



BETHEL SCHOOL BOARD MEETING

District Office – 4640 Barger Drive

Monday, January 22, 2018

7:00 p.m.

AGENDA

1. **Call to Order** **Dawnja Johnson, Chair**
2. **Pledge of Allegiance** **Debi Farr, Vice Chair**
3. **Approval of Minutes**
4. **Superintendent's Report**
 - A. Student Presentation, Cascade Middle School
 - B. Student Representative Reports, KHS and WHS
 - C. Bethel Health Center Update, Amy Tidwell and Brooke Cottle
 - D. Financial Statement, Simon Levear
 - E. Division 22 Assurances
 - F. Teacher & Administrator Evaluation Process Update, Remie Calalang
 - G. Legislative & School Finance Update
 - H.
5. **Delegations and Visitors**
6. **Consent Agenda**
 - Personnel Action Resolution No. 30
7. **Action Items**
 - A. Adopt policies and ARs: BDDH, GBEDA, GBEDA-AR, GCN, IGBA, IGBAG, IGBAG-AR, IGBAH, IGBAH-AR, IGBAJ, IGBAJ-AR, IKF, JGAB Resolution No. 31
 - B. Approve Removal of policy KLD Resolution No. 32
 - C.

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 22, 2018, Page 2 of 2

8. Information and Discussion

- A. BIG Black History Month Dinner, Friday, February 9, 5:30pm, Valley River Inn
- B. LCOG Annual Appreciation Dinner, Saturday, February 10, 5:00pm, Lane Community College
- C. 22nd Annual Airport Rotary Foundation Dinner & Auction, Friday, February 23, 5:30pm, Valley River Inn
- D. NSBA Annual Conference, April 7-9, 2018
- E.

9. Board Activity Update

- A.

10. Review of Next Meeting: Monday, February 12, 2018

- A. Student Presentation, Malabon Elementary School
- B. Student Representative Reports, KHS and WHS
- C. Lane ESD Superintendent Scurto Introduction
- D. Equity Committee Update, Tina Gutierrez-Schmich
- E. Financial Statement, Simon Levear
- F. Legislative & School Finance Update
- G. Board Policies & Administrative Rules Up for Periodic Review
- H.

11. Adjournment

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

ATTENDANCE

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

Absent: None

District staff, students, and community members identified: Superintendent Parra, Student Representative Brandon Cerpa, Student Representative Bailey Deverell, Pat McGillivray, Simon Levear, Remie Calalang, Brian Flick, Carey Killen, Jill Robinson-Wolgammott, William Swift, Mindy LeRoux, Amanda Zacharek, Shaun Davis, Jeff Blickle, Tai Pruce-Zimmerman, Michael Tingue, Robin Zygaitis, Bob Beals, Glen Martz, Bart Ellis, Christy Perrigo, Larry Grant, Justin Saavedra, Kande Shaw, Keylie Shaw, DeShawn Jackson, Zakia Kelly, Aida Heinrich, Ulises Joaquin, Craig Yates, Eva Miranda, and Jill Busby

CALL TO ORDER

Chair Johnson called the January 8, 2018, Meeting of the Board of Directors to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Farr led the Pledge of Allegiance.

ACTION ON MINUTES

Chair Johnson presented the Minutes from the December 11, 2017, Board Meeting and asked for additions or corrections. Hearing none, the Board approved the Minutes as submitted.

Director Poage arrived at approximately 7:05 p.m.

SUPERINTENDENT'S REPORT

School Board Appreciation Proclamation

Superintendent Parra read a proclamation from Governor Brown recognizing Oregon School Board Members for fulfilling leadership roles. The Governor proclaimed January 2018 to be School Board Recognition Month in Oregon.

Superintendent Parra thanked the Board for the time and effort they invest in the District.

Student Presentation, Prairie Mountain School

Superintendent Parra introduced Prairie Mountain School Principal Carey Killen. Ms. Killen introduced 4th Grade Teacher Amanda Zacharek and shared that a grant written by Ms. Zacharek and Chad Mart for a Chromebook Cart was awarded during a previous school year. Students Justin Saavedra, Kande Shaw, Keylie Shaw, DeShawn Jackson, Zakia Kelly, Aida Heinrich, Ulises Joaquin, Craig Yates and Eva Miranda introduced themselves and stated their grade levels. Ms. Zacharek shared about instructional technology and how the Chromebooks have been incorporated into classroom instruction. The students shared specific instances of how technology has positively impacted their assignments and learning.

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

KHS Student Representative Report, Bailey Deverell

Bailey reported that Mr. Larson's classroom is studying tide pool biodiversity. Ms. Nussbaum's students are learning about the counterculture movement. Senator Manning visited the Bethel Farm at Kalapuya today and delivered a check for \$500.00 from Black Education Foundation for Kalapuya to purchase farm implements.

WHS Student Representative Report, Brandon Cerpa

Brandon reported that a Spring Fling dance is being planned instead of a Winter Formal. The senior citizen breakfast had a great turnout. A new committee called Positive Attitudes at Willamette (PAW) has been formed to show appreciation to Willamette staff for their hard work. Prom will be held May 5th. Semester finals will occur January 30th and 31st. The Dance Team Showcase will be held January 20th. The Wolverine Pageant Bingo and Silent Auction Night is also scheduled for January 20th beginning at 6:00 p.m. Student involvement at Willamette has increased during the four years that Brandon has attended the school. Brandon presented his bucket for Children's Miracle Network and invited Board members to the Wolverine Pageant which will be held March 17th.

Safe Routes to Schools, Bob Beals

Superintendent Parra introduced Safe Routes to School Coordinator Bob Beals. Mr. Beals shared the Clear Lake Elementary Walking School Bus video and provided an overview of the Safe Routes to School program. The Safe Routes to School program works to create a safe and convenient environment, and provide encouraging activities for Bethel students to walk, roll, or bicycle to and from school. The goal of the program is to increase the percentage of students using active transportation as part of their daily experience. A copy of the Eugene-Springfield Safe Routes to School 2017-2021 Strategic Plan was provided for Board members to review.

Fall Sports Review, Lance Haas

Superintendent Parra introduced Willamette High School Athletic Coordinator Lance Haas. Mr. Haas reviewed the Willamette High School Fall Sports Highlights 2017 and the 17-18 Fall Activity Report - Average GPA by Activity documents. Mr. Haas shared that the new press box was used during football season and noted that it was a nice addition to the facility, something echoed by visiting teams. Willamette will move from 6A to 5A OSAA school classification beginning in the 2018-19 school year. Mr. Haas reported that student attendance has increased at athletic events and credits WHS's student government for promoting the events.

Annual Audit Report, Simon Levear

Business Services Director Simon Levear introduced Larry Grant, Auditor with Grove, Mueller & Swank, P.C., and referred to the Comprehensive Annual Financial Report for the year ended June 30, 2017. Mr. Levear stated that the auditor's findings indicate that financial statements were not materially misstated which is reflected as an unqualified opinion. Mr. Grant reviewed a letter from Grove, Mueller & Swank, P.C., dated December 15, 2017, which was distributed to Board members.

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

Budget Committee Interviews, Positions 4 and 7

Budget Committee applicants Michael Tingue, Robin Zygaitis, Shaun Davis, Jeff Blickle, and Tai Pruce-Zimmerman introduced themselves. The applicants were interviewed by the Board to fill Budget Committee Positions 4 and 7.

The Board stressed the importance of the Budget Committee's role in creating the District's budget and thanked the applicants for their time and interest in serving on the Budget Committee.

Each Board member voted for two applicants to fill the open positions. There were five votes each for Shaun Davis and Robin Zygaitis.

DELEGATIONS AND VISITORS

In the interest of time for visitors, the Delegations and Visitors portion of the agenda was shifted to an earlier time.

Glen Martz

1866 Russet Drive

Eugene, OR 97401

Bart Ellis

1766 North Park Ave.

Eugene, OR 97404

Visitors Glen Martz and Bart Ellis, both members of the Airport Rotary Foundation, reviewed the Airport Rotary Foundation Scholarship Distribution History 1997-2017 document, and invited Board members to the 22nd Annual Airport Rotary Foundation Dinner and Auction. Airport Rotary Foundation's goal this year is to distribute scholarships to 65 students.

The Board discussed whether Airport Rotary Foundation's presentation falls under the Delegations and Visitors agenda item and discussed placement of Delegations and Visitors on the agenda.

Public Comment Draft Revisions, 5th Reading

Superintendent Parra reviewed sample policy BDDH – Public Comment at Board Meetings from OSBA and Public Comment Guidelines documents.

Legislative & School Finance Update

Superintendent Parra summarized the state's fully scheduled requirements. Willamette High School is working toward ensuring 2017-2018 compliance for Semester 2. For Willamette to continue to be in compliance with fully scheduled requirements, it's estimated that an additional 5-8 FTE and 5-8 classrooms will be necessary.

Policy & Administrative Rule Update, 1st Reading

Superintendent Parra reported on the following Board Policies:

GBEDA – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new language*

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

GBEDA-AR – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new language*

GCAB – Personal Electronic Devices and Social Media – Staff – *Updated to reflect new Language (Note: GCAB was stricken from the agenda.)*

GCN – Evaluation of Licensed Staff – *Updated to reflect new language*

IGBA – Students with Disabilities – Child Identification Procedures – *Updated to reflect new language*

IGBAG – Special Education – Procedural Safeguards – *Updated to reflect new language*

IGBAG-AR – Special Education – Procedural Safeguards – *Updated to reflect new language*

IGBAH – Special Education – Evaluation Procedures – *Updated to reflect new language*

IGBAH-AR – Special Education – Evaluation and Eligibility Procedures – *Updated to reflect new language*

IGBAJ – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*

IGBAJ-AR – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*

IKF – Graduation Requirements – *Updated to reflect new language*

JGAB – Use of Physical Restraint and Seclusion – *Updated to reflect new language*

JN – Student Fees, Fines and Charges – *No changes*

CONSENT AGENDA

Resolution No. 24 – Personnel Action

Motion: Greg Nelson moved, Rich Cunningham seconded, to approve the Revised Consent Agenda as specified below:

| # | Name | Type | Description |
|----|--------------------|-------------------------------|---|
| 1. | Ellis, Haley | Temporary Hire for 2017-18 | Offer Temporary Contract for 1.0 FTE Title Teacher @ Prairie Mountain; Start Date: 1/2/2018. |
| 2. | O'Brien-Cary, Mary | Resignation/Retirement/Rehire | Accept Resignation effective 3/31/2018 to enter retirement. Offer Temporary 1.0 FTE Contract from 4/2/2018 through the end of the 2017-18 school year; Position held: Speech and Language Pathologist @ Danebo; 13 years at Bethel. |
| 3. | Yarbrough, Raymond | Hire for 2017-18 | Offer Extra Duty Contract for Jumps Track Coach @ Willamette. |

Motion Passed, 7-0

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

ACTION ITEMS

Resolution No. 25 – Adopt Policies JBA, JED, and JN

Motion: Rich Cunningham moved, Debi Farr seconded, to approve the adoption of the above policies.

Motion Passed, 7-0

Resolution No. 26 – Adopt 2018-2019 Budget Calendar, as Revised

Motion: Debi Farr moved, Rich Cunningham seconded, to adopt the 2018-2019 Budget Calendar, as revised, moving the appointment of budget committee members from January 22, 2018, to January 8, 2018.

Motion Passed, 7-0

Resolution No. 27 – Acknowledge Receipt of 2016-2017 Audit Report

Motion: Greg Nelson moved, Ginger Poage seconded, to acknowledge receipt of the 2016-2017 Comprehensive Annual Financial Report submitted by the firm of Grove, Mueller, and Swank, P.C.

Motion Passed, 7-0

Resolution No. 28 – Approve Lane ESD 2017-2019 Local Service Plan Year Two

Motion: Debi Farr moved, Greg Nelson seconded, to approve the Lane ESD 2017-2019 Local Service Plan Year Two.

Motion Passed, 7-0

Resolution No. 29 – Budget Committee Appointments, Positions 4 and 7

Motion: Rich Cunningham moved, Alan Laisure seconded, to appoint the following applicants to fill Budget Committee Positions 4 and 7:

- Position 4: Shaun Davis
- Position 7: Robin Zygaitis

Motion Passed, 7-0

INFORMATION AND DISCUSSION

- A. BIG Black History Month Dinner, Friday, February 9, 5:30pm, Valley River Inn
- B. LCOG Annual Appreciation Dinner, Saturday, February 10, 5:00pm, Lane Community College
- C. NSBA Annual Conference, April 7-9, 2018

BOARD ACTIVITY UPDATE

None

REVIEW OF NEXT MEETING: MONDAY, JANUARY 22, 2018

- A. Student Presentation, Cascade Middle School
- B. Student Representative Reports, KHS and WHS
- C. Bethel Health Center Update, Amy Tidwell and Brooke Cottle
- D. Budget Committee Interview and Appointments, Positions 4 and 7
- E. Financial Statement, Simon Levear
- F. Division 22 Assurances

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

January 8, 2018

- G. Teacher and Administrator Evaluation Process Update
- H. Legislative & School Finance Update
- I. Board Policies & Administrative Rules Up for Periodic Review

ADJOURNMENT

There being no further business to bring before the Board, Chair Johnson adjourned the meeting at 10:17 p.m.

Clerk – Chris Parra

jcb

Chair – Dawnja Johnson

Bethel School District GENERAL FUND
 Revenue and Expenditure Summary/Projection (unaudited)
 Fiscal Year 2017/2018

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

| | Actual | Actual | Actual | Actual | Actual | Preliminary | Projected | Projected | Projected | Projected | Projected | Projected | Projected | 2017/2018 | Budget | YTD | YTD | Variance |
|--|------------|------------|------------|------------|------------|-------------|------------|------------|------------|------------|------------|------------|------------|---------------|-----------|------------|------------|-----------|
| | July 2017 | Aug 2017 | Sept 2017 | Oct 2017 | Nov 2017 | Dec 2017 | Jan 2018 | Feb 2018 | March 2018 | April 2018 | May 2018 | June 2018 | Totals | ADOPTED BUDGE | Variance | Actual | Projected | |
| REVENUES | | | | | | | | | | | | | | | | | | |
| LOCAL SOURCES: | | | | | | | | | | | | | | | | | | |
| Current year's levy* R1111 | 0 | 0 | 0 | 0 | 8,633,998 | 5,116,459 | 183,389 | 74,119 | 412,122 | 55,558 | 54,631 | 402,907 | 14,933,183 | 15,222,447 | -289,264 | 13,750,458 | 14,039,722 | (289,264) |
| Prior years' taxes* R1112 & 1190 & 1200 | 0 | 0 | 41,903 | 32,225 | 29,794 | 20,041 | 4,433 | 3,446 | 1,266 | 3,498 | 3,695 | 16,579 | 156,882 | 58,000 | 98,882 | 123,964 | 25,082 | 98,882 |
| Tuition from other Districts | 0 | 0 | 0 | 0 | 762 | 2,285 | 0 | 0 | 0 | 0 | 0 | 0 | 3,047 | 0 | 3,047 | 3,047 | 0 | 3,047 |
| Investment earnings R1510 | 16,091 | 19,035 | 17,782 | 17,570 | 18,834 | 31,107 | 12,099 | 13,385 | 11,654 | 11,518 | 12,774 | 7,765 | 189,616 | 110,000 | 79,616 | 120,419 | 40,804 | 79,616 |
| Misc. local sources R1910 & R1940 & R196 | 15,883 | 4,990 | 5,284 | 51,561 | 2,561 | 1,228 | 102 | 719 | 1,350 | 1,903 | 24,334 | 9,251 | 119,165 | 44,300 | 74,865 | 81,507 | 6,642 | 74,865 |
| Subtotal | 31,974 | 24,025 | 64,970 | 101,356 | 8,685,949 | 5,171,120 | 200,024 | 91,668 | 426,393 | 72,477 | 95,434 | 436,502 | 15,401,893 | 15,434,747 | -32,854 | 14,079,394 | 14,112,249 | (32,854) |
| INTERMEDIATE SOURCES: | | | | | | | | | | | | | | | | | | |
| County School Fund* R2101 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 60,000 | 60,000 | 60,000 | 0 | 0 | 0 | 0 |
| Subtotal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 60,000 | 60,000 | 60,000 | 0 | 0 | 0 | 0 |
| STATE SOURCES: | | | | | | | | | | | | | | | | | | |
| SSF- Current Year R3101 | 6,318,731 | 3,157,468 | 3,157,468 | 3,157,468 | 3,157,484 | 3,157,567 | 3,187,898 | 3,187,898 | 3,156,822 | 3,162,282 | 3,005,110 | -7 | 37,806,190 | 37,925,738 | -119,548 | 22,106,187 | 22,225,735 | (119,548) |
| Common School Fund* R3103 | 0 | 0 | 0 | 0 | 0 | 0 | 339,314 | 0 | 0 | 0 | 0 | 339,314 | 678,627 | 678,627 | 0 | 0 | 0 | 0 |
| High Cost Disability | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 80,000 | 0 | 80,000 | 80,000 | 0 | 0 | 0 | 0 |
| Other State Funds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | 6,318,731 | 3,157,468 | 3,157,468 | 3,157,468 | 3,157,484 | 3,157,567 | 3,527,212 | 3,187,898 | 3,156,822 | 3,162,282 | 3,085,110 | 339,306 | 38,564,817 | 38,684,365 | -119,548 | 22,106,187 | 22,225,735 | (119,548) |
| FEDERAL SOURCES: | | | | | | | | | | | | | | | | | | |
| Other Federal Grants 4700 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Forest Fees* R4801 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER RESOURCES: | | | | | | | | | | | | | | | | | | |
| Interfund Transfers In R5200 | 0 | 0 | 0 | 0 | 0 | 24,233 | -24,233 | 350,000 | 0 | 0 | 0 | 0 | 350,000 | 350,000 | 0 | 24,233 | 0 | 24,233 |
| Beginning fund balance R5400 | 6,078,226 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6,078,226 | 4,457,000 | 1,621,226 | 6,078,226 | 4,457,000 | 1,621,226 |
| Subtotal | 6,078,226 | 0 | 0 | 0 | 0 | 24,233 | -24,233 | 350,000 | 0 | 0 | 0 | 0 | 6,428,226 | 4,807,000 | 1,621,226 | 6,102,459 | 4,457,000 | 1,621,226 |
| Total, monthly revenues | 12,428,931 | 3,181,494 | 3,222,438 | 3,258,824 | 11,843,433 | 8,352,921 | 3,703,003 | 3,629,567 | 3,583,214 | 3,234,759 | 3,180,544 | 835,809 | 60,454,936 | 58,986,112 | 1,468,824 | 42,288,040 | 40,794,984 | 1,468,824 |
| CUMULATIVE RESOURCES | 12,428,931 | 15,610,425 | 18,832,863 | 22,091,686 | 33,935,120 | 42,288,040 | 45,991,043 | 49,620,609 | 53,203,824 | 56,438,583 | 59,619,127 | 60,454,936 | 60,454,936 | 58,986,112 | 1,468,824 | 42,288,040 | 40,794,984 | 1,468,824 |
| EXPENDITURES | | | | | | | | | | | | | | | | | | |
| Salaries- 100 | 344,600 | 580,674 | 2,034,015 | 2,374,765 | 2,427,029 | 2,342,824 | 2,184,077 | 2,390,973 | 2,409,295 | 2,267,227 | 2,424,940 | 5,580,424 | 27,360,844 | 27,091,600 | 269,244 | 10,103,907 | 10,128,191 | (24,284) |
| Employee benefits- 200 | 283,175 | 420,177 | 1,482,897 | 1,651,354 | 1,682,621 | 1,692,122 | 1,623,948 | 1,678,347 | 1,715,440 | 1,662,447 | 1,709,027 | 3,768,138 | 19,369,691 | 19,365,580 | 4,112 | 7,212,345 | 7,324,340 | (111,995) |
| Purchased services- 300 | 88,933 | 455,372 | 244,271 | 406,047 | 442,309 | 531,675 | 563,955 | 391,278 | 484,114 | 506,967 | 470,529 | 1,066,737 | 5,652,187 | 5,734,730 | -82,543 | 2,168,607 | 2,251,150 | (82,543) |
| Supplies- 400 | 87,807 | 72,594 | 65,428 | 84,320 | 77,848 | 58,052 | 126,619 | 67,750 | 64,696 | 41,001 | 98,634 | 143,203 | 987,952 | 966,942 | 21,010 | 446,049 | 425,039 | 21,010 |
| Capital outlay- 500 | 0 | 89,898 | 79,567 | 9,106 | 17,623 | 62,157 | 0 | 0 | 0 | 0 | 193,420 | 126,580 | 578,351 | 320,000 | 258,351 | 258,351 | 0 | 258,351 |
| Insurance/Dues/Other- 600 | 382,316 | 36,986 | 1,974 | 8,040 | 2,773 | 4,314 | 1,245 | 10,948 | 1,788 | 1,399 | -47 | 1,280 | 453,015 | 405,683 | 47,333 | 436,402 | 389,070 | 47,333 |
| Interfund Transfers | 0 | 0 | 0 | 120,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 375,437 | 495,437 | 442,730 | 52,707 | 120,000 | 69,290 | 50,710 |
| Contingency | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3,658,848 | 3,658,848 | 0 | 0 | 0 | 0 |
| Total, monthly expend. | 1,186,831 | 1,655,700 | 3,908,151 | 4,653,632 | 4,650,203 | 4,691,144 | 4,499,845 | 4,539,296 | 4,675,333 | 4,479,041 | 4,896,503 | 11,061,799 | 54,897,477 | 57,986,112 | 570,212 | 20,745,661 | 20,587,080 | 158,581 |
| CUMULATIVE EXPENDITURES | 1,186,831 | 2,842,531 | 6,750,682 | 11,404,314 | 16,054,517 | 20,745,661 | 25,245,505 | 29,784,801 | 34,460,134 | 38,939,175 | 43,835,678 | 54,897,477 | 54,897,477 | 57,986,112 | 570,212 | 20,745,661 | 20,587,080 | 158,581 |
| Month-end Fund Balance | 11,242,101 | 12,767,894 | 12,082,180 | 10,687,372 | 17,880,603 | 21,542,379 | 20,745,537 | 19,835,809 | 18,743,690 | 17,499,408 | 15,783,449 | 5,557,459 | 5,557,459 | 1,000,000 | 0 | 0 | 0 | 0 |

This page intentionally left blank.



January 22, 2018

RESOLUTION NO. 17-18: 30

RESOLUTION: CONSENT AGENDA/PERSONNEL ACTION

The Board of Directors, School District No. 52, Lane County, approves personnel action involving licensed employees and extra duty contracts at each regularly scheduled School Board meeting. If the Board of Directors would like to discuss any of these recommendations in executive session, the employee should be identified by the number preceding the name and it will be withdrawn pending further instruction from the Board. Remie Calalang is available for questions.

RECOMMENDATION:

It is recommended that the School Board approve the Consent Agenda as reflected in this resolution and any addendum presented along with this resolution.

| # | Name | Type | Description |
|----|---------------|----------------------------|--|
| 1. | Emmert, Erin | Temporary Hire for 2017-18 | Offer Temporary Contract for .5 FTE Culinary CTE Teacher @ Willamette; Start Date: 2/5/2018. |
| 2. | Jackson, Brad | Hire for 2017-18 | Offer Extra Duty Contract for Head Girls Varsity Golf Coach @ Willamette. |

Recommended by: Remie Calalang, Human Resources Director

ATTEST _____
 Clerk – Chris Parra

 Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

| BOARD MEMBERS | AYE | NAY | ABSTAIN | ABSENT |
|-----------------|-----|-----|---------|--------|
| Rich Cunningham | | | | |
| Debi Farr | | | | |
| Dawnja Johnson | | | | |
| Paul Jorgensen | | | | |
| Alan Laisure | | | | |
| Greg Nelson | | | | |
| Ginger Poage | | | | |

This page intentionally left blank.



January 22, 2018

RESOLUTION NO. 17-18: 31

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

- BDDH:** Public Comment at Board Meetings
- GBEDA:** Drug and Alcohol Testing – Transportation Personnel
- GBEDA-AR:** Drug and Alcohol Testing – Transportation Personnel
- GCN:** Evaluation of Staff
- IGBA:** Students with Disabilities – Child Identification Procedures
- IGBAG:** Special Education – Procedural Safeguards
- IGBAG-AR:** Special Education – Procedural Safeguards
- IGBAH:** Special Education – Evaluation Procedures
- IGBAH-AR:** Special Education – Evaluation and Eligibility Procedures
- IGBAJ:** Special Education – Free Appropriate Public Education (FAPE)
- IGBAJ-AR:** Special Education – Free Appropriate Public Education (FAPE)
- IKF:** Graduation Requirements
- JGAB:** Use of Physical Restraint and Seclusion

ATTEST _____
 Clerk – Chris Parra

 Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

| BOARD MEMBERS | AYE | NAY | ABSTAIN | ABSENT |
|-----------------|-----|-----|---------|--------|
| Debi Farr | | | | |
| Dawnja Johnson | | | | |
| Paul Jorgensen | | | | |
| Alan Laisure | | | | |
| Greg Nelson | | | | |
| Ginger Poage | | | | |
| Rich Cunningham | | | | |

This page intentionally left blank.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: **Public Comment at Board Meetings**

Policy Number: **BDDH** Effective Date: **1/2018**

Date of Original Policy and Revisions: **N/A**

Cancels Policy No.: **KLD** Dated: **6/90, 6/92, 9/95, 5/00, 10/08, 4/14**

Date of Next Review: **1/2021**

POLICY

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district community members and staff to attend Board meetings to become acquainted with the program and operation of the district. Members of the public are also encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, an alternative, equally effective means of communication will be used.

Audience

During a session of a Board meeting open to the public, members of the public may be invited to present comments during the designated portion of the agenda.

Procedures for Public Comment at Meetings

The Board will establish procedures for public comment in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.

¹Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

1. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
2. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.
3. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a total time limit on all public discussion or oral presentation by visitors.
4. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
5. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card or sign-in sheet, prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

Petitions

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

Comments Regarding Staff Members and Students

It is the policy of the Board of Directors to encourage citizens and employees to communicate directly with members of individual school staffs and with district-level personnel on matters related to the operation of district schools. The procedures below are subject to, and shall not deprive employees of, their rights and due process provided in the U.S. Constitution, the Oregon Constitution, Oregon Revised Statutes, and relevant collective bargaining agreements.

When commendations are received by the administration about specific schools or employees (i.e., teachers, administrators, other licensed staff, and all classified staff working for Bethel Public Schools), they will be shared with staff appropriately (e.g., personal contact, note, media release).

The Board will not hear public complaints about individual school personnel, or against any member of the school community, including retelling of events whereby individuals may be personally identifiable, regardless of whether names or positions are mentioned.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Speakers may offer objective criticism of district operations and programs. The Board chair will direct the visitor to the procedures in Board policy (KL - Public Complaints) for Board consideration of a legitimate complaint involving a staff member.

REPORTS

None

ATTACHMENTS

None

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)

[ORS 165.540](#)

[ORS 192.610 to -192.690](#)

[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

This page intentionally left blank.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: **Drug and Alcohol Testing – (Transportation Personnel)**

Policy Number: **GBEDA** Effective Date: **1/2018**

Date of Original Policy and Revisions: **1/96, 1/00, 4/06, 12/08, 10/11, 12/16**

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

Date of Next Review: **1/2021**

POLICY

The District is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The District or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

All employees subject to commercial driver’s license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight (8) hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight (8) hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

“Drugs” as used in this policy refers to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the District and District employees transferring to positions subject to the OTETA shall be required to submit to pre-employment drug testing. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident testing. Return to duty and follow-up testing may also be required.

Pre-employment drug testing costs will be paid for by the District. All drug and alcohol testing of District employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the District. The District will comply with collective bargaining agreement provisions.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

All offers of employment or transfer to covered positions with the District will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred.¹ The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

Covered employees who, under the District's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher will be subject to immediate disciplinary action up to and including a recommendation for dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) Regulations.

REPORTS

See Policy [GBCBA - Drug and Alcohol Abuse by Employees](#)

ATTACHMENTS

None

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[ORS 825.415](#)

[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

¹ The District may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for District employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs, if required by the District. A District employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all District policies and regulations including the District's Drug-Free Workplace policy.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2017).

This page intentionally left blank.

Bethel School District #52
Administrative Rule

GBEDA. DRUG AND ALCOHOL TESTING – TRANSPORTATION PERSONNEL
Adopted: 1/2018

The following procedures shall govern the District's drug use and alcohol misuse prevention program:

Program Coordinator

The Transportation Supervisor will be designated as the District's drug use and alcohol misuse prevention program coordinator. The Transportation Supervisor will coordinate the District's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The Transportation Supervisor will:

- A. Ensure that all covered employees receive written materials explaining the District's drug use and alcohol misuse prevention program requirements including:
 1. The District policy and administrative regulations;
 2. A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 3. Categories of employees covered;
 4. Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing will also be considered as on-duty time;
 5. Specific information concerning prohibited conduct;
 6. Circumstances under which employees will be tested;
 7. Procedures used in the testing process;
 8. The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382
 9. Explanation of what constitutes a refusal to submit to a drug and alcohol testing;
 10. Consequences of violations (e.g. discipline up to and including dismissal and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
 11. Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration.
- B. Ensure that employees sign statements certifying that they have received the materials;
- C. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least sixty (60) minutes of drug abuse training and an additional sixty (60) minutes of alcohol misuse

Bethel School District #52
Administrative Rule

training. Training will include the physical, behavioral, speech and performance indicators of probable drug abuse and alcohol misuse;

- D. Ensure District compliance with applicable provisions of the OTETA requirements regarding the District's management information system, retention and confidentiality of records;
- E. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- F. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- G. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis;
- H. Ensure selection of a qualified medical or osteopathic doctor to serve as a Medical Review Officer (MRO) to verify laboratory drug test results;
- I. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- J. Ensure the District's drug and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the District Office. The District shall maintain the following:
 - 1. Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - 2. Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - 3. Documentation that drug training for all supervisory personnel has consisted of at least sixty (60) minutes;
 - 4. Documentation that alcohol training for all supervisory personnel has consisted of at least sixty (60) minutes;
 - 5. Documentation of training given to employees;
- K. Ensure the establishment of clearly defined communication procedures to include the method (e.g. mail, facsimile) and frequency (e.g. monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- L. Ensure employee organizations receive written notice of the availability of all pertinent drug and alcohol misuse prevention program information.

Pre-Employment Testing

The District shall conduct pre-employment testing as follows:

- A. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug test results;
- B. Individuals offered employment with the District and employees transferring to positions subject to the OTETA contingent drug testing, must provide written consent for the release of any prior

Bethel School District #52
Administrative Rule

employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations, and with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two (2) years;

- C. The District shall obtain and review such drug and alcohol information from previous employers of the past two (2) years no later than fourteen (14) calendar days after the employee drives for the first time. The District will provide the driver's written permission for information to the previous employers;
- D. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The District will maintain a written, confidential record of each past employer contacted;
- E. The District will not use a driver with a positive drug tests or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty requirements;
- F. Prior to being directed by the District to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;
- G. Failure to report to the collection site for testing within the time frame specified by the District shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- H. Pre-employment drug testing will be paid for by the District;
- I. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- J. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug testing will not be necessary following a layoff;
- K. The District will notify applicants of the results of the drug testing upon written request within sixty (60) days of being notified of the disposition of the employment application;
- L. Refusal to submit to drug testing and/or to provide signed permission for the release of past testing information as required by the District shall result in immediate termination from employment or transfer consideration;

Post-Accident Testing

The District shall conduct post-accident testing as follows:

- A. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing District safety-sensitive functions in which any person involved has been fatally injured, the employee receives a citation for a moving traffic violation in connection with an injury, or tow-away accident;
 - 1. The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;

Bethel School District #52
Administrative Rule

2. If alcohol testing has not been administered within two (2) hours, the District will prepare and maintain on file a record stating the reasons the test was not promptly administered;
 3. If alcohol testing is not administered within eight (8) hours, the District will cease attempts to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
 4. If drug testing has not been administered within thirty-two (32) hours following the accident, the District will cease attempts to administer such tests and will document why the test was not administered;
 5. The employee will inform the Transportation Supervisor, district administrator or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).
- B. The District will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in District vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone numbers of District drug and alcohol misuse prevention program coordinator or other District officials to contact;
- C. The employee shall remain readily available for testing or may be deemed by the District to have refused to submit to testing. Such refusal is treated as if the District received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- D. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the District and the test conform to all applicable federal, state and/or local requirements;
- E. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a postaccident alcohol test, whichever occurs first.
- F. An employee who has actual knowledge of an accident in which his/her performance has not been discounted as a contributing factor is prohibited from using alcohol for eight (8) hours after the accident or until the employee undergoes a post-accident alcohol test, which ever occurs first.

Random Testing

The District shall conduct random drug and alcohol testing annually as follows:

- A. Not less than 50% of the average number of driver positions shall be tested for drugs and not less than 10 % shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled covered positions will be included as part of the total number of positions counted by the District for testing rate purposes.
 1. The District will meet or exceed minimum testing rates.
 2. In exceeding minimum testing rates, the District requires that 75% of covered employees shall be randomly tested annually for drugs and 50% shall be randomly tested annually for alcohol.
- B. The testing rate may be adjusted by the Federal Motor Carrier Safety Administration based on industry-wide data;

Bethel School District #52
Administrative Rule

- C. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses whether or not they have been chosen for testing in the past;
- D. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the District will ensure that all employees shall have an equal chance of being tested each time selections are made. The District will use the following system:
 - 1. Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used
 - 2. Cards will be placed into a container from which the required number will be drawn;
 - 3. The individual selected by the District to do the drawing will be unbiased;
 - 4. All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.
- E. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is “done for the year.” The date selected will be kept confidential to ensure that testing is unannounced as required by law;
- F. Following notification of testing, selected employees shall proceed to the District selected collection site immediately or as soon as practicable;
- G. Employees shall only be tested for alcohol just before the driver is scheduled to perform their safety-sensitive function, during or just after performing such function;
- H. Employees off work due to leaves, vacation and layoffs will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty, but no later than the next selection cycle (e.g. monthly, quarterly, etc.).

Reasonable Suspicion Testing

The District shall conduct reasonable suspicion drug and alcohol testing as follows:

- A. The District will test covered employees whenever there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- B. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the District, concerning appearance, behavior, speech, or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- C. Hearsay or second hand information is not sufficient to require an employee to submit to testing;
- D. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA.

Bethel School District #52
Administrative Rule

- E. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- F. The District will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

Referrals, Evaluation and Treatment

The District shall provide information related to referrals, evaluation and treatment as follows:

- A. The District shall advise covered employees who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of counseling and treatment programs;
- B. An employee who engages in such prohibited conduct shall be evaluated by SAP.
- C. The SAP will determine what assistance if any the employee needs in resolving the problems associated with drug use and alcohol misuse.
- D. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- E. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- F. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.

Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced¹;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:

¹A follow-up test shall not also serve as a random test, and vice versa.
1/02, 11/07, 12/08, 10/11, 1/18

Bethel School District #52
Administrative Rule

- (4) At least 6 tests in the first 12 months following the driver's return to duty;
- (5) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she determines the testing is no longer needed.

Drug and Alcohol Testing Procedures

The District, in cooperation with contracted collection and testing facilities shall maintain drug and alcohol testing procedures as follows:

A. Drugs

1. The applicant or employee reports to the District designated collection site and provides positive identification;
2. A urine sample for drug testing is provided. A "split sample" (second urine specimen bottle) is collected;
3. Following completion of a chain of custody form, both specimen bottles are forwarded to the Department of Health and Human Services (DHHS) certified laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
4. Testing results are reported to the District-selected MRO by mail or electronic transmission. Results may not be given over the phone;
5. The MRO will verify both negative and positive testing results;
6. The MRO will report the verified negative testing results to the District;
7. The MRO will report the verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
8. A verified valid medical reason for a positive testing result will be reported as a negative testing result to the District;
9. If no legitimate medical reason exists for positive testing, the MRO will report verified positive testing and identity of the substance(s) to the District.
10. The employee or applicant may request within seventy-two (72) hours of a positive test notice that the second specimen sample be tested. Such re-testing costs will be paid for by the employee;
11. Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of drugs;
12. The MRO will report results of the re-testing to the employee and the District;
13. The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative testing results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
14. Detailed drug testing procedures may be obtained by contacting the District's transportation supervisor.

B. Alcohol

1. The employee reports to the District designated testing site and provides positive identification;
2. Under the alcohol testing rule, an alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
3. All alcohol screening tests will be conducted by:
 - a. A certified breath alcohol technician using evidential breath testing devices;
4. Testing may be conducted at a Department of Health and Human Services (DHHS) certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;

Bethel School District #52
Administrative Rule

5. District supervisors should generally not be used as a breath alcohol or saliva-testing technician for covered employees. Under certain circumstances, a properly trained District supervisor may conduct such testing in the absence of another technician;
6. The applicant or employee submits to breath testing;
7. If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least fifteen (15) minutes, but no longer than thirty (30) minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
8. The breath alcohol technician will report any invalid tests in which the initial positive test and the confirmation test do not match, confirmed positive and negative results to the District;
9. Applicant or employee refusal to sign forms as required shall be considered as refusal to be tested;
10. The breath alcohol or saliva testing technician will meet all the OTETA requirements including such testing procedures, Breath Alcohol Testing form and confidentiality requirements as may be required;
11. Detailed alcohol testing procedures may be obtained by contacting the District's transportation supervisor.

Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

Record Keeping/Record Reporting

The District shall maintain records of its drug and alcohol misuse prevention program as follows:

- A. Records related to the collection process:
 1. Documents relating to the random selection process;
 2. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 3. Documents generated in connection with decisions on post-accident testing;
 4. Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
 5. An annual calendar year report summarizing results of the District's drug and alcohol misuse prevention program will be prepared and maintained when requested by the Federal highway Administration as part of an inspection, investigation, special study or for statistical purposes.
- B. Records related to a driver's test results, including:
 1. The District's copy of the alcohol test form, including the test results;
 2. The District's copy of the controlled substance test chain-of-custody and control form;
 3. Documents sent by the MRO to the District;
 4. Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 5. Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
- C. Records related to education and training as follows:
 1. Materials on drug use awareness and alcohol misuse including a copy of the District's policy and administrative regulations on drug use and alcohol misuse and related information;

Bethel School District #52
Administrative Rule

2. Driver's signed receipt of education materials;
 3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 4. Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- D. Records related to drug testing as follows:
1. Agreements with collection site facilities, laboratories, MRO's and consortia as applicable;
 2. Names and positions of officials and their role in the District's drug and alcohol testing program(s);
 3. Laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The District will document laboratory failures to provide statistical summaries and any District follow-up efforts to obtain such reports;
- E. Records will be retain by the District as follows:
1. Five (5) years:
 - a. Records of employee alcohol testing results with results indicating an alcohol concentration of 0.02 or greater;
 - b. Record of verified positive drug testing results;
 - c. Documentation of refusals to take required drug and/or alcohol tests;
 - d. Drug testing custody and control forms;
 - e. Employee evaluation and referrals
 - f. A copy of each annual calendar year report summary.
 2. Two (2) Years:
 - a. Records related to the drug and alcohol collection process and training.
 3. One (1) Year
 - a. Records of negative and canceled drug testing results.
 4. Indefinite Period
Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.
- G. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:
1. Drug and alcohol misuse prevention program records will be maintained at the District office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file.
 2. Employees are entitled upon written request to obtain copies;
 3. The District may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee of National Transportation Safety Board safety investigations;
 4. The District shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1))².

²Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test;
(c) Refusals to test.

This page intentionally left blank.

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

Subject: **Evaluation of Staff**

Policy Number: **GCN** Effective Date: **1/2018**

Date of Original Policy and Revisions: **N/A**

Cancels Policy No.: **GCM** Dated: **10/90, 1/95, 2/00, 12/06, 4/09, 6/13**

Date of Next Review: **1/2021**

POLICY

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher’s performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students that is both formative and summative. Evidence may also include other indicators of student success;

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

5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;
6. Customized by each district, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the district;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

Classified Staff

All probationary classified employees will be formally evaluated by their immediate supervisor at least twice during the probationary period.

All non-probationary, regular classified employees will be formally evaluated by their immediate supervisor on an annual basis.

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

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 243.650](#) [OAR 581-022-2405](#)
[ORS 332.505](#) [OAR 581-022-2410](#)
[ORS 342.850](#) [OAR 581-022-2415](#)
[ORS 342.856](#)

This page intentionally left blank.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Students with Disabilities – Child Identification Procedures

Policy Number: IGBA Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 11/09, 5/12, 6/15

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 1/2021

POLICY

The district implements an ongoing system to locate, identify and evaluate all children, birth to age 21, residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children, the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Early Childhood CARES is responsible for determining the eligibility of children for Early Intervention/Early Childhood Special Education (EI/ECSE) services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or,
9. Above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with ORS Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular or modified diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated, and are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

REPORTS

None.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 332.075](#)

[ORS 338.165](#)

[ORS 339.115 to-137](#)

[ORS 343.151](#)

[ORS 343.157](#)

[ORS 343.193](#)

[ORS 343.221](#)

[ORS 343.517](#)

[ORS 343.533](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2315](#)

[OAR 581-015-2480](#)

[OAR 581-021-0029](#)

[OAR 581-022-2315](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (2017).

Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111(2017).

[Bethel Administrative Rule IGBA](#): Students with Disabilities – Child Identification Procedures

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Procedural Safeguards

Policy Number: IGBAG Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 5/12, 6/15

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

Date of Next Review: 1/2021

POLICY

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and,
12. Attorney's fees.

Procedural Safeguards Notice

The district provides to parents a copy of the Procedural Safeguards Notice, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation, and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.

The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

¹If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

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

Parent or Adult Student Meeting Participation

The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.

The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:

- a. States the purpose, time and place of the meeting and who is invited to attend;
- b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
- c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
- d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
- e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and,
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).

The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:

- f. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and,
- g. Scheduling the meeting at a mutually agreed upon time and place.

If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.

The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

| | | | |
|-----------------------------|----------------------------------|----------------------------------|----------------------------------|
| ORS 343.155 | OAR 581-015-2000 | OAR 581-015-2195 | OAR 581-015-2330 |
| ORS 343.165 | OAR 581-015-2030 | OAR 581-015-2305 | OAR 581-015-2345 |
| ORS 343.177 | OAR 581-015-2090 | OAR 581-015-2310 | OAR 581-015-2360 |
| ORS 343.181 | OAR 581-015-2095 | OAR 581-015-2325 | OAR 581-015-2385 |
| | OAR 581-015-2190 | | |

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 – 300.505, 300.515, 300.517 (2017).

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2017).
[Bethel Administrative Rule IGBAG: Special Education –Procedural Safeguards](#)

This page intentionally left blank.

Bethel School District #52
Administrative Rule

IGBAG. SPECIAL EDUCATION – PROCEDURAL SAFEGUARDS
Adopted: 1/2018

1. Procedural Safeguard

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority, or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
- b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of Procedural Safeguards Notice

The procedural safeguards notice includes all of the content provided in the *Notice of Procedural Safeguards* published by the Oregon Department of Education.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and

Bethel School District #52
Administrative Rule

- (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving school district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:

Bethel School District #52
Administrative Rule

- (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
- (1) Is not an employee of the district or the Oregon Department of Education;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
- (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - (4) Represent the student in all matters relating to the provision of a free appropriate public education to the student.
- g. A parent may give written consent for a surrogate to be appointed.
- (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment;
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.

Bethel School District #52
Administrative Rule

- i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular *or modified* diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another school district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.

6. Prior Written Notice

- a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the district:
 - 1. Proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education to the child; or

Bethel School District #52
Administrative Rule

2. Refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education to the child.
- b. The content of the prior written notice will include:
 1. A description of the action proposed or refused by the district;
 2. An explanation of why the district proposed or refused to take the action;
 3. A description of each evaluation procedure, test, assessment, record, or report used as a basis for the refusal;
 4. A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the Procedural Safeguards Notice may be obtained;
 5. Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 6. A description of other options the IEP team considered and the reasons why those options were rejected; and
 7. A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
 1. Written in language understandable to the general public; and
 2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
 3. If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the school district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services,

¹“Consent” means that the parent or adult student: a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

Bethel School District #52
Administrative Rule

the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Reevaluation

- a. The district obtains informed parent consent before conducting any reevaluation of a child with a disability, except:
 - (1) The district does not need written consent for a reevaluation, if, after reasonable efforts to obtain informed consent, the parent does not respond. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the reevaluation, the district may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures.
- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the reevaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and,
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or reevaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or

Bethel School District #52
Administrative Rule

- (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or reevaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to, provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

Bethel School District #52
Administrative Rule

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent’s right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the school district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a school district or ESD is violating or has violated the Individuals with Disabilities Education Act or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the Oregon Department of Education (ODE) forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or

Bethel School District #52
Administrative Rule

provision of a free appropriate education to a student who may have a disability and be eligible for special education.

- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses the Oregon Department of Education (ODE) for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.

Bethel School District #52
Administrative Rule

- b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing.
- c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting
See Board Policy JGDA – Discipline of Disabled Students.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Evaluation Procedures

Policy Number: IGBAH Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 6/12, 6/15

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 1/2021

POLICY

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student’s educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/ECSE) services. The district’s designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or reevaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or reevaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;

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

3. Changing the child’s eligibility;
4. Providing special education and related services;
5. Terminating the child’s eligibility for special education, unless the termination is due to graduation from high school with a regular or modified diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child’s native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child’s English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts reevaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a reevaluation;
2. When the child’s parents or teacher requests a reevaluation; and,
3. At least every three years, unless that parent and the district agree that a reevaluation is unnecessary.

The district does not conduct reevaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 to-2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.7, 300.530 - 300.534, 300.540 - 300.543 (2017).

[Bethel Administrative Rule IGBAH: Special Education – Evaluation Procedures](#)

This page intentionally left blank.

Bethel School District #52
Administrative Rule

IGBAH. SPECIAL EDUCATION - EVALUATION AND ELIGIBILITY PROCEDURES
Adopted: 1/2018

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed;
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Reevaluation
 - a. The district conducts reevaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a reevaluation; and
 - (3) At least every three years, unless that parent and the district agree that a reevaluation is unnecessary.
 - b. The district does not conduct reevaluation more than once a year, unless the parent and district agree otherwise.
5. Evaluation Planning
 - a. The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), the child's IEP or IFSP team, including the parents

Bethel School District #52
Administrative Rule

and other qualified professionals, as appropriate, review and document their review of existing evaluation data on the child including:

- (1) Evaluations and information provided by the child's parents;
- (2) Current classroom-based, local or state assessments and classroom-based observations; and
- (3) Observations by teachers and related service providers.

b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:

- (1) Whether the child has a disability;
- (2) The child's present levels of academic achievement and related development needs;
- (3) Whether the child needs or continues to need EI/ECSE or special education and related services; and
- (4) For reevaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:

- (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
- (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.

c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:

- (1) Whether the child has a disability; and
- (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child are:

- (1) Selected and administered so as not to be discriminatory on a racial or cultural basis;
- (2) Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
- (3) Used for the purposes for which the assessments or measures are valid and reliable;
- (4) Administered by trained and knowledgeable personnel; and
- (5) Administered in accordance with any instructions provided by the producer of the assessments.

e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure,

Bethel School District #52
Administrative Rule

- rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
 - g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility
- a. If the child's IEP or IFSP team determines that no additional data is needed whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
 - b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.
8. Evaluation Procedures for Transfer Students
- When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.
9. Eligibility Determination
- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
 - b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
 - c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
 - d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
 - e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:

Bethel School District #52
Administrative Rule

- (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
- (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities to more than one disability category, but the team needs to find the child eligible under only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Free Appropriate Public Education (FAPE)

Policy Number: IGBAJ Effective Date 1/2018

Date of Original Policy and Revisions: 2/08, 5/09, 6/12, 6/15

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 1/2021

POLICY

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
 - b. Who have not graduated with a regular or modified diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or,
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children enrolled in district charter schools.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular or modified diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

REPORTS

None.

ATTACHMENTS

None.

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

END OF POLICY

REFERENCES / COMMENTS

[ORS 338.165](#)

[ORS 339.115](#)

[ORS 343.085](#)

[ORS 343.224](#)

[OAR 581-015-2020](#)

[OAR 581-015-2035](#)

[OAR 581-015-2040 to-2065](#)

[OAR 581-015-2050](#)

[OAR 581-015-2530](#)

[OAR 581-015-2600](#)

[OAR 581-015-2605](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).

[Bethel Administrative Rule IGBAJ: Special Education – Free Appropriate Public Education \(FAPE\)](#)

Bethel School District #52
Administrative Rule

IGBAJ. SPECIAL EDUCATION - FREE APPROPRIATE PUBLIC EDUCATION (FAPE)
Adopted: 1/2018

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students, including students enrolled in public charter schools located in the district with disabilities, except as provided below.

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular or modified high school diploma is no longer entitled to FAPE.
- b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular or modified high school diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular or modified high school diploma.
- d. Graduation with an alternative document:
 - (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation, or require prior written notice.
- e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular or modified diploma.

4. Incarcerated Youth

- a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.

Bethel School District #52
Administrative Rule

- b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
- c. The district's provisions of FAPE does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves resident children with disabilities attending charter schools sponsored by the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian, or person in parental relationship, provide FAPE to the students, in accordance with Oregon Administrative Rule (OAR) 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts, and implements a new IEP that meets acceptable requirements. If the

Bethel School District #52
Administrative Rule

information received was in effect in a previous district in another state, the district will implement the IEP with OAR 581-015-2330(2).

- c. The district provides supplementary and related services on site at a district charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian, or person in parental relationship to provide information about:
 1. The district's responsibility to identify, locate, and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 2. The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student is no longer enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 1. That the student no longer is enrolled in the public charter schools; and
 2. That the district will provide the student education records, including all information related to the student's IEP, if the student seeks enrollment or services for the district in which the student resides.
- b. The student's parent, guardian, or person in parental relationship to provide information about:
 1. The responsibility of the school district in which the student resides to identify, locate, and evaluate students and implement services;
 2. The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 3. The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;

Bethel School District #52
Administrative Rule

- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education;
- d. Are enrolled in the district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a student with disabilities under IDEA, the district:

- a. May not require a parent to sign up for or enroll in public insurance programs in order for their student with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. Will not use the student's benefits under a public insurance if that use would:
 - (1) Decrease available lifetime coverage or any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures; and

Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student's parents and must obtain written consent that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;
- e. Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
- f. Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:
 - 1. Decrease available lifetime coverage or any other insured benefit;
 - 2. Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
 - 3. Increase premiums or lead to the discontinuation of insurance; or
 - 4. Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures

10. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.

Bethel School District #52
Administrative Rule

- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.
11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.
 12. Assistive technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR

This page intentionally left blank.

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

Subject: **Graduation Requirements**

Policy Number: **IKF** Effective Date: **1/2018**

Date of Original Policy and Revisions: **6/09, 10/12, 1/14, 10/16**

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

Date of Next Review: **1/2021**

POLICY

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if they are 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that other district or public charter school².

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in the Essential Skills of Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year are:

¹As defined in ORS 30.297.

²For a high school diploma awarded on or after January 1, 2018.

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

1. On track to meet all other graduation requirements; and
2. Unable to demonstrate proficiency in the Essential Skills in English.

The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year:

1. Are on track to meet all other graduation requirements;
2. Are unable to demonstrate proficiency in the Essential Skills in English;
3. Have been enrolled in a U.S. school for five years or less; and
4. Receives at least a level 3 (Intermediate) on the English Language Proficiency Assessment (ELPA)³.

⁴The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

The district may not deny a student, who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded. A student who is emancipated or has reached the age of 18 at the time the modified diploma or the extended diploma is awarded may sign the consent.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or

³This criteria does not apply to students seeking a diploma in 2017-2018.

⁴[This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skill of Apply Mathematics and other courses.]

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

Beginning in grade five or after a documented history to qualify for an extended diploma has been established, the district will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma and an alternative certificate.

A student who qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives an extended diploma or an alternative certificate shall have access to individually designed instructional hours, hours of transition services and hours of other services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school, as determined by the individualized education program (IEP) team.

A student who qualifies to receive a modified diploma but has not yet been awarded the modified diploma shall continue to have access to individually designed instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.⁵

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified by grade five of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted-out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

The district will issue a high school diploma, upon request, and pursuant to Oregon law (ORS 332.114) to a person who served in the Armed Forces⁶, and the person was discharged or released under

⁵A student who received a modified diploma prior to July 1, 2018 shall continue to have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

⁶The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
 - a. World War I;

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

honorable conditions.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)
[OAR 581-022-1910](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022 2000](#)
[OAR 581-022 2025](#)
[OAR 581-022-2015](#)
[OAR 581-022 2010](#)
[OAR 581-022-2020](#)
[OAR 581-022-2030](#)
[OAR 581-022-2505](#)

TEST ADMINISTRATION MANUAL, APPENDIX L-REQUIREMENTS FOR ASSESSMENT OF ESSENTIAL SKILLS.
[Bethel Administrative Rule IKF: Graduation Requirements](#)

-
- b. World War II;
 - c. The Korean Conflict; or
 - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
- a. Operation Urgent Fury (Grenada);
 - b. Operation Just Cause (Panama);
 - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
 - d. Operation Restore Hope (Somalia);
 - e. Operation Enduring Freedom (Afghanistan); or
 - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Use of Physical Restraint and Seclusion

Policy Number: JGAB Effective Date: 1/2018

Date of Original Policy and Revisions: 6/07, 4/10, 11/12, 4/14

Cancels Policy: _____ Dated: _____

Date of Next Review: 1/2021

POLICY

Bethel School District encourages positive behavioral interventions and supports to maintain a safe and secure environment for all students and staff. The Board is dedicated to the development and application of best practices within the district's public educational/behavior programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during, and after the use of physical restraint and/or seclusion as an intervention with district students.

Definitions

1. "Physical restraint" means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. Physical restraint does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.
2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion does not include removal of a student for a short period of time to provide the student with an opportunity to regain self-control, in a setting from which the student is not physically prevented from leaving.
3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
5. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional's scope of practice.
 6. "Prone restraint" means a restraint in which a student is held face down on the floor.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

The use of physical restraint and/or seclusion is only permitted as part of a behavior support plan when other less restrictive interventions would not be effective and the student's behavior poses a threat of imminent, serious, physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the district-designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student in an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher, or other school employee as necessary when the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student's behavior poses a threat of imminent, serious physical harm to themselves or to others. Any student being restrained or secluded within the district, whether in an emergency or as part of a plan, shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlines in Oregon Administrative Rule (OAR) 581-021-0568.

Bethel School District shall utilize the Oregon Intervention System (OIS) training program of physical restraints and seclusions for use in the district. As required by State regulation, this program includes behavioral supports, prevention, de-escalation, and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year, shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with the district's policies and procedures. The results of the annual review shall be documented, and shall include at a minimum:

1. The total number of incidents of physical restraint;
2. The total number of incidents of seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
7. The total number of students placed in physical restraint and/or seclusion more than 10 times in a school year;
8. The total number of physical restraint and seclusion incidents carried out by untrained individuals;
9. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

This report shall be made available to the Board and to the public at the district’s main office and on the district’s website.

At least once each school year the public shall be notified as to how to access the report.

The district shall investigate all complaints regarding the use of restraint and seclusion practices according to the procedures outlined in Board Policy KL – Public Complaints and KL-AR. The complaint procedure is available at the district’s administrative office and is available on the home page of the district’s website.

A complainant, who is a student, is a parent or guardian of a student attending school in the district, or is a person who resides in the district, may appeal a final decision by the Board to the Deputy Superintendent of Public Instruction as provided in OAR 581-002-0400.

The superintendent or designee shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of physical restraint or seclusion by district personnel.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[ORS 161.205](#)

[ORS 339.250](#)

ORS 339.285

ORS 339.288

ORS 339.291

[OAR 581-021-0061](#)

[OAR 581-021-0550](#)

[OAR 581-021-0553](#)

[OAR 581-021-0556](#)

[OAR 581-021-0559](#)

[OAR 581-021-0563](#)

[OAR 581-021-0566](#)

[OAR 581-021-0568](#)

[OAR 581-021-0569](#)

[OAR 581-021-0570](#)

OAR 581-022-2370

[Bethel Administrative Rule KL: Complaint Procedure](#)

This page intentionally left blank.



January 22, 2018

RESOLUTION NO. 17-18: 32

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

KLD: Commendation and Criticism of Employees

ATTEST _____
Clerk – Chris Parra

Chair – Dawnja Johnson

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

| BOARD MEMBERS | AYE | NAY | ABSTAIN | ABSENT |
|-----------------|-----|-----|---------|--------|
| Debi Farr | | | | |
| Dawnja Johnson | | | | |
| Paul Jorgensen | | | | |
| Alan Laisure | | | | |
| Greg Nelson | | | | |
| Ginger Poage | | | | |
| Rich Cunningham | | | | |

This page intentionally left blank.

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

Subject: Commendation and Criticism of Employees

REMOVE POLICY

Policy Number: KLD Effective Date: 4/14

Date of Original Policy and Revisions: 6/90, 6/92, 9/95, 5/00, 10/08

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 4/17

POLICY

In order that input about district personnel and operations be handled in a fair and consistent manner, the Board of Directors of Lane County School District No. 52 establishes this policy about commendations and complaints regarding employees and the operation of Bethel Schools.

The purposes of this policy are to welcome both commendations and constructive criticism, to keep communications open between schools and the community, to facilitate prompt attention to specific criticism, and to handle complaints fairly and with concern for the rights of the persons involved.

It is the policy of the Board of Directors to encourage citizens and employees to communicate directly with members of individual school staffs and with district level personnel, via the procedures described below, on matters related to the operation of district schools.

The procedures below are subject to, and shall not deprive employees of, their rights and due process provided in the U.S. Constitution, the Oregon Constitution, Oregon Revised Statutes, and relevant collective bargaining agreements.

When commendations are received by the administration about specific schools or employees (i.e., teachers, administrators, other licensed staff, and all classified staff working for Bethel Public Schools), they will be shared with staff appropriately (e.g., personal contact, note, media release). When complaints about employees or by employees are received, administrators will encourage the public or employee to follow the complaint process described below. It is the responsibility of district administrators to inform the public about this process.

A. ~~School Level:~~ Specific complaints will be processed starting at the level at which the employee is assigned and against whom the complaint has been filed. The building administrator shall encourage any parent, student, employee, or other person who has a complaint about an employee to discuss the complaint directly with the employee in confidence unless unusual circumstances exist. If the complaint is not resolved informally by these parties, the complainant or employee may submit the matter to the principal or to the immediate supervisor when the employee is not directly assigned to a specific school.

~~—The principal or supervisor shall investigate the complaint and communicate his or her decision to both parties.~~

B. ~~District Level:~~ If the complainant or employee is dissatisfied with the decision rendered at the school level, either person may, within 10 calendar days, submit that complaint in writing to the Superintendent. The Superintendent or designee will investigate the complaint. As part of this investigation, the Superintendent or designee may invite the involved parties to a conference in an effort to resolve the dispute. Following the investigation, the Superintendent, taking into account the non-binding recommendation of any appointed designee, will render a decision. Refusal of any party to the dispute to attend a conference or to participate in the Superintendent's investigation shall not prohibit the

BETHEL SCHOOL DISTRICT #52
BOARD OR EDUCATION POLICY STATEMENT

~~Superintendent or designee from meeting with other parties or from making an independent judgment about the complaint's validity.~~

~~C. Board Level: If the complainant or employee is dissatisfied with the decision of the Superintendent, he or she may, within 10 calendar days, file a written, signed complaint with the board of directors in care of the Superintendent. The Superintendent shall provide the board with copies of the complaint. If the board decides to provide the complainant or employee with an opportunity to be heard, the date will be set and concerned parties will be notified. The board will discuss a complaint against an employee only in executive session, as provided in ORS 192.660 (1)(b), unless the employee requests the matter be discussed in open session.~~

~~D. Complaints Made Directly to Board Members: When a complaint about an employee is made initially to a board member or to the board of directors as a whole, the complaint process shall be explained to the person and he or she will be encouraged to follow the complaint procedures described above.~~

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

None.