hurowitz discussed how we are working with the sheriff and police departments in the area and we are asking them to inform school districts when any of our students experience trauma, i.e., car accidents, domestic violence, drug bust, etc. The police would fill out a template regarding the trauma and get it to the district office. The district office would then forward the information to the appropriate school principal, so they can keep an eye on the student. Our social media complaint process is working nicely. When there is a complaint on social media, the appropriate administrator calls the complainant, so see if they can clarify or help rectify whatever situation they are upset about. It has worked very well. C. Hurowitz discussed kids that are leaving the district, we are trying to find out where and why they are going. Our numbers are down and that costs us money. She has been working on our federal funds narratives. Paul Simmons has been working on the flood issue at CMHS regarding the recent flood, it's a big project. I. Wiggins asked a question about reopening and how often the metrics are updated, they are updated weekly. Who decides if we have to return to distance learning? The local health authority does, they have the final 'yea or nay' on whether we can open. C. Hurowitz discussed the steps on when numbers come out and how that impacts reopening. Hot spots have been distributed, which is good news.
 - Financial Report: Written. He contacted Pam Voss and he is hoping to get the retroactive 2% COLA done on this month's payroll. The revised budget will be available at next month's meeting.

VI. BOARD MEMBERS REPORTS: K. Engel does not have a report, but wants to make sure the board signs up for the virtual platform navigation for the OSBA conference on Saturday. K. Harris commented on CES's zoom meeting that had 100 people on it and she is really impressed, that is a lot of parents and they had really good questions. She appreciates the time it takes to answer their questions. It really helped parents who were feeling unsure in the beginning or were just confused on how it was all going to work. She thinks these zoom meetings should continue, throughout this time of change, it makes parents feel a little more at ease. I. Wiggins and K. Willis had nothing to report. M. Evenson agrees with Kara H., there is no such thing as too much information in times like these when people are worried and anxious. The more we can communicate the better and the district is doing a good job at that.

VII. INFORMATION

- A. Enrollment information

VIII. CONSENT AGENDA

- A. Financial Report
- B. Cafeteria Bakery Supply Bid
- C. Accept resignation of CES Title I Teacher, Sarah Thorud effective 11/30/20
- D. Policy Updates - 2nd reading
 - 1. GBEB - Communicable Diseases - Staff, (Highly Recommended)
 - 2. GBEB-AR - Communicable Diseases - Staff, (Highly Recommended)
 - 3. GBN/JBA - Sexual Harassment (Required)
 - 4. GBN/JBA - AR(1) - Sexual Harassment Complaint Procedure (Required)
 - 5. GBN/JBA - AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure (Required)
 - 6. JBA/GBN - Sexual Harassment (Required)
 - 7. JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure (Required)
 - 8. JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure (Required)

9. JHCC - Communicable Diseases - Students (Required)
 10. JHCC-AR - Communicable Diseases - Students (Required)
- C. Approve the October 5th, 2020 Special Board Meeting Minutes
 - D. Approve the October 12th, 2020 Board Meeting Minutes

A motion was made to approve the consent agenda, with a correction to the minutes.

IW/KE

Ian Wiggins pointed out a typo on page 2 of the October 12th minutes, under the motion for the All Students Belong letter, it should say IW instead of IA.

UNANIMOUS

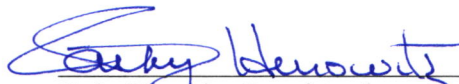
The next board meeting will be in person and on zoom. We will be holding it at the old CMS gymnasium with social distancing, plexiglass surrounds and a microphone system so people can hear. The next meeting will begin at 6:15 pm.

NEXT BOARD MEETING: December 14, 2020

ADJOURNMENT: 8:03 pm



Megan Evenson, Board Chair



Cathy Hurowitz, Superintendent

Clatskanie School District Findings Statement
Approval of Alternate Construction Contracting Procedures
Design Build Contractor

Clatskanie School District has a clear vision for educational outcomes that incorporate facilities and culture within the district. In recognition that the physical education environment is crucial to achieving this vision, we commissioned a Facility Assessment (FCA), a Seismic Assessment, and a Long-Range Facility Plan (LRFP) through the Oregon Technical Assistance Program (TAP) grant. The assessment focused on the entire district campus to determine building and infrastructure needs and provide guidance on investments and activities from 2020 to 2030. Currently, the district's buildings need major repair and renovation work. Some critical systems require major upgrades, security is inadequate, and additional facilities/reconfiguration are needed to maintain the strong existing programs, support student growth and add new programs such as STEM courses and vocational training. The observed conditions through the assessments of existing buildings indicate there are substantial improvements necessary to meet educational adequacy requirements and from this work, a prioritized plan for improvements was developed. This is the next step in preparation for the bond election, which is slated to fund the reconfiguration of CMHS into two schools in the same building, as well as the items mentioned above.

Procurement

Design-Bid-Build procurement has historically been used by the District for past projects, and while it has the advantage of obtaining a validated lowest bid price in the market, at the same time it has also been proven that this method does not provide the greatest efficient or effective contracting method given the goals for our Bond program. The advantage of the Design-Build (DB) process is that it allows simultaneous design and construction. This will also allow the District to procure long lead items much earlier, which will help assure that the project will be completed as required. Design-Build is a nationally recognized procurement model that is used in approximately 40% of construction projects.

Considering the identified scope, phasing, project requirements, and desired performance outcomes CSD Staff have reviewed other alternative procurement options authorized by the State of Oregon, including DB and Energy Service Contracting (ESCO). After consideration, we have selected Design-Build as the best fit procurement model for our project, subject to compliance with Oregon Statutes 279C.335 and 137-49-0620 and approval by the school board acting as the Local Contract Review Board.

Holding a public meeting to review our Findings Statement and soliciting public comment is the first step in moving forward with the selection of a Design-Builder for this project.

Solicitation for a contractor would involve a single Request for Proposal (RFP) to select the Design-Build firm that best meets the District's needs with respect to this project. The RFP selection criteria will include Proposers' experience, capabilities, safety record, approach and other pertinent factors as determined during the RFP development process. This process will allow the District to review competitive evaluations while ensuring that we are contracting with a capable contractor.

Description of the Projects

All improvements identified within the bond program require an integration of design and construction with other proposed projects in order to ensure the systems are designed, engineered and built with the needs and priorities of the schools. Other proposed projects that will require integration with this program include updating the track, building a new maintenance building, and seismic upgrades. The FCA and LRFP addresses many building systems that are at or near the end of their useful life and have a direct impact on the classroom and other learning environments. System shutdowns must be both carefully planned and precisely executed to minimize disruption and impact. Work will need to take place in an expedited fashion over the summer, utilizing compressed timelines, and work completed when school is in session must be accomplished in a manner that does not impact learning. To accomplish this work and minimize impact to students and staff, as well as ensure their safety during the construction period, we will need a collaborative partner with strong project management and communication skills.

The identified \$10 million of needed improvements were segmented into three priorities. The primary focus of priority one is to build a physical separation between the high school and middle school spaces. Additional projects within priority one for the high school include replacing essential failing HVAC equipment, bringing the buildings up to code compliance for fire and life safety, replacing portions of leaking roofs, improving interior and exterior finishes, repairing parking lots, reconfigure traffic flow for bus drop off, and implementing security and access control upgrades. Clatskanie Elementary School priority one projects will focus on communication and security upgrades, replacement of failing HVAC systems, and interior and exterior cosmetic improvements.

Priority two projects include additional interior upgrades and fixed furnishings at the middle/high school, replacing kitchen equipment, electrical panel upgrades, repairing some interior finishes and roof/gutter repair at the elementary school. At the Transportation Building roof repair, enhancing interior and exterior finishes, and parking lot improvements are proposed. The third and final priority includes relocation of the District Office to a renovated/new facility at the upper campus, an upgraded fire alarm at the Transportation Building, and miscellaneous plumbing and HVAC projects in the education facilities.

It is imperative that as many of these priorities as possible get completed under the current bond and construction program to avoid the need for future District expenditures. To accomplish this, cost reduction on other project work and flexibility to phase in more priority project scope as funds become available (i.e. savings in other areas) are key. Maximizing any available grants, SB1149 dollars, and ETO incentives is vital to further stretch capital provided by the bond. We want to ensure that we maximize the acquisition of these "free" dollars and minimize our long-term operating costs. We can do this by designing and implementing efficient systems and equipment with the lowest life-cycle costs, and by requiring a guarantee of desired system performance outcomes.

Draft Findings of Fact Related to Design-Build Alternate Contracting Procedures

CSD Staff finds that this exemption is likely to result in substantial benefit to the District.

This Findings Statement summarizes the benefits of Design-Build in relation to key project criteria described in the "Description of the Project" section above.

1. Speed of delivery

- a. Once schematic design is complete, equipment ordering, demolition and other time-consuming activities can be accomplished in parallel to final design completion.
- b. Portions of the project can begin, once approved, without the entire design of the project completed, providing flexibility to get time-sensitive construction completed while thoughtfully finishing design on other longer-term project phases.
- c. Granting this exemption has the potential to increase value engineering opportunities. In contrast to the Design-Bid-Build (low bid) process, contractors will include a scope narrative in their proposals, which typically include alternative process strategies or cost savings opportunities. These alternative process improvement and cost saving strategies will be included in the contract award decision. In addition, Value engineering decisions are made during the design process with construction-grade cost estimates. Revisiting decisions and value engineering after-the-fact when bid costs exceed budgets in a Design-Bid-Build process is eliminated.
- d. Also, by integrating the design firm with the contractor the District is able to consider alternative means and methods earlier in the process.

2. Reduced Cost

- a. Inherent in the Design-Build process is the ability to review design alternatives and options with real-time construction-grade cost estimates to ensure that critical cost-effective decisions are made timely and accurately. Design can be focused on the lowest "Total Cost of Ownership" as opposed to lowest first cost which can drive significant savings over the life of the systems and buildings. In Design-Bid-Build, decisions on options are made based on rule of thumb estimates – final price validation is not achieved until total project bids are received well after design is complete.
- b. Design efforts in a Design-Build process are focused on constructability to provide more buildable alternatives and solutions, and to best meet permit requirements and available funds, thus reducing the cost of construction. Quality is ensured and the risk of costly change orders is greatly reduced.
- c. Efficient design and an energy savings focus can leverage "free money" such as grants, ETO utility incentives, and SB1149 dollars that can stretch bond dollars to further tackle a higher amount of our long-range facility plan needs. Additionally, in Design-Bid-Build, the acquisition of grants, ETO utility incentives, and SB1149 dollars are the responsibility of the owner. In Design-Build those become the responsibility of the Design-Builder and are maximized.
- d. Owner's rep costs can be lower due to the reduced requirement to manage multiple teams and the potential adversarial relationship between the design team and contractors.

- e. The Design-Bid-Build process achieves “lowest bid cost” through a competitive bidding process in the market. Studies have shown, including those by the University of Pennsylvania Construction Management Department, that lowest bid cost does not equate to lowest total cost due to the factors described in “a” and “b” above. Design-Build savings from this study of hundreds of projects demonstrated and average 6% cost savings of Design-Build versus Design-Bid-Build.

3. Flexibility

- a. This project will be phased over multiple years. The selected Design-Builder must be flexible to manage work around school activities and schedules throughout the year.
- b. We desire to complete as many of the priorities identified in the long-range facility plan as possible, subject to available funds from cost reduction of other key components of the project and secured grants and efficiency incentives. We desire the ability to systematically add these long-range plan priorities as budgeted funds become available.
- c. Staff finds that because of the continuity of team members throughout the process and the improved timeline, there will be a public benefit by receiving potentially reduced construction costs.
- d. With the multitude of construction market factors that exist today in Oregon (e.g. COVID-19, completion of other projects, environmental issues that limit construction materials, shortage of qualified craftsman, inflation, etc.), staff finds that granting this exemption allows the School District to be more responsive to market conditions by structuring the project delivery method that typically offers the project owner the most opportunity to provide input and consultation prior to the project starting.

4. Risk

- a. In Design-Build procurement there is a Single Point of Accountability, which is ultimately responsible for delivery of guaranteed outcomes and a guaranteed maximum price. In Design-Bid-Build, the low-bid contractor must fight to increase profit margins by challenging the design documents, often placing the owner in the middle of the adversarial position of the design team and the contractor. In Design-Build, the architect works for the Design-Builder and there is no finger-pointing since the Design-Builder has ultimate responsibility for the entire project.
- b. In Design-Bid-Build, the acquisition of grants, ETO utility incentives, and SB1149 dollars are the responsibility of the owner. In Design-Build those become the responsibility of the Design-Builder and are maximized.
- c. In Design-Build with a guaranteed maximum price, no change orders are brought forth (except for unforeseen conditions) unless initiated by the District.
- d. Procurement will be through a publicly advertised process assuring a competitive environment
- e. Ability to bid to a shortlist of quality local and other subcontractors to ensure project quality is high and timelines are adhered to.

Next Steps

The School Board, acting as the Local Contract Review Board, must approve particular findings supporting the use of this construction contracting procedure, pursuant to ORS 279C.335. Following the public comment meeting, we will present our Findings Statement, along with public comments, to the School Board. Subject to approval, it is recommended that the School Board adopt the findings of fact, exempt the Clatskanie Bond program from the competitive bidding requirement of 279C.335(1), and approve the use of the proposed Design-Build contracting method. Board approval to award the contract will be requested after the RFP process is completed and a vendor has been selected.

BE IT RESOLVED that the Clatskanie School Board of Directors (i) adopts and approves the findings of this document, (ii) grants a specific exemption from competitive bidding requirements of ORS 279C.335(1), and approves and directs the use of the Design-Build contracting method, for the Clatskanie School District Bond Program, and (iii) requires that the procurement be in accordance with the Attorney General Model Rules applicable to Design-Build.



Resolution to adopt the OSBA 2021-2022 Legislative Priorities and Principles as recommended by the Legislative Policy Committee

WHEREAS, the OSBA Legislative Policy Committee is charged under the OSBA Bylaws with developing the association's recommended Legislative Priorities and Principles, and

WHEREAS, the OSBA Legislative Policy Committee met in January, May and June to develop the Proposed OSBA Legislative Priorities and Principles for 2021-22, and

WHEREAS, the OSBA Legislative Policy Committee sent the Proposed OSBA Legislative Priorities and Principles for 2021-22 out to the membership of OSBA for comment and suggested changes, and

WHEREAS, the overwhelming majority of the comments received by the membership were in support of the Proposed OSBA Legislative Priorities and Principles for 2021-22 developed by the OSBA Legislative Policy Committee, and

WHEREAS, the OSBA Legislative Policy Committee met via Zoom video conference call in August to review the feedback received by the membership, and

WHEREAS, the OSBA Legislative Policy Committee discussed the feedback from the membership and made no modifications to the Proposed OSBA Legislative Priorities and Principles for 2021-22, and

WHEREAS, the OSBA Legislative Policy Committee approved the Proposed OSBA Legislative Priorities and Principles for 2021-22 at its August meeting and urged the OSBA Board of Directors to approve the Proposed OSBA Legislative Priorities and Principles for 2021-22 and place them before the membership for approval.

THEREFORE, BE IT RESOLVED by the OSBA Board of Directors that the Proposed OSBA Legislative Priorities and Principles for 2021-22 be placed before the membership for consideration during the 2020 OSBA election season, and

BE IT FURTHER RESOLVED that the Proposed OSBA Legislative Priorities and Principles for 2021-22 and a copy of this resolution be forwarded to all member boards of the Association in accordance with the OSBA Board of Directors adopted elections calendar.



2021-2022 Legislative Priorities and Principles

Proposed: August 25, 2020

Preamble

The Oregon School Boards Association (OSBA) remains fiercely committed to advocating on behalf of equity for Oregon's students. Equity is the driving force behind the Student Success Act (HB 3427), and OSBA will remain dedicated to advancing legislation that makes significant impacts for equity across the education spectrum, including investments targeting increased academic achievement for students and legislation to reduce academic disparities for historically underserved students.

OSBA is committed to social justice and assuring Oregon's education system is free of institutional bias through such means as culturally relevant teaching and professional development that promotes cultural competence, and discipline that is free of bias.

OSBA believes funding a strong public education system is the best investment Oregonians can make to strengthen our economy, create thriving communities, and improve the quality of life for every Oregonian.

To accomplish these goals, OSBA will introduce and support legislation to:

CLATSKANIE SCHOOL DISTRICT SIA APPLICATION

Part One: General Information

Applicant

Clatskanie School District
Institution ID: 1945
Webpage: csd.k12.or.us

Contact Person

Cathy
Hurowitz
churowitz@csd.k12.or.us
503.728.0587

Part Two: Narrative

Clatskanie School District is a small rural district in Columbia County. There is one elementary school and one middle/high school. Student enrollment is 704; 402 in grades K-6 and 302 in grades 7-12. Average overall class size is 25.5. Demographics for students are as follows: white – 82%, Hispanic – 9%, multiracial – 8%. Students identified as Special Education is at 20%, students have a 19% mobility rate, and our district-wide free and reduced lunch rate is 48%.

The district has many strengths. We have a caring staff who are committed to doing what is best for children. The district has strong leadership, including a number of teacher leaders. The community of Clatskanie is caring and supports our school well. We have an on-site health clinic, and a number of strong community partners, including mental health providers, the City of Clatskanie, local fire and rescue, and the Port of Columbia.

However, we do face certain challenges. Being a small, semi-remote district, we have difficulty recruiting and retaining teachers. We have a need for alternative education options, especially at the secondary level. Our community lacks consistent social services, including physical and mental health services. And like many districts in the state right now, our buildings and other physical assets are showing their age and need to be updated or replaced.

Based on various district data sources and community feedback, Clatskanie School District has identified the greatest need for the investment of additional resources to be in the areas of improving students' mental and behavioral health, and improving academic outcomes for students, while at the same time addressing disparities for our underrepresented groups. To accomplish this, the district will invest some SIA funds to expand and implement a Multi-Tiered System of Support (MTSS) that encompasses mental health, academics, and behavior. While there are currently elements of an MTSS in place within the district, we need to strengthen it, and apply it consistently.

Implementing an MTSS consistently ranks in the research as one of the most effective strategies for improving student outcomes. According to Hattie (2017), MTSS has an effect size of 1.29, and ranks in the top five of the 252 strategies he researched related to their impact on student achievement.

One challenge that our SIA funds will address is being able to offer students a well-rounded education. We are currently limited in our capacity to offer students a wide range of hands on, high interest courses that help students stay engaged with school. One use of our SIA funds will be to hire additional staff at both the elementary and secondary levels to increase our elective courses offerings available to students.

Another need we are addressing is to improve support for students with disabilities. Our data show a consistent disparity between the performance of students in this group compared to the aggregate. Being able to hire additional staff to specifically support this student focal group will improve their academic achievement, and their sense of being connected to school.

Part Three: Community Engagement and Input

Between November 2019 and January 2020, Clatskanie SD conducted a community engagement process to inform the district's SIA investments. Through a variety of activities, we engaged: elementary students, secondary students, foster students and their parents, students with disabilities and their parents, students navigating poverty and their parents, homeless students, Latinx students and their families, emerging bilingual students and their families, board members, parents, all district staff (certified, classified, administrators) and various other community members.

Information was collected via survey, empathy interviews, and a focus group meeting. The survey included questions regarding students' feeling of belonging, district discipline practices, students' social and emotional health needs, district to parent communication, student/teacher relationships, and district strengths and challenges.

Empathy interviews were conducted with students from focal groups (students with disabilities, Latinx students, economically disadvantaged students) and their parents. Participants were asked to respond to questions regarding safety at school, what is engaging about school, and relationships with district staff members.

The district also made a specific effort to engage Latinx students, parents, and community members. One of our native Spanish speaking staff members was tasked with speaking to this population on an individual basis to collect feedback and input from these communications. He made both phone calls and held individual in person conversations. His communication and questions were specifically in reference to the SIA. He explained the opportunity provided by the SIA and gathered input on the best use of these resources suggested by each individual. The information was shared with district decision makers and influenced the districts SIA grant application.

In December 2019, we convened a group of teachers, administrators, community members (including parents and the mayor of Clatskanie), and school board members to review and interpret perception survey data, and identify problems of practice SIA funds could potentially address.

Self-Assessment of Community Engagement

Overall, we feel that our community engagement process was a success. We used social media and email to push information out to staff and the community, and think that the process was effective. We got good response rates from students on the survey. District staff participated well in the process, responding to the survey and in team meetings giving verbal feedback. District leadership meetings that were facilitated by ESD staff were effective and generated important information. We held a Town Hall meeting, inviting community members to come discuss school safety issues. Attendance was great, the discussion was lively, and the exchange between district staff and community members was healthy.

One thing that did not go as well as hoped was getting meaningful feedback from our target students. Although we got good overall participation from students on the survey, it was more difficult to set up meetings with focal group students and their parents. Additionally, the feedback we received during the empathy interviews was not as meaningful as we had hoped. We need to find a more effective strategy to connect with these students and parents.

It is the district's desire to establish meaningful, consistent engagement with all our stakeholders. One thing that surfaced during this recent process is that people feel that there has not been sufficient interaction between the district and community members in the past. We need to do better and are committed to doing so.

One partnership we will continue to cultivate is getting assistance from NWRESA. It has been extremely helpful having staff from the ESD help facilitate meetings and lead discussions. In addition, the help ESD staff provided in analyzing and summarizing feedback data was invaluable. And even though our EL population is relatively small, we feel that we need to find ways to better engage with our students of color and their families. Identifying and partnering with people or organizations that are connected with our Latinx community would be helpful. In fact, we scheduled several meetings specifically for our Latinx community, but had so few attendees we knew we needed to shift gears. This is when we deployed one of our native Spanish speaking staff members, who has deep roots in, and trust from, our Latinx community to contact Latinx individuals – students, parents, community members.

As mentioned above, continued support from NWRESA would be a welcome resource. There are a number of other small districts within our region that would undoubtedly benefit from help from the ESD. Professional development related to meaningfully conducting empathy interviews is an area in which additional resources are needed.

An area in which ODE could help is in providing districts with best practices in terms of community engagement in a general sense. To learn from what other districts have discovered to be effective community engagement tactics would be invaluable to helping us improve our process in the future.

Who was Engaged?

- Students of color
- Students with disabilities
- Students who are emerging bilinguals
- Students navigating poverty
- Families of students with disabilities
- Families of students navigating poverty, homelessness, and foster care
- Licensed staff
- Classified staff
- School volunteers
- Business community
- Community leaders

How did you engage your community?

- Surveys
- In-person forum
- Focus groups
- Roundtable discussions
- Website
- Email messages
- Social media
- Partnering with unions

Strategies and Activities for Engaging Focal Student Populations and Their Families

Strategies:

As a district, we value the relationships that exist between our schools and community. Being a small, rural district it was important that we gathered meaningful, genuine feedback from our entire community. We did not want to go through the motions just to “check the box” for this application, but wanted our community to have a voice in how the SIA funds will be invested.

One strategy that we used to engage students was to create feedback avenues that were both general and specific. On the one hand, we needed to hear from as many students as possible in order to understand what overall themes emerged from their responses. A survey was created for this purpose that was given to all students. On

the other hand, it was important to hear from an individual perspective from some of our students from focal groups. In order to collect this feedback, a small number of focal group students were interviewed individually in order to gain their perspective. This is where we utilized one of our native Spanish speaking staff members.

A strategy that was used to gather parent/guardian feedback was to create a focus group of parents/guardians of focal group students. The focus group was made up of parents/guardians of foster children and students in special education. The district realizes that not all parents feel strongly connected to school. Those that do not may not choose to participate in an optional feedback opportunity such as an online survey. By creating a focus group specifically targeting parents/guardians of foster students and students with disabilities, we were able to hear directly from that important sector.

Activities:

One activity used to collect feedback from students and their parents was a perception survey. The survey was posted on the district's Blackboard system, social media, and the district's website. Additionally, information about how to access the survey was expressed in the local newspaper. Parents participated in the survey on an optional, voluntary basis. Secondary students were given time in class to complete the survey. The survey was used to get feedback from a large number of stakeholders in order to understand overall themes in how they perceive the district.

Another engagement strategy was conducting empathy interviews with focal group students and their families. Students with disabilities, students navigating poverty, and students exhibiting chronic absenteeism were targeted for this activity. The intent here was hear specific feedback from individuals, and to give both students and parents the chance express what they see as ways the district can better serve students.

Strategies and Activities for Engaging Staff

Strategies:

One strategy we used to collect staff feedback was to provide opportunity during contract time for staff to express their input. We understand that working in schools is demanding, and that most staff members feel as though there aren't enough hours in the day to do everything required to do a good job. To post a survey online and then expect staff to take it during their off hours is to ensure a low response rate, and probably one that is not representative of the larger population. In order to gain higher levels of response and fair representation, we offered staff the opportunity to complete the survey during staff meetings or team meetings.

A second strategy we used to engage staff was to include them in a focus group discussion with community members. The group consisted of teachers, administrators, parents, school board members, and community members (including the mayor of

Clatskanie). This gave staff the opportunity to interact directly with community members in a fair discussion. In this way both district members and community members had the chance respond to prompts, ask questions and hear firsthand from each other.

Activities:

One activity we used to get feedback from staff was the survey described above. The survey asked participants to share their perception of the district in terms of what is working and what are some challenges the district is facing. Additional questions spoke to school safety and student/staff relationships. The survey was used to get feedback from a large number of stakeholders in order to understand overall themes in how they perceive the district.

To get more specific, individual feedback from staff, we invited a number of people from the district to participate in a focus group that included community members. As described above, the group was a nice mixture of staff holding various positions in the district and community members with different perspectives. The discussion proved to be valuable in helping all participants understand various perceptions of the district, and of the realities the district faces in working toward improvement.

Collecting and Using Input

The themes that emerged from the survey results closely matched the two priorities of the SIA initiative: supporting students' mental and behavioral needs, and improving students' academic achievement. These specific themes were evident: Students' math and ELA achievement is low. We need to build in more supports at all grade levels to help students perform better in these two areas. We are not meeting the needs of our Latinx community. Feedback from the survey and individual interviews (students and parents) indicates that many do not feel a sense of belonging at school, and do not have a strong sense that district staff understand them well. Not all students feel safe at school. This includes physical safety, and includes a sense of emotional safety with other students and with staff. We are not adequately meeting students' behavioral health needs. Students, staff and parents all expressed that they feel disciplinary practices in the district need to improve, not in a punitive sense, but in a more supportive way. Chronic absenteeism is increasing and needs to be addressed. Reasons for this were connected to themes described above.

Findings from the focus group were a mixture of positive feelings regarding the district, and areas that the group felt need improvement. In general, parents reported that their students speak positively about their school experience and that they feel supported as parents or guardians. They generally agreed that their students have access to courses and supports they need to be successful at school. However, they noted that there are not enough resources for students who need extra supports. Specifically, they expressed concern about the need for more adults in classrooms with students with special needs and/or mental health challenges.

Parents ranked extended learning time and well-rounded education as their second highest priority. The group would like to see the district offer students more elective courses, and for more job training opportunities to be made available for students. In addition, there was consensus that students need more support in the areas of literacy and math. The group noted that if the district provides extended learning time programs, there is a need to make sure that they are accessible to all students, and identified transportation as a significant barrier.

The themes that emerged from the community engagement process were parallel to the results of the needs assessment and district leadership conversations leading up to the formation of the most recent district CIP. We clearly see the need to increase supports for students' mental and behavioral needs. Providing more academic supports and offerings to all students is a high priority as well. Another priority is to increase help for students in two focal groups – our Latinx students and students with disabilities. Students in those groups regularly underperform in relation to all students. The plan to invest our SIA funds target support for students in those two focal groups, and at the same time increase help for all students' behavioral, mental, and academic needs.

Part Four: Data Analysis

The district reviewed data sources such as SBAC results, chronic absenteeism, and other data from the district's state report card. In addition, the district used local data such as discipline, restraint and seclusion, and room clears. Another major source of data came from our extensive community engagement process that included students, staff, parents and other members of the community. All these data points were reviewed in summary, but were also disaggregated to highlight disparities between groups. From examining this data and applying our equity lens, areas of improvement for the district became apparent. The needs that arose from our community engagement process largely mirrored the needs that emerged from reviewing data related to student achievement, behavior, and mental health. That alignment created clarity in how to invest our SIA funds for the next three years.

Part Five: SIA Plan

Outcomes

Improving support for students' mental and behavioral health

A consistent theme from the community engagement process – especially from students and staff – was that the district needs to bolster supports for students' mental health, and improve strategies for managing student behavior. Besides the obvious direct benefit to students, achieving this Outcome has widespread indirect impacts: improving student academic achievement, reducing stress on staff, and improving relationships between the district and families. Improving support for students' mental and behavioral health is a major focus of this act.

Increasing students' achievement in ELA, while decreasing disparities

In examining students' SBAC data it is clear that the district needs to focus on supporting students to perform better in ELA. While that is true for the general student population, it is even more imperative that we find ways to better support our students with disabilities and Latinx students, who underperform compared to all students. Supports will include ELA interventions for students and a more robust professional development plan for staff.

Increasing students' achievement in Math, while decreasing disparities

Similar statements can be made regarding students' achievement in Math. Our 8th grade SBAC Math scores have been below state average for a number of years. And like in ELA, the performance of students with disabilities lags behind the overall average. The influx of SIA funds will provide resources that will help us improve in these two academic areas.

Improving students' attendance and engagement to school

A theme that emerged from our community engagement feedback, and is confirmed by district data, is that not all students feel closely connected to school. This is evidenced by regular attender rates below the state average. Providing a more well-rounded educational experience for students, improving student/staff/parent relations, and improving school climate are areas of focus for our plan.

Improving students' and staff members' sense of feeling safe, connected, supported and valued.

This Outcome relates to the culture and climate we establish in our schools, and impacts students, staff, parents, and community members. And while we realize that we never fully "arrive" at creating the perfect school climate, we are committed to improving from our current position, and have made this a central piece of our plan.

Strategies:

Create and Implement a Multi-tiered System of Support (MTSS).

This Strategy supports Outcomes # 2 and #3 by providing additional help to students in academic areas like ELA and Math. Additionally, as students are more successful academically, they will feel more connected to school (Outcome #5) and attend more regularly (Outcome #4). Additionally, the MTSS will address students' mental and behavioral health, which supports Outcomes #1 and #5.

Provide staff with support and professional development on research-based strategies in the areas of ELA and Math.

Critical to improving students' academic achievement is providing support to teachers. This Strategy connects with Outcomes #2 and #3 by building the capacity of staff members' instructional skills in these two important academic areas. It helps achieve Outcome #5 by increasing staff members' sense of being supported and valued by the district. Additionally, it advances students' connected with school, which will lead to more regular attendance (Outcome #4).

Offer students a well-rounded education by increasing elective offerings and outside-of-school learning experiences.

A consistent message from students, parents and the community was that the district find ways to offer a more well-rounded educational experience. This Strategy supports Outcomes #4 and #5 by helping students engage more fully with school, and by increasing their sense of being valued. It helps achieve Outcomes #2 and #3 by providing courses in which students can apply Math and Literacy skills. Finally, it helps support students' mental and behavioral health by providing high interest, engaging learning experiences (Outcome #1).

Create a culture of safety and respect that supports the social, emotional, and physical wellbeing of students and adults that is critical to academic and professional success.

This Strategy has far-reaching effects on every person in the district, and in the community, and directly or indirectly supports all five Outcomes. It directly advances Outcomes #1 and #5. As students feel safe and more connected to school, they perform better in class (Outcomes #2 and #3), and attend more regularly (Outcome #4). A safe, respectful school culture also benefits staff members greatly by improving working conditions and building their sense of efficacy (Outcome #5).

Provide academic and career/college readiness supports for students with disabilities.

As stated above, data show that strategies need to be put into place that help narrow the academic performance gap of students with disabilities compared to the aggregate. This Strategy will directly provide more support for students' mental and behavioral health. It will help improve students' achievement in ELA and Math (Outcomes #2 and #3). It will make this group of students feel more connected to school, improving their attendance in school (Outcome #4). Additionally, this Strategy supports Outcome #5 by helping students feel more supported and valued.

Activities

Hire a 1.0 FTE elementary counselor; aligns with Strategies # 1, #4, #5.

This person will help create and implement an MTSS, and provide mental, behavioral, and academic support to elementary students. The elementary principal is responsible for hiring the counselor. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire a 1.0 FTE elementary school SpEd teacher; aligns with Strategies #1, #4, #5.

There is currently one elementary SpEd teacher in the district. This additional teacher will reduce caseload, and help increase the level of academic, and mental and behavioral support offered to elementary students with disabilities. The elementary principal is responsible for hiring the SpEd teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire a 1.0 FTE middle/high school SpEd teacher; aligns with Strategies #1, #4, #5. This person will help create and implement an MTSS, and help increase the level of academic, and mental and behavioral support offered to middle/high school students with disabilities. The middle/high school principal is responsible for hiring the SpEd teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire a 0.5 FTE Family and Consumer Studies teacher; aligns with Strategies #3, #4, #5.

This position is in response to students and community requesting that students have additional electives. We want to prepare students for life after high school as well as provide engaging offerings. Since this has been the most requested class by students and families we believe it will help increase attendance and engagement. The middle/high school principal is responsible for hiring this teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$50,000 in the first year and \$150,000 over the three years of the grant.

Hire a 1.0 FTE Academy teacher; aligns with Strategies #3, #4, #5.

This teacher will develop a program that supports the academic and social emotional needs of students in grades K-12. This is for those students who struggle in a regular classroom environment but are not behavior problems. This program will support students who may have anxiety or social emotional issues, mental health concerns, are lagging behind because of issues in the home. We piloted a program this year in our elementary school and it was highly successful. It should also support class size reduction. The superintendent is responsible for hiring this position. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: Mid. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire a 1.0 FTE Alternative Ed teacher and supply necessary additional resources; aligns with Strategies #1, #3, #4, #5.

This program will support the behavioral health and social skill development of students in grades 5-8. It will be a hybrid program of project-based learning and traditional academics. Additionally, it will help reduce class size in those same grades. Both the academy and the alternative programs have an academic focus, with strong mental and behavioral health supports. The district employs a licensed clinical psychologist and a licensed social worker who will support the programs. The superintendent is responsible for hiring this position. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: Mid. Estimated costs for staff are \$100,000 in the first year and \$300,000 over the three years of the grant. Costs for additional resources for the alternative education program are \$50,000 in the first year of the grant. Priority Level for additional resources is Low.

Hire a 1.0 FTE elementary Music or Art teacher; aligns with Strategies #3, #4, #5.

Like many districts our size, we lost our elementary Music and Art teachers to budget cuts years ago, and have never had the resources to add them back. This will provide elementary students with more elective course choices, and create space in the schedule for classroom teachers to have more prep and grade-level team time. The elementary principal is responsible for hiring this teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire 1.0 FTE elementary PE teacher; aligns with Strategies #3, #4, #5.

Similar to the elementary Music/Art teacher, the district has not had a dedicated elementary PE teacher for a number of years. Currently, classroom teachers provide PE to students to meet the minutes requirement. It is not an ideal situation, for neither students nor teachers. Having a full-time PE teacher will be extremely beneficial for students and provide flexibility in the schedule for all teachers. The elementary principal is responsible for hiring this teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Hire a 1.0 FTE secondary Spanish teacher; aligns with Strategies #3, #4, #5.

A common theme that emerged from the community engagement process was that students be offered more elective courses. Having the resources to be able to build a Spanish program at the secondary level is exciting. This program will benefit our emerging bilingual students, offer all students a high interest elective, and help meet entrance requirements for college bound students. The secondary principal is responsible for hiring this teacher. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: Mid. Estimated costs are \$100,000 in the first year and \$300,000 over the three years of the grant.

Provide professional development to staff on research-based strategies in the areas of Math and ELA; aligns with Strategies #2, #4, #5.

It is evident from our SBAC results that we need to improve on providing effective instruction to students in regards to Math and ELA. This activity will provide staff members professional development on research-based instructional strategies, student engagement skills, and provide time for data teams to meet together. The elementary and secondary principals are responsible for implementing this Activity. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$20,000 in the first year and \$60,000 over the three years of the grant.

Provide professional development to staff on the Multi-Tiered System of Support, aligns with Strategies #1, #4.

This Activity will provide staff with the understanding and capacity in order to implement the MTSS effectively. It will involve helping staff know referral processes, staffing information, and scheduling procedures. The secondary counselor is responsible for implementing this Activity. This investment is for school year 2020-21. Priority level: Mid. Estimated costs are \$10,000 in the first year of the grant.

Professional development supplies; aligns with Strategies #1, #2, #4, #5.

This Activity consists of providing resources necessary for the professional development Activities described above. The elementary and secondary principals are responsible for implementing this Activity. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: Low. Estimated costs are \$15,000 in the first year and \$45,000 over the three years of the grant.

Open an off-campus Alternative Education program for students in grades 5-8; aligns with Strategies #1, #3, #4, #5.

This program will support the behavioral health and social skill development of students in grades 5-8. It will be a hybrid program of project-based learning and traditional academics. Additionally, it will help reduce class size in those same grades. This program will have an academic focus, with strong mental and behavioral health supports. The district employs a licensed clinical psychologist and a licensed social worker who will support the program. The superintendent is responsible for implementing this Activity. This investment is for school years 2020-21, 2021-22, 2022-23. Priority level: High. Estimated costs are \$20,000 in the first year and \$60,000 over the three years of the grant.

Priorities

Plan A: The following are our highest priorities for Year 1:

- Hire an elementary counselor
- Hire an elementary SpEd teacher
- Hire a secondary SpEd teacher
- Hire a half-time Family and Consumer Studies teacher
- Hire an elementary Music/Art teacher
- Hire an elementary PE teacher
- Provide professional development to staff in the areas of Math and ELA
- Open an off-campus Alternative Education Program for students in grades 5-8
- Hire an Alternative Education teacher, grades 5-8

Plan B: Should the district not be able to hire qualified staff into the positions listed above, some investments may include the following:

- Hire an Academy teacher
- Hire a secondary Spanish teacher
- Provide professional development to staff on the MTSS

Plan C: Should the district not be able to hire qualified staff into the positions listed above, some investments may include the following:

- Professional development supplies
- Additional resources for the Alternative Education Program supplies updated technology

SIA Integrated Planning Tool

Included with Submission

Budget

Completed ODE Budget documents

Equity Lens

We evaluated all of our spending proposals through the NWRESD's Equity Lens. For each proposal we viewed the proposal through the 5 questions:

1. Who does it impact?
2. Who has the opportunities and who does not?
3. Whose voices are at the table?
4. Who is included or not? Why? Why not?
5. What can I do about it?

In our final analysis we determined that the staffing selections meets the intent of the funds viewed through the Equity Lens. All of our choices meet the needs of our target population.

Longitudinal Growth Targets

Sent with submission

Part Six: Use of Funds

Allowable Uses

- Addressing students' health and safety needs
- Evidence-based strategies for reducing class size and caseloads
- Expanding availability of and student participation in well-rounded learning experiences

Meeting Students' Mental and Behavioral Health Needs

- Addressing students' health and safety needs
- Evidence-based strategies for reducing class size and caseloads
- Expanding availability of and student participation in well-rounded learning experiences

Describe how you will use SIA funds

The district plans to use the majority of SIA funds to add personnel who work directly with students. A central strategy is to create an MTSS with the needed professional development and supplies, focusing on mental health, behavior, and academics, and

then to add staff who will support students in these areas. Additionally, SIA funds will be used to hire staff who will be able to offer students more elective course options.

To support students' mental and behavioral health we are planning on hiring an elementary counselor, two SpEd teachers, and an Academy teacher. Additionally, we are planning on providing staff with professional development on the MTSS, adding to off campus alternative education, and supplying the necessary additional resources for that program.

To support students academically we are planning hiring a secondary Family and Consumer Studies teacher, an elementary Music/Art teacher, an elementary PE teacher, and a secondary Spanish teacher. Additionally, we planning on opening an off-campus Alternative Education Program and staff it with a teacher. We will also spend funds on Math/ELA professional development, and Professional Development supplies.

Addressing the Needs and Impact on Focal Student Groups

Many aspects of our SIA Plan have the potential to positively impact focal group students, and at the same time benefit all students. Adding a counselor and two SpEd teachers directly supports the academic, and mental and behavioral health needs of students with disabilities, but at the same time benefits all students by reducing caseloads, and contributing to a more inclusive, equitable school culture. Similarly, increasing elective course offerings gives all students the chance to enroll in high interest, engaging classes that help them stay connected to school.

Implementing an MTSS will provide much needed interventions for students from focal groups, but will also benefit any student who needs academic and/or behavioral support. Creating an off-campus Alternative Education Program will provide all students with a new option and setting for finding success in school.

Barriers, Risk, Choices

The primary barrier we foresee that could impact our SIA Plan is the availability of qualified staff. Our Plan includes hiring nine additional full- or part-time certified staff members. That is a large undertaking at any time, but especially considering that most districts across the state are planning on using their SIA funds to add staff as well.

Another potential barrier includes the training and support that new staff will need. At this time we do not have an instructional coach or mentor teacher to support our new hires. The District will rely heavily on the ESD for additional support.

With the shortage of special education teachers across the country we may need to hire teachers that are not fully credentialed for special education. This would mean putting teachers on a Licenced Conditional Assignment. This may present financial barriers to teachers that will need to take additional coursework. The District has a tuition

reimbursement policy to help but the funds are finite. We may need to use other funds to support our new staff.

Appropriate space may be a barrier at our elementary school. The building is at capacity and with the additional staff we are looking at ways to reorganize our facility to meet the staff and student needs.

Part Seven: Documentation and Board Approval

Uploaded at Submission

OSBA offices temporarily close, but staff and advice still available

Home > Topics > Policy > Sample ACB

All Students Belong: Model policy ACB and ACB-AR

On September 17, 2020, the Oregon State Board of Education adopted temporary Oregon Administrative Rule (OAR) 581-022-2312 - All Students Belong. This rule took effect the following day and takes an unprecedented step to protect some of our schools' most marginalized students, as well as staff and others. As an OAR Chapter 581 Division 22 requirement, districts, ESDs and public charter schools will be required to verify that they are in compliance.

This rule requires that districts, ESDs, public charter schools and others receiving state funding for education adopt a policy prohibiting symbols of hate and addressing bias incidents by January 1, 2021.

This rule prohibits the "use or display" of symbols of hate, including the noose, swastika, and confederate flag. The policy that you adopt must reflect this prohibition. Before adoption, we recommend that you forestall potential legal challenges by documenting the following:

- Previous incidents arising from the presence of these symbols or related issues;
- Why the presence of these symbols would cause a material and substantial disruption to the educational environment; and
- How these symbols interfere with other students' right to be secure and let alone in their schools.

The rule allows adding to the list of prohibited symbols, but we strongly recommend that you consult with your legal counsel before doing so.

The rule also defines a "bias incident" and requires related procedures and requirements. Because these requirements are unique to bias incidents, we have created a separate complaint procedure. If you want to incorporate this into existing complaint procedures, we recommend that you work closely with your legal counsel.

We expect that this temporary rule will be made permanent by the State Board of Education, and also that it could face legal challenges. We will update model samples as needed.

This policy will also be included in our *Policy Update* later this month. Policy Plus subscriptions will be processed at that time. The Oregon Department of Education will also be releasing guidance to assist with implementation.

Disclaimer

Attached are the model policy and/or administrative regulation sample(s) you requested. You may print these and should present them to the school board for discussion, modifications and final adoption. The model samples CANNOT be adopted in the current format. You must make a choice for all text in brackets when present.

Review the following model sample policy and administrative regulation to help the board address prohibition of symbols of hate and address bias incidents.

Click on the icon to download the sample. [Help] [Disclaimer]

District

OSBA Model Sample Policy

Code: ACB
Adopted:

All Students Belong

[District statement on equity.]

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]{¹}.

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]{²}.

“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 flag³,{⁴} 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 hate⁵ on [district] [school]{⁶} grounds or in any district- or school-sponsored program, service, school or activity that is funded in whole or in part by

¹ {OAR 581-022-2312 does not include this list of classes for employees (only for students), but it can be added.}

² {OAR 581-022-2312 does not include this list of classes for visitors (only for students), but it can be added.}

³ 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.

⁴ {We strongly advise that a district not add to these symbols of hate without first consulting with legal counsel.}

⁵ {Prior to adopting the symbols of hate prohibition, or adding other symbols to the list, we recommend that the district document why the district feels that the presence of these symbols will cause a “material and substantial interference with schoolwork or discipline” or collide “with the rights of other students to be secure and be let alone.” These reasons may include previous incidents, current conditions in the schools and other factors.}

⁶ {Oregon Administrative Rule uses “school.”}

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.

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

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).

OSBA Model Sample Policy

Code: ACB-AR
Adopted:

Bias Incident Complaint Procedure

The term “bias incident” is defined in policy. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.¹

Step 1 {²}: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and [immediately] [promptly] [without unreasonable delay] report the incident to the [building or program administrator].

Step 2: The [administrator or designee] shall acknowledge receipt of the complaint, [reduce the complaint to writing,] and investigate any complaint of a bias incident. [Responding staff] will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm. {³}

The [administrator or designee] must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly.

The [administrator or designee] will [make a decision] [determine responsibility] within [10] days of receiving the complaint.

All persons impacted will be provided with information relating to the investigation and the outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and

¹ The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

² {These specific procedures are not required. The procedures must include all of the requirements listed in OAR 581-022-2312(6)(e). If making changes, we recommend working closely with legal counsel.}

³ {ODE will be releasing additional guidance to support administrators in these situations. }

- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.⁴

Step 3: If complainant or a respondent wishes to appeal the decision of the [administrator or designee], the complainant or respondent may submit a written appeal to the [superintendent] within [five] school days after receipt of the [administrator or designee]'s response to the complaint.

The [superintendent or designee] shall acknowledge receipt of the appeal and may meet with all parties involved. The [superintendent or designee] will review the merits of the complaint and the [administrator or designee]'s decision. The [superintendent or designee] will respond in writing to the complainant within [10] school days.

The [superintendent or designee] will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the [superintendent or designee], a written appeal may be filed with the Board within [five] school days of receipt of the [superintendent or designee]'s response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative [at the next regular or special Board meeting] [at a Board meeting]. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within [10] days of this meeting.

The [Board] will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the [administrator or designee], in which case Step 1 will be skipped. Complaints against the [administrator] can be directed to the [superintendent or designee] and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district[,] [or] a parent or guardian of a student who attends school in the district[or a student,] is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁵ the district's final

⁴ Refer to policies GBL - Personnel Records, JOA - Directory Information and JOB - Personally Identifiable Information and district legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850.

⁵ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁶

[Building administrators][District administration] will develop and implement instructional materials to ensure that all school employees and staff are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

[When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.]

⁶ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

Clatskanie Elementary School Board Report

Kara Burghardt, Principal

Submitted: November 4, 2020

The school staff is working diligently on comprehensive distance learning. I would like to welcome the board members to visit zoom classrooms in order to see the teaching and learning that is being done on a daily basis. We can also socially distance at the school and listen to what is happening. Staff is actively teaching through Google Classroom from 8:00-9:30, and 10:00-11:00 every day. They further the support of students through asynchronous activities, office hours, intervention groups, and small group or 1:1 supports.

Since the metrics and ODE requirements have changed mass planning is being conducted to welcome students back into the building. K-3 will return on November 16, and 4-6 will join the ranks on November 30. This decisions has added many problem solving components to the mix and brought student and staff safety to the forefront in regards to the planning process. Currently, air purifiers and a variety of plexi-glass shields are being ordered to provide a level of security. Sanitizing materials are being distributed and numbers are being crunched to ensure that classrooms have the square footage capacity for the number of students indicating the desire to return to brick and mortar. Bathroom protocols and hallway travel are also being addressed. We are also working with transportation to get any information to them in an expedited manner so that they can plan accordingly with all safety precautions on their end in place.

Staff will also be continuing their ZOOM lessons online during Brick and Mortar. There will be additional monitors available so that students that remain CDL will be able to access the live instruction that is taking place in classrooms. This is an added stress for staff so additional support is being brainstormed and offered to the greatest extent possible.

The school day will run from 8-12 in person instruction and continued Asynchronous support until 2:00. This will be until after the Winter Break. At that time, protocols, metrics, and current Covid numbers will be reviewed and potentially the school day will return to 8-2.

The 3-6 staff is currently participating in state interim testing training in order to be qualified to distribute this mode of assessment to students so that the staff can track the data and focus on areas to improve instruction for the end of the year evaluations. This training will also be imperative in the spring when SBAC testing traditionally occurs.

School conferences will be taking place November 17-23. Teachers are asked to complete 16 hours of conferences total. The 23rd will be an all-day affair. The goal is 100% participation which is lofty, but through a new app called Meeting Bird, we are hoping that families will find times that work for them to ensure meeting with as many people as possible.

Through all of this, we are also continuing with the Culture of Care professional development. Phil Boyte was a guest speaker and his book continues to be the focal point for discussions. We have taken on the topic of Relationships, Trust, and currently Vision. I have attached the Google Slide links for these presentations.

RELATIONSHIPS

TRUST

VISION

Clatskanie Middle/High School

Building Report: Kim Oblack

Nov. 5, 2020

Conferences

- Nov. 23rd on Zoom
- Secretaries are scheduling meetings for teachers and parents

Student Attendance

- Attendance is at 89%

Covid

- All cohorts are up and fully running. We average 30-40 students per day. Last week we had a total of 68 students in the building in 20 different cohorts including transportation.

Technology

- Wifi Hotspots went out to students this week and continue to be distributed.

Reopening Plan

- CMHS will remain on Comprehensive Distance Learning and limited in-person instruction through semester I.
- Semester II (as long as the county metrix allows) will include an instructional model of hybrid learning -or- open fully. This decision will be made as we follow the metrics and are dependent on creating cohorts that keep students from crossing over with more than 100 students in a week.
- Since students move between classrooms, extensive cleaning schedules will be developed.

Clatskanie School District

Student Services Department

CSD Board Report

Jim Helmen- Director of Student Services and Innovations

November 5, 2020

Limited In-Person Instruction

Students' data from our LII programs are showing significant academic gains from the beginning of the school year baseline.

Direct Services- Specially Designed Instruction

Resource Center K-12

We continue to have a consistent cohort of students coming into school 4 days per week. The staff has utilized the IXL reading and math supplemental program, Haggerty reading program, read naturally reading program, and various instructional strategies to support student engagement and academic gains.

Transition services at Mid/High School: CSD partnered with Columbia County Voc. Rehab student and staff training on MEGI. MEGI stands for Motivational Enhancement Group Intervention. This program is designed for 14-21-year-old youth with disabilities focused on career exploration and development, in a small group setting. Ed Guinto has been identified as our primary transitional support staff and received some additional training using MEGI this summer.

MEGI sessions include topics such as Self-advocacy, exploring dream jobs, identifying values, identifying challenges, recognizing strengths, discussing disability, how work fits into a typical day, past successes

During sessions, students are encouraged to lead discussions, express opinions, and explore their thoughts and feelings around employment.

Life Skills K-6

Currently have two sessions of 4-5 students coming in for 2 hours LII. We are seeing some remarkable gains in the areas of academics, functional routines, and school readiness skills. We continue to provide online services for those students that cannot come in for LII. For the students that have connectivity issues and cannot come in for LII, the staff has been creative in providing services by phone.

CES/CMHS:

Resource centers have been very busy providing specially designed instructional support to our students with special needs. Our primary focus with our staff has been varied engagement strategies for students based on our K-12 Distance Learning Playbook specifically: Helping students understand when they are learning and foster a drive to increase skills; staff knowing the impact of their instructional approach with students (What motivates and engages them); The

Clatskanie School District

Student Services Department

CSD Board Report

Jim Helmen- Director of Student Services and Innovations

importance of staff investing in relationships with children and the impact it can have on students and families.

Student Success Intervention System District-Wide

We have recently completed a handbook that will support an integrated student success intervention system for K-12. Both CES and CMHS will utilize the SST system to support student interventions in academics, behavior, and communication.

Speech and Language Communication screener

We have developed a new communication screener in association with our speech and language pathologist assistant and Presence Learning. The screen will support a smoother and more efficient transition to supporting students with articulation or expressive language concerns.

DocuSign: We have purchased and are currently using DocuSign to support our special education processes K-12. DocuSign is an electronic application designed to collect and manage digital signatures for all of our special education documents requiring signatures.

Clatskanie School District

BR-General Fund - Rev & Exp/Assets OBJECT For the Period 07/01/2020 through 10/31/2020

Fiscal Year: 2020-2021

Include Pre Encumbrance

	<u>Budget</u>	<u>Range To Date</u>	<u>Year To Date</u>	<u>Balance</u>	<u>Encumbrance</u>	<u>Budget Balance</u>	
INCOME							
GENERAL FUND REVENUES							
Property Taxes (+)	\$3,765,785.00	\$91,196.02	\$91,196.02	\$3,674,588.98	\$0.00	\$3,674,588.98	97.6%
Charges for Services (+)	\$80,500.00	\$23,716.37	\$23,716.37	\$56,783.63	\$0.00	\$56,783.63	70.5%
Intermediate Sources (+)	\$31,000.00	\$18,115.14	\$18,115.14	\$12,884.86	\$0.00	\$12,884.86	41.6%
State Sources (+)	\$4,948,102.00	\$2,045,224.69	\$2,045,224.69	\$2,902,877.31	\$0.00	\$2,902,877.31	58.7%
Interfund Transfers (+)	\$445,673.00	\$0.00	\$0.00	\$445,673.00	\$0.00	\$445,673.00	100.0%
Beginning Fund Balance (+)	\$250,000.00	\$0.00	\$0.00	\$250,000.00	\$0.00	\$250,000.00	100.0%
Sub-total : GENERAL FUND REVENUES	\$9,521,060.00	\$2,178,252.22	\$2,178,252.22	\$7,342,807.78	\$0.00	\$7,342,807.78	77.1%
Total : INCOME	\$9,521,060.00	\$2,178,252.22	\$2,178,252.22	\$7,342,807.78	\$0.00	\$7,342,807.78	77.1%
EXPENSES							
GENERAL FUND EXPENDITURES							
Salaries (-)	\$5,026,951.00	\$1,206,218.69	\$1,206,218.69	\$3,820,732.31	\$3,533,344.35	\$287,387.96	5.7%
Benefits (-)	\$3,247,980.00	\$804,418.73	\$804,418.73	\$2,443,561.27	\$100.00	\$2,443,461.27	75.2%
Purchased Services (-)	\$743,250.00	\$137,965.10	\$137,965.10	\$605,284.90	\$445,395.30	\$159,889.60	21.5%
Supplies & Materials (-)	\$328,950.00	\$103,422.19	\$103,422.19	\$225,527.81	\$14,880.96	\$210,646.85	64.0%
Other Objects (-)	\$188,950.00	\$148,483.02	\$148,483.02	\$40,466.98	\$36.00	\$40,430.98	21.4%
Transfers (-)	\$75,000.00	\$0.00	\$0.00	\$75,000.00	\$0.00	\$75,000.00	100.0%
Planned Reserve (Ending Fund Balance) (-)	(\$90,021.00)	\$0.00	\$0.00	(\$90,021.00)	\$0.00	(\$90,021.00)	100.0%
Sub-total : GENERAL FUND EXPENDITURES	(\$9,521,060.00)	(\$2,400,507.73)	(\$2,400,507.73)	(\$7,120,552.27)	(\$3,993,756.61)	(\$3,126,795.66)	32.8%
Total : EXPENSES	(\$9,521,060.00)	(\$2,400,507.73)	(\$2,400,507.73)	(\$7,120,552.27)	(\$3,993,756.61)	(\$3,126,795.66)	32.8%
NET ADDITION/(DEFICIT)	\$0.00	(\$222,255.51)	(\$222,255.51)	\$222,255.51	(\$3,993,756.61)	\$4,216,012.12	0.0%

End of Report

Operating Statement with Encumbrance

CLATSKANIE SCHOOL DISTRICT
 Student Enrollment Numbers by Grade Level
 2020-2021

Grade Level	2019-2020		2020-2021								
	9/4/19	6/4/20	9/9/20	10/8/20	11/5/20						
K	69	74	50	47	44						
1	51	49	74	61	59						
2	60	59	46	47	45						
3	49	47	57	54	51						
4	57	59	48	45	45						
5	63	62	61	56	54						
6	56	55	60	60	61						
<i>Elementary Total</i>	405	405	396	370	359						
7	44	43	54	49	50						
8	47	46	44	41	41						
9	56	59	44	43	42						
10	41	38	57	56	54						
11	72	62	41	39	41						
12	51	53	63	60	60						
TR	0	0	0	0	0						
<i>Mid/High Total</i>	311	301	303	288	288						
TOTAL	743	706	699	658	647						
TRANSFERS											
CES In	3	0	1	1	1						
CMHS In	3	1	0	1	1						
Total IDT In*	6	1	1	2	2						
CES Out	18	14	26	25	78						
CMHS Out	14	10	23	24	58						
IDT Out**	32	24	49	49	136						

* Interdistrict Transfers into our district
 ** Interdistrict Transfers out of our district

20-21 Interdistrict Transfers Only

<u>Frontier</u>	<u>Homeschool</u>	<u>ORCA</u>	<u>ORVA</u>	<u>RAINIER</u>	<u>KNAPPA</u>	<u>WILLCA</u>	<u>ISORPH*</u>	<u>ORDCA**</u>
5th - 2	K - 7	K - 1	3rd - 1	K - 2	K - 1	K - 1	12th - 1	12th - 1
6th - 1	1st - 10	1st - 1	4th - 1	2nd - 1		2nd - 1		
9th - 1	2nd - 5	3rd - 2	5th - 2	3rd - 2		3rd - 1		
10th - 2	3rd - 8	4th - 1	6th - 1	7th - 2		6th - 1		
	4th - 8	5th - 1	7th - 1	12th - 1		7th - 1		
	5th - 7	7th - 1	9th - 2			8th - 1		
	6th - 9	8th - 1	12th - 1			12th - 1		
	7th - 9	9th - 2						
	8th - 8	10th - 2						
	9th - 7	11th - 1						
	10th - 6	12th - 1						
	11th - 5							
=6	=88***	=14	=9	=8	=1	=7	=1	=1

*Insight School of Oregon Painted Hills

**Destinations Academy of Oregon

***Best estimate off of ESD list that is kept updated by homeschool parents

INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

BID NO 20-0714-97

Cafeteria Bakery Supplies

Pursuant to Chapter 39.34 of the Revised Code of Washington and to other applicable laws, the **Longview School District No 122** and **Clatskanie School District** hereby agree to enter into a cooperative agreement for the purchase of the specified materials and/or services upon the following terms and conditions:

1. Longview School District No 122 and Clatskanie School District are duly constituted school districts and political subdivisions within the States of Washington and Oregon.
2. Longview School District No 122, pursuant to RCW 28A.335.190, has completed all components of the competitive bidding process for the purchase of Cafeteria Bakery Supplies
3. Longview School District No 122, in contracting for the purchase of Cafeteria Bakery Supplies for Clatskanie School District agrees to contract to the extent permitted by law and agreed upon by the parties during the contract period of August 17, 2020 to August 16, 2021. Clatskanie School District accepts responsibility for compliance with any additional or varying laws or regulations governing purchases on behalf of Clatskanie School District.
4. Whenever Longview School District No 122 contracts to purchase materials or services on behalf of other political subdivisions, Clatskanie School District may also purchase materials or services at the same terms and conditions as Longview School District No 122. Longview School District No 122 accepts no responsibility for the performance of the vendor in any contract entered into as a result of the cooperative bid; makes no warranty, express or implied, for any materials or services acquired under this agreement; and accepts no responsibility for the payment of the contract or purchase price by the Clatskanie School District.
5. Clatskanie School District reserves the right to contract independently for the purchase of any particular Cafeteria Bakery Supplies with or without notice to Longview School District No 122.

Intergovernmental Cooperative Purchasing Agreement

Page Two

6. This Agreement shall continue to be in full force and effect until the expiration date of the bid and contract. Either party may cancel this Agreement at any time prior to the expiration of the term of this bid and contract only upon written notice to the other party. The effective date of termination of the terms and conditions of this Agreement shall be fifteen (15) days from the date of receipt of notice of cancellation.
7. In the event this Agreement is terminated before the expiration of the terms of the Agreement, Cafeteria Bakery Supplies purchased and paid for by Clatskanie School District shall be considered the property of the Clatskanie School District and the Longview School District No 122 shall have no interest therein.
8. Clatskanie School District by appropriate board action has authorized the Superintendent or his designee to execute and deliver all necessary documents to effect the terms and conditions of this Agreement.

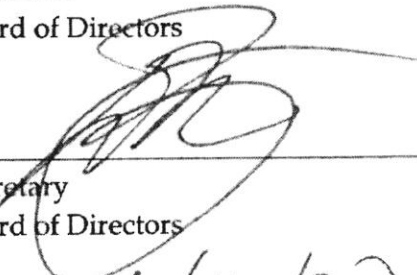
LONGVIEW SCHOOL DISTRICT NO 122
2715 Lilac St.
Longview, Washington 98632-3526

CLATSKANIE SCHOOL DISTRICT
555 SW Bryant St.
Clatskanie, Or 97016



President
Board of Directors

President
Board of Directors



Secretary
Board of Directors

Secretary
Board of Directors

10/12/20

Date

Date

Cafeteria Bakery Supplies

BID # 20-0714-97

Bid Recap Report

Item #	Description	Unit	Quantity	Franz	Goody Man	2016-17 Price	Percentage Inc. - Dec.
1	Hamburger Buns, 4"	Pkg	35,625	0.9300	1.0200	1.58000	-36.489%
2	Hot Dog Buns	Pkg	28,500	0.9300	1.0200	Not prev bid	

Total Amount Awarded 59,636.25

Total Amount of Recommended Bid: \$ 59,636.25

SARAH THORUD

18458 Potter Road, Clatskanie, Oregon 97016 · (503) 369-3140 · sarahthorud@me.com

November 1, 2020

Dear Clatskanie School District 6J Board Of Directors and Administration,

Please accept my resignation from my position at Clatskanie Elementary School effective November 30, 2020. I know that it has not been a secret that I have been looking seriously at a variety of professional roles and opportunities outside of the district for the past year. That search was put on pause over the course of the past several months, but opportunities are beginning to present themselves to me again, and it has become clear that we are at a point in which a pivot makes sense. It is important to me to afford the district and school the opportunity to plan and move forward in a way that makes sense for the current situation, and it is important for me to fully afford myself the opportunity to plan and move forward in a way that will allow me to reach my professional goals. I am cognizant of the challenges and opportunities that can come with changes such as this, and I want to express to you my willingness to support the District and Clatskanie Elementary School through this transition in any way that is needed. It has been my honor to serve the students and families of the Clatskanie School District for the past twenty years.

Sincerely,



Sarah Thorud



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- ✓ GBEB – Communicable Diseases - Staff, Highly Recommended
- ✓ GBEB-AR – Communicable Diseases - Staff, Highly Recommended
- ✓ GBN/JBA – Sexual Harassment, Required
- ✓ GBN/JBA-AR(1) – Sexual Harassment Complaint Procedure, Required
- ✓ GBN/JBA-AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure, Required
- ✓ JBA/GBN – Sexual Harassment, Required
- ✓ JBA/GBN-AR(1) – Sexual Harassment Complaint Procedure, Required
- ✓ JBA/GBN-AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure, Required
- ✓ JHCC – Communicable Diseases - Students, Required
- ✓ JHCC-AR – Communicable Diseases - Students, Required

PLEASE NOTE: OSBA has begun using an opening brace { and closing brace } for footnote content to inform the subscriber about content and/or other information to help in decision making, and is not intended to be included in the final document.

Policy Update is a quarterly subscription publication of the Oregon School Boards Association

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Assistant
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If you have questions regarding this publication or OSBA, please call our offices:
503-588-2800 or 800-578-6722

COMMUNICABLE DISEASES

Summary

Recent events in our communities prompted revisions to rules prescribed by the Oregon Health Authority (OHA) affecting school attendance by staff and students to protect public health. As a result, OHA added COVID-19 to the restrictable disease list and established criteria for returning staff and students to school, in addition to other revisions made to existing rules including changes in definitions and other parts of previous rules. Please continue to follow guidance as it is reported by OHA and the Oregon Department of Education in connection with these recommended changes.

Legal Reference

OAR 333-019-1000

Collective Bargaining Impact

None

Local District Responsibility

The recommended staff policy (GBEB) and administrative regulation are highly recommended per OAR 581-022-2220; full replacement considered by the board and

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.

readopted; the accompanying administrative regulation (AR) may be reviewed by the board and therefore submitted as an information item. The student policy (JHCC) and AR are required per OAR 581-022-2220; revisions to policy and the AR should be considered by the board and readopted. Members should consult language in current board policy BFC - Adoption and Revision of Policies.

Policy Implications

GBEB – Communicable Diseases - Staff, Highly Recommended
GBEB-AR – Communicable Diseases - Staff, Highly Recommended
JHCC – Communicable Diseases - Students, Required
JHCC-AR – Communicable Diseases - Students, Required

SEXUAL HARASSMENT: OREGON AND TITLE IX

Summary

The updates issued for policy and administrative regulations for sexual harassment result from release of revised Federal regulations for Title IX protections, and the release of updates to Oregon Administrative Rules revised to reflect new Oregon statute adopted in the 2019 Legislative session amending Oregon’s sexual harassment definition and its policy and procedures requirements. Members will need to consider the urgency of adoption of these new recommended revisions to update procedures for complaints and investigations of sexual harassment reports or complaints for the coming school year. In compliance with these new recommended policy and administrative regulations, members need to consider which definition of sexual harassment a reported incident or complaint may align with and follow recommended procedure, and whether the reported incident or complaint may need to be investigated and processed under both State and Federal law established procedures.

As stated previously, all recommended revisions are effective for the coming school year, and specifically, the revised Title IX regulations become effective August 14, 2020. Members should consider language in current board policy BFC - Adoption and Revision of Policies.

Please reach out for support in navigating these new policies and procedures and your efforts in maintaining a safe educational and work environment for staff and students and for third parties.

Legal Reference

See new recommended policy for updated legal references

Collective Bargaining Impact

Consider any bargaining impact.

Local District Responsibility

The timeline for new policy and procedures identified above should be considered urgent and after consulting current policy BFC, consider adopting recommended policy GBN/JBA (JBA/GBN) changes and adoption of new GBN/JBA-AR(2) (JBA/GBN-AR(2)) noted below; GBN/JBA-AR(1) (JBA/GBN-AR(1)) may be reviewed by the board (does not require adoption). In connection with adopting new policy and administrative regulations, rescind current of same.

Policy Implications

GBN/JBA – Sexual Harassment, Required
GBN/JBA-AR(1) – Sexual Harassment Complaint Procedure, Required
GBN/JBA-AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure, Required

JBA/GBN – Sexual Harassment, Required
JBA/GBN-AR(1) – Sexual Harassment Complaint Procedure, Required
JBA/GBN-AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure,
Required

ABOUT *POLICY UPDATE*

Policy Update is a quarterly 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.

TRY OUR ONLINE POLICY DEMO

OSBA's online policy service has a demo site for districts interested in a public online policy manual. This service saves time, resources and reams of paper. With one centrally located policy manual updated electronically, you have instant access to current district policies.

Go to policy.osba.org and select "Policy Online Demo." The online manual includes a subscription to *Policy Update* and policy manual maintenance service to help keep policies current.

OSBA offers several options. Contact Policy Services to determine the best option for you, 800-578-6722 or 503-588-2800.

Clatskanie School District 6J

Code: **GBEB**
Adopted: 1/22/18
Revised/Readopted:

Communicable Diseases - Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - **Communicable Diseases - Staff** who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When an administrator has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.~~

The district shall protect the confidentiality of an employee’s health condition and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 333-019-1000](#)

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2019).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164
(2019).

Clatskanie School District 6J

Code: **GBEB-AR**
Revised/Reviewed: 1/22/18

Communicable Diseases – Staff

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to **COVID-19¹**, chickenpox, diphtheria, hepatitis A, **hepatitis E**, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxicogenic Escherichia coli (STEC) infection, shigellosis and **infectious tuberculosis-disease**, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by **Board policy²** ~~or by the local public health administrator after determining that it poses a danger to the public’s health~~ ~~presents a significant public health risk in the school setting.~~
2. “Susceptible” **for an employee means lacking evidence of immunity to the disease.** ~~means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law.~~
3. “Reportable diseases” means a **disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.** ~~human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18.~~

Restrictable Diseases

1. **An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19³, unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.**
2. ~~unless authorized to do so under Oregon law.~~
3. **An administrator shall exclude an employee if the administrator has reason to suspect that an employee has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the**

¹ Added per OAR 333-019-1000(2).

² -OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

public's health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

~~4. When an administrator has reason to suspect that an employee has or has been exposed to any restrictable disease that requires exclusion, the administrator shall send the employee home. If the disease is reportable, the administrator will report the occurrence to the local health department.~~

~~4. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.~~

6.5. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.

~~7. An administrator will exclude a susceptible employee that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.~~

8.6. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.

~~9.7. More stringent exclusion standards for employees from school or work may be adopted by the local health department or by the district through policy adopted by the Board.~~

10.8. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance.
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with ~~with a legitimate educational interest who may be~~

~~informed of the communicable nature of an individual student's disease, or an employee's communicable disease, within guidelines allowed by law.~~

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually ~~by the school health nurse~~ to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). **(See policy EBBAA).**

REQUIRED

Clatskanie School District 6J

Code: GBN/JBA
Adopted: 9/24/07
Revised/Readopted: 5/06/13; 5/20/13; 3/16/15;
10/29/18
Orig. Code: GBN/JBA

Sexual Harassment

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 inter-district and intra-district athletic competitions or other school events. "District" includes district facilities, district premises and non-district 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 member 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 or the staff member or third party who initiated the complaint shall be notified that the investigation has been concluded 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 the 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 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 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, and 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 of at least 8½ inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

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](#)
[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).

REQUIRED

Clatskanie School District 6J

Code: GBN/JBA
Adopted:

Sexual Harassment

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^{1} 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 procedures^{2}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ 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:
 - 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.

^{1} Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "complainant" is defined under federal law.

^{2} Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

³ "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.

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. ^{4}

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, ^{5} 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 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
<u>Kara Burghardt</u>	<u>CES Principal</u>	<u>503-728-2191</u> x2414	<u>kburghardt@csl.k12.or.us</u>
<u>Kim Oblack</u>	<u>CMHS Principal</u>	<u>503-728-2146</u> x2010	<u>koblack@csl.k12.or.us</u>

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. ~~{This person is also designated as the Title IX Coordinator.}~~ ^{6} See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall ^{promptly, and in all cases within 24 hrs,} ~~immediately~~ 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

^{4} The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so. ^(see attached)

^{5} OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

^{6} This must be communicated elsewhere, but it is a good reason to specify it here as well.}

student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

Investigation

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

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

The district will use [a reasonable person] standard when determining whether a hostile environment exists. [A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.]^{7}

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;

⁷ OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.

- Keep
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
 3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
 4. Limiting attendance at district events; and
 5. Providing for additional supervision, including law enforcement if necessary, at district events.]

No Retaliation

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

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

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

Notice

When a person⁸ 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 include⁹:

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;

⁸ 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.

⁹ Remember confidentiality laws when providing any information.

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

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.

[Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.]

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹⁰;
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 Superintendent

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities

503-728-0587 x 2002

¹⁰ "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))

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. ^{11}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹² The district shall treat complainants and respondents equitably by providing supportive measures¹³ to the complainant and by following a grievance procedure¹⁴ 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.¹⁵

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.¹⁶ 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

^{11} Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements. }

¹² (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.

¹³ (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.¹³ 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))

¹⁴ 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).

¹⁵ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁶ 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))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

~~[Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹⁷, or both.]~~

No Retaliation

Neither the district or any person may retaliate¹⁸ 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]~~ ~~[district]~~ student handbook and on the ~~[school]~~ ~~[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 ~~[student, parent of a student, school or district staff member, or third party]~~ ~~[person]~~ upon request.

END OF POLICY

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](#)
[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).

¹⁷ Of the United States Department of Education.

¹⁸ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

REQUIRED

Clatskanie School District 6J

D
Code: GBN/JBA-AR
Revised/Reviewed: 9/24/07; 4/22/13; 5/06/13;
10/29/18
Orig. Code: GBN/JBA-AR

Sexual Harassment Complaint Procedure

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights;
2. Information about the internal complainant processes available through the school or district that the complainant may pursue;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Include that this information is made available to students, students' and parents, staff members and members of the public on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt

of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that investigation is concluded and if a violation of the policy was found to have occurred to extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

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A copy of the notification letter, provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at Step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint to the Board. 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 chair 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. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administration Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

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SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual 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: _____

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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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REQUIRED

Clatskanie School District 6J

Code: GBN/JBA-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

{¹} Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
<u>Kara Burghardt</u>	<u>CES Principal</u>	<u>503-728-2191</u> ^{X2414}	<u>KBurghardt@CSD.K12.Or.US</u>
<u>[Kim Oblack]</u>	<u>CMHS Principal</u>	<u>503-728-2146</u> ^{X2210}	<u>KOblack@CSD.K12.Or.US</u>

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official 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 or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties 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 within [30] days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

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 [10] working days after receipt of the Step 1 decision. The superintendent [or designee] will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within [5] working days of receipt of the appeal. The superintendent [or designee] shall provide a written decision to the complainant within [10] working days.

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 decision of the superintendent [or designee] in a public meeting to determine what action is appropriate. The Board may use executive

¹ Align with same positions identified in policy.

session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's [or designee's] decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within [30] working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's [or designee's] decision in Step 2 is final².

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent [or designee]. The superintendent [or designee] will cause the required notices to be provided. The superintendent [or designee] will investigate the complaint and will notify the parties 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. If the complaint remains unresolved within [10] working days of receipt by the superintendent [or designee], the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties 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.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties 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.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

² [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

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Clatskanie School District 6J

PO Box 678 [Address] | [Phone] 503-728-0587
Clatskanie OR 97016

SEXUAL HARASSMENT COMPLAINT FORM

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Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____

Date: _____

Clatskanie School District 6J

PO Box 678 [Address] | [Phone] 503-728-0587
Clatskanie, OR 97014

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: _____

REQUIRED

Clatskanie School District 6J

Code: GBN/JBA-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“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.⁴ 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.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language. }

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹² [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

1. [Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

- Keep
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

- Keep
1. [Educational programming][:][.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹⁶; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution] (Title 34 C.F.R. §106.44(a))

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
2. Appeals (from receipt of appeal): [60] days;
3. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudice of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.^{19}

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

¹⁹ If a district does not have a website, the district must make these materials available upon request for inspection by members of the public. }

Clatskanie School District 6J

Code: **JFC**
Adopted: 1/28/08
Readopted: 5/20/13; 4/28/14; 6/20/16
Orig. Code(s): JFC

Student Conduct**

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the district's written rules, pursue the prescribed course of study, submit to the lawful authority of district staff and conduct themselves in an orderly manner at school during the school day or during district-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one's actions and maintain a productive learning environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A student handbook, code of conduct or other document shall be developed by district administration, in cooperation with staff, and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct as required by the No Child Left Behind Act of 2001 (NCLBA). In addition, each school in the district shall publish a student/parent handbook detailing additional rules specific to that school.

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the district and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others. Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.) A referral to law enforcement may also be made.

The district will annually record and report expulsion data for conduct violations as required by the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

ORS 339.240
ORS 339.250

ORS 659.850

OAR 581-021-0050 to -0075

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).
Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).
Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).
Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).
No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2006).
Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).
C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
IGAEC - Anabolic Steroids and Performance-Enhancing Substances
JF/JFA - Student Rights and Responsibilities
JG - Student Discipline

Clatskanie School District 6J

Code: JBA/GBN
Adopted: 9/24/07
Revised/Readopted: 5/06/13; 5/20/13; 3/16/15;
10/29/18
Orig. Code: JBA/GBN

Sexual Harassment

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 but 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 inter-district and intra-district athletic competitions or other school events. "District" includes district facilities, district premises and non-district 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 member 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 a required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents or the staff member or third party who initiated the complaint shall be notified that the investigation has been concluded 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 the 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 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 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, and 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 of at least 8½ inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

Sexual Harassment – JBA/GBN
2-3

[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](#)
[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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Clatskanie School District 6J

Code: JBA/GBN
Adopted:

Sexual Harassment

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 {1} 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 JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-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 procedures {2}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties3 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:
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.

{1} Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "complainant" is defined under federal law.

{2} Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence and Domestic Violence - Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

3 "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.

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. {⁴}

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.

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Examples of sexual harassment may include, but not be limited to, {⁵} 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 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
Kara Burghardt	CES Principal	503-728-12191 x2414	KBurghardt@CSd.k12.or.us
Kim Oblack	MTS Principal	503-728-2146 x2210	KOblack@CSd.k12.or.us

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. ~~This person is also designated as the Title IX Coordinator.~~ {⁶} See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall ~~immediately~~ ^{promptly, and in all cases within 24 hours,} 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

{⁴ The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.} (see attached)

{⁵ OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

{⁶ This must be communicated elsewhere, but it is a good reason to specify it here as well.}

student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

Investigation

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

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

The district will use [a reasonable person] standard when determining whether a hostile environment exists. [A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.]^{7}

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;

^{7} OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..."³⁴ CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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

No Retaliation

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

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

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

Notice

When a person⁸ 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 include⁹:

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;

⁸ 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.

⁹ Remember confidentiality laws when providing any information.

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

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.

[Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.]

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹⁰;
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 JBA/GBN-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 superintendent
[Person or position] is designated as the Title IX Coordinator [and can be contacted at *503-728-0587 x 2002* [insert phone number]]. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities

¹⁰ "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))

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.^{11}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹² The district shall treat complainants and respondents equitably by providing supportive measures¹³ to the complainant and by following a grievance procedure¹⁴ 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.¹⁵

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.¹⁶ 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

^{11} Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements. }

¹² (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.

¹³ (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.¹³ 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))

¹⁴ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

¹⁵ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁶ 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))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

~~[Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹⁷, or both.]~~

No Retaliation

Neither the district or any person may retaliate¹⁸ 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]~~ ~~[district]~~ student handbook and on the ~~[school]~~ ~~[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 ~~[student, parent of a student, school or district staff member, or third party]~~ ~~[person]~~ upon request.

END OF POLICY

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](#)
[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).

¹⁷ Of the United States Department of Education.

¹⁸ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

REQUIRED

Clatskanie School District 6J

Code: **JBA/GBN-AR**
Revised/Reviewed: 9/24/07; 4/22/13; 5/06/13;
10/29/18
Orig. Code: JBA/GBN-AR

Sexual Harassment Complaint Procedure

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights;
2. Information about the internal complainant processes available through the school or district that the complainant may pursue;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Include that this information is made available to students, students' and parents, staff members and members of the public on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that investigation is concluded and if a violation of the policy was found to have occurred to extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at Step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint to the Board. 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 chair 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. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office. The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administration Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

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SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual 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: _____

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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REQUIRED

Clatskanie School District 6J

Code: JBA/GBN-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
Kara Burghardt	CEB Principal	503-728-2191 x2414	KBurghardt@CSD.k12.or.us
Kim Oblack	CMHS Principal	503-728-2146 x2210	KOblack@CSD.k12.or.us

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy JBA/GBN - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy JBA/GBN - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official 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 or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties 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 within [30] days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

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 [10] working days after receipt of the Step 1 decision. The superintendent [or designee] will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within [5] working days of receipt of the appeal. The superintendent [or designee] shall provide a written decision to the complainant within [10] working days.

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 decision of the superintendent [or designee] in a public meeting to determine what action is appropriate. The Board may use executive

{1} Align with same positions identified in policy }

session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's[or designee's] decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within [30] working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's[or designee's] decision in Step 2 is final².

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent[or designee]. The superintendent[or designee] will cause the required notices to be provided. The superintendent[or designee] will investigate the complaint and will notify the parties 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. If the complaint remains unresolved within [10] working days of receipt by the superintendent[or designee], the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties 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.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties 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.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

² If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

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Clatskanie School District 6J

PO Box 679 [Address] | [Phone] 503-728-0587
Clatskanie OR 97016
SEXUAL HARASSMENT COMPLAINT FORM

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Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____

Date: _____

Clatskanie School District 6J

PO Box 679 [Address] | [Phone] 503-726-0587
Clatskanie OR 97016

WITNESS DISCLOSURE FORM

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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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REQUIRED

Clatskanie School District 6J

Code: JBA/GBN-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“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.⁴ 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.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language. }

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [~~clear and convincing evidence¹³~~] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

1. [Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

1. [Educational programming];[.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹⁶; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within [15] days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): [90] days;
2. Appeals (from receipt of appeal): [60] days;
3. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.^{19}

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

^{19} If a district does not have a website, the district must make these materials available upon request for inspection by members of the public. }

REQUIRED

Clatskanie School District 6J

Code: JHCC
Adopted: 1/28/08
Revised/Readopted: 5/20/13; 1/22/18
Orig. Code: JHCC

Communicable Diseases - Student

The district shall provide reasonable protection against the risk of exposure to communicable disease for students. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will be provided to students as required by law.

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Students. ~~When an administrator has reason to suspect that a student has or has been exposed to any restrictable disease for which the student is required to be excluded, the administrator involved shall exclude the student from school and~~ if the disease is a reportable disease, ~~the administrator~~ will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

~~In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.~~

The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The district will include, as a part of its emergency plan, a description of the actions to be taken by district personnel in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of each student's health condition and record to the extent possible and consistent with federal and state law. ~~In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.~~

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.526](#)

Communicable Diseases - Student – JHCC

1-2

[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)

[OAR 333-019-1000](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2019).

REQUIRED

Clatskanie School District 6J

Code: JHCC-AR
Revised/Reviewed: 5/20/13; 1/22/18

Communicable Diseases - Student

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. "Restrictable diseases" are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis disease, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public's health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by Board policy² or by the local public health administrator, after determining that it poses a danger to the public's health presents a significant public health risk in the school setting.
2. "Susceptible" for a child means lacking documentation of immunization required under OAR 333-050-0050. means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law.
3. "Reportable diseases" means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18.

Restrictable Diseases

1. A student of the district will not attend a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19³, unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.
2. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public's health. The administrator may request the local health officer to make a determination as allowed by law. that has reason to suspect that a student has or has been exposed to any restrictable

¹ Added per OAR 333-019-1000(2).

² "OAR 333-019-0010(7) Nothing in these rules prohibits a school or children's facility from adopting more stringent exclusion standards under ORS 433.284."

³ "Communicable stage of COVID-19" means having a positive presumptive or confirmed test of COVID-19.

~~disease for which the student is required to be excluded, shall exclude that student from school and send him/her home. If the disease is reportable, the administrator will report the occurrence to the local health department.~~

3. **An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.**
4. **The A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.**
- ~~5. An administrator will exclude a susceptible student that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.~~
- 6.5. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local **public health officer administrator** states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may also be removed by a school nurse or health care provider.
- 7.6 More stringent exclusion standards for students from school may be adopted by the local health department ~~or by the district through Board adopted policy.~~
- ~~8. A disease is considered to be a restrictable disease if it is listed in OAR 333-019-0010, or it has been designated to be a restrictable disease through Board policy or by the local health administrator, after determining that it presents a significant public health risk in the school setting.~~
- 9.7 The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.

3. An administrator shall determine other persons who may be informed of a student's communicable disease when a legitimate educational interest exists or for health and safety reasons in accordance with ~~with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's communicable disease, within guidelines allowed by law.~~

Education

1. The administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.
2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.
3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student with a restrictable disease.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually ~~by the school health nurse~~ to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBAA).

Clatskanie School District 6J
PO Box 678
Clatskanie OR 97016
BOARD OF DIRECTORS' SPECIAL BOARD MEETING
October 5, 2020, 6:30 pm via Zoom
(see our main page at www.csd.k12.or.us for instructions on joining the meeting via Zoom)

SPECIAL BOARD MEETING MINUTES

Board Members Present: Megan Evenson-Board Chair, Kara Harris-Vice Chair, Ian Wiggins, Kathy Engel
Admin Team Present: Cathy Hurowitz-Superintendent, Mark Berghold-Business Manager, Tami Burgher-Board Secretary,
Kara Burghardt-CES Principal
Guests: Katherine Willis, Paul Simmons, William Spencer, Stacy Hicks

- I. CALL TO ORDER: 6:32 pm
 - A. Agenda Review

- II. NEW BUSINESS

- A. Interview/appoint a new School Board Member: M. Evenson-Board Chair, introduced both candidates. There are five interview questions. Each person will have a chance to answer after each question.

- 1. William Spencer
 - 2. Katherine Willis

- Tell us a little about yourself and why you are interested in filling the open school board seat and have you run for the election of a school board before. Why or why not?

- K. Willis

- Has been a local resident for 10ish years and has one daughter in Kindergarten and one in sixth grade.
 - It is very important that we all do our part to support our community.
 - It is a difficult and interesting time for all districts and would like to do her part.
 - Has never run for a school board position.
 - Up until a few years ago, wasn't well versed in what was going on with the schools and at the last election, they had really great candidates so didn't feel the need to step up. With this opening up it seemed like a great opportunity to step up.

- W. Spencer

- Went K-3 in Clatskanie and graduated from Rainier. Did 8 yrs in the Coast Guard. Recently married and has three new stepchildren in the district.
 - Would like to be a voice for those that feel they aren't being heard.
 - Has never run for a school board position.
 - Up until now, hasn't had any school aged children

- What particular strengths will you bring to this school board?

- W. Spencer

- Leadership and listening to other people's opinions and concerns.
 - Willing to stand up and push for change if needed.
 - Help navigate and make the tough choices.

- K. Willis

- Ability to look at things objectively, has been in nursing leadership for a number of years.
 - Works collaboratively and sees the different sides of issues.
 - Ability to stand up when needed.

- What will you find the greatest challenge about school board service?

- W. Spencer

- The unique times that we are in now.
 - Roll with the punches, right now there are no good answers, no clear path going forward. Trying to find the best way to navigate the rough waters we are in.

- K. Willis

- Meeting all of the needs of all of the students, while working within the federal and state mandates on a limited budget. Getting each child what they need while working within constraints.

DRAFT

What do you believe are the greatest challenges currently facing this school district? What do you see as the board's role in addressing those challenges? What do you see as the administration's role in addressing those challenges?

K. Willis

- Obviously, everything that is going on with COVID 19.
- Meeting the needs of all students in the classroom.
- There was a space issue at the end of last year and what it would look like to move the 6th grade up to the high school.
- Working within the limited staffing due to budget constraints.
- The board's role is to make sure that resources are being allocated appropriately, access any funding available through grants, accessing help from the community (both funding & volunteers), making our needs known to the community (sometimes there is a lack of awareness in the community of what the issues are).
- As far as administration's role....many of the issues and constraints are very difficult to navigate.

W. Spencer

- Going to go with the struggles his family and many other families are facing in the community, and that is having two working parents who aren't home during the day working with K-3 students for a few hours in the evening and trying to get it all done. Also, may have to have a teenaged child looking after the younger kids while parents are at work. Younger ones are up until 9 pm - 10 pm doing homework. It's very frustrating. We have families that need to have their kids in school. It starts with the lower level officials pushing up to accomplish this. Kids are going to fall behind if we don't get them into the classroom.
- The board's role would be to work with public officials and other people setting up protocols to get kids back in the classroom
- The administration's/teacher's roles would be to follow the protocols to get kids back in the classroom.

What is your leadership philosophy for the school district?

W. Spencer

- A good leader should always be a follower.
- Take responsibility for the downfalls and slides as well as the ups.
- Our community could be a great leader for other districts around us in helping them safely open their schools.

K. Willis

- Just like in nursing leadership, sometimes you have to go back to the basics. Like, what are we here for? To give kids a good education and raise good, successful citizens. Be sure to keep our focus on what we are here for, kids.
- Keep it simple, listen to everyone and work collaboratively.

The board thanked both candidates for throwing their hats into the ring, it is really nice to have two to choose from. For the candidate that is not chosen, they were reminded to run in the next election or the board always needs budget committee members.

A motion was made to nominate Katherine Willis to the vacant school board director position 2.

IW/KE

K. Engel explained why she seconded the motion. When the district was in such turmoil a few years ago, she saw Katerine at a lot of school board meetings so she has a real feel as to how it all works and can hit the ground running. Not all of us had a clear picture of what the board does until we got training on the board's role in the district. W. Spencer had lived here a few years, but he just got married and his kids moved here. K. Harris encouraged him to attend the school board meetings as a great way to stay informed and there is public comment at the beginning of each meeting and is a really great way to have your voice heard.

UNANIMOUS

- B. Swear in new board member: M. Evenson swore in our newest school board member, Katherine Willis, with an oath of office.

ADJOURNMENT: 7:02 pm

NEXT BOARD MEETING: October 12, 2020