

# Sweet Home School District 55

Code: BBAA  
Adopted: 3/09/09  
Revised/Readopted: 12/13/21; 4/11/22  
Orig. Code: BBAA

## Individual Board Member's Authority and Responsibilities

(Version 1)

See updated version

An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

When expressing personal opinions in public, the Board member should clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

### 1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

### 2. Requests for Legal Opinions

Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

### 3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the

appropriate complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent.

4. Board Member's Relationship to Administration

Individual Board members will be informed about the district's educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.311 – 192.478](#)  
[ORS 192.610 – 192.705](#)  
[ORS Chapter 244](#)

[ORS 332.045](#)  
[ORS 332.055](#)  
[ORS 332.057](#)

[ORS 332.075](#)  
[ORS 332.107](#)  
[ORS 419B.010](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

**Cross Reference(s):**

BHD - Board Member Compensation and Expense Reimbursement  
DFEA - Admissions to District Events



# Sweet Home School District 55

Code:

BBAA

Adopted:

## Board Member's Authority and Responsibilities

(Version 2)

An individual Board member exercises the authority and responsibility of their position when the Board is in a meeting which is being held in accordance with Oregon's Public Meetings Law. A Board member has the authority to act in the name of the Board only when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business.

When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

Board members may speak on behalf of the Board or district only when specifically authorized to do so. Any other statements do not represent the position of the Board or district. When expressing personal opinions in public, Board members are encouraged to clearly identify the opinions as their own.

All Board members shall maintain awareness of relevant district information and participate in Board functions and professional Board development activities.

All members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. To ensure effective governance, board members are expected to read the board packet before each meeting and arrive prepared to engage in the meeting's business.
2. Request for Records;

Any individual Board member who desires a copy of an existing record may make such a request to the superintendent. Requests involving confidential records or significant staff time will be referred to the Board for approval.

3. Requests for Legal Opinions

Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

4. Action on Complaints or Requests Made to a Board Member

When a Board member receives complaints or requests for action from staff, students or members of the public, the Board member will direct the staff, students, members of the public to the public complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent. An individual Board member is not authorized to independently act on complaints.

5. Board Member's Communication with Administration

No individual Board member may direct the superintendent or other staff to action without Board authorization. No Board member will intervene in the administration of the district or its schools.

6. Contracts or Agreements

All district contracts must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

7. Visits to Schools

A Board members may visit schools in accordance with Board policy BG – Board–Staff Communications.

8. Public Meetings Law

All Board members will comply with Public Meetings Law, including participating in an approved<sup>1</sup> training at least once annually.

9. Mandatory Reporting

A Board member having reasonable cause to believe that any child with whom the Board member comes in contact has suffered abuse or that any person with whom the Board member comes in contact has abused a child shall immediately make an oral report or cause an oral report be made to Department of Human Services<sup>2</sup> or local law enforcement.

10. Oregon Ethics Laws

All Board members will adhere to Oregon Government Ethics laws, including filing the statement of economic interest as required by Oregon Revised Statute (ORS) 244.

11. Confidential Information

All Board members will not disclose confidential information received as part of Board service.

12. Other Laws, Policies, Agreements and Procedures

All Board members will follow all laws, Board policies, working agreements, and any other procedures established by the district.

END OF POLICY

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**Legal Reference(s):**

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<sup>1</sup> Approved by the Oregon Government Ethics Commission.

<sup>2</sup> (855) 503-SAFE (7233)



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[ORS 192.311 – 192.478](#)  
[ORS 192.610 – 192.705](#)  
[ORS Chapter 244](#)

[ORS 332.045](#)  
[ORS 332.055](#)  
[ORS 332.057](#)

[ORS 332.075](#)  
[ORS 332.107](#)  
[ORS 419B.010](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

# Sweet Home School District 55

Code: BBE  
Adopted: 9/13/04  
Revised/Readopted: 4/11/22  
Orig. Code: BBE

## Vacancies on the Board

(Version 1)

See updated version

Vacancies will be filled through Board appointment. The Board appointee must be a legally registered voter and a resident within the district for one year immediately preceding the appointment and a resident of the zone from which the vacancy has occurred. If the vacancy occurs in a zone, the Board shall advertise for a 20-day period to find an eligible resident from the same zone. If an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district.

In the event of multiple vacancies, the position vacated first will be filled first.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated immediately.

If the offices of a majority of Board members are vacant at the same time, the directors of the Linn Benton Lincoln Education Service District shall appoint persons to fill the vacancies from qualified district voters.

Board elections are held every odd-numbered year, which for the purposes of this policy, are termed "election" years. The appointee will:

1. Serve until June 30 following the next "election," at which time the individual elected in May of that year will fill the remaining portion of an unexpired term or serve a full four -year term; or
2. Serve until June 30 of a subsequent "election" year if the vacancy occurs after the filing date in an "election" year.

A Board member so elected as a replacement will serve the remaining year(s) of the term of office of the Board member being replaced.

END OF POLICY

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### Legal Reference(s):

[ORS 249.865 - 249.877](#)  
[ORS 254.005](#)

[ORS 255.245](#)  
[ORS 255.335](#)

[ORS 332.030](#)  
[ORS 332.122](#)  
[ORS 332.124](#)

### Cross Reference(s):



BBBA - Board Member Qualifications  
BBC - Board Member Resignation  
BBD - Board Member Removal from Office

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# Sweet Home School District 55

Code:

BBE

Adopted:

## Vacancies on the Board

(Version 2)

Vacancies on the Board will be filled through the following procedures:

1. At a Board meeting, the Board will declare the vacancy<sup>1</sup>;
2. The Board or designee will establish an application period of at least 20 days. Applicants will be required to submit an application to the district office by the designated date. Deadlines and instructions will be posted on the district website. The Board can vote to extend or re-open the application period at any time;
3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:
  - a. Be an elector of the district.<sup>2</sup> This requires being registered to vote within the district;
  - b. Have resided in the district for a period of one year immediately preceding the appointment;
  - c. Be a resident of the zone of the vacant position, if the position is zoned;
  - d. Not be an employee of the district or a charter school located within the district<sup>3</sup>, except as a substitute bus driver in accordance with ORS 332.016.
4. The Board will review applicant materials in an open Board meeting;
5. The Board may select applicants to interview. Any interview will be held in an open Board meeting;

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<sup>1</sup> In accordance with ORS 332.030, the Board shall declare a vacancy upon any of the following:

8. The death or resignation of any Board member;
9. When a Board member is removed from office or the election of the Board member has been declared void by the judgment of any court;
10. When a Board member ceases to be a resident of district or zone from which nominated (see exception for board members who move out of the zone, but remain residents of the district in ORS 332.030(2) - (3));
11. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
12. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
13. When a Board member is recalled.

<sup>2</sup> ORS 254.005(4) provides “‘Elector’ means an individual qualified to vote under section 2, Article II, Oregon Constitution.” District staff may verify this with local elections officials.

<sup>3</sup> Include this bracketed language only if the district has an ADM or 50 or fewer.

6. During an open Board meeting, the Board will vote to appoint one of the applicants. In the event that no applicant receives a majority of votes<sup>4</sup>, the Board may re-vote or vote to re-open the application period;

7. The newly appointed Board member(s) will take an oath of office before assuming the duties of office and will be seated immediately thereafter.

If the vacancy occurs in a zone and an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district to serve in accordance with ORS 332.124.

The appointee will serve until June 30 following the next election. At that election, either the remainder of the term for the position, or a full term for the position will be on the ballot.

If the offices of a majority of Board members are vacant at the same time, the directors of the Linn Benton Education Service District shall appoint persons to fill the vacancies from qualified individuals.

END OF POLICY

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**Legal Reference(s):**

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<sup>4</sup> ORS 332.055 requires the affirmative vote of a majority of Board members to transact any business. Consequently five votes are necessary to appoint a board member, regardless of how many vacancies exist.



[ORS 249.865 - 249.877](#)  
[ORS 254.005](#)

[ORS 255.245](#)  
[ORS 255.335](#)

[ORS 332.030](#)  
[ORS 332.122](#)  
[ORS 332.124](#)

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# OSBA Model Sample Policy

Code: BBE-AR  
Revised/Reviewed:

## Board Member Vacancy Application

When a Board vacancy is declared, the Board will appoint a qualified person in accordance with Board policy BBE – Vacancies on the Board. To be considered for appointment, this form must be submitted to the district office by the deadline communicated by the district. Submitted applications become public records and may be disclosable upon request.

Name: \_\_\_\_\_

### Motivation and Experience

Why do you want to serve on the Board?

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Which experiences or perspectives will help you represent and serve all students and families?

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How will you help advance the district's mission and goals?

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How will you engage respectfully with individuals whose viewpoints differ from your own?

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### Knowledge, Time Commitment and Governance

Availability: Board meetings, work sessions, and committee service often occur in the evenings and occasionally during the daytime. How will you balance Board obligations with other commitments?

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Laws applying to public entities: Briefly share any familiarity you have with Oregon public meetings and public records laws: \_\_\_\_\_

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Policy and Budget: What experience do you have with policy development, budgets, or strategic planning?

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Student-Centered Decision-Making: How will you ensure decisions reflect student outcomes, safety, and well-being?

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*This page is intended for internal and verification purposes. It is not intended to be provided to the Board or discussed at a Board meeting. Once submitted, it is a public record and may be subject to disclosure.*

### **Contact and Personal Information**

Name (as it appears on voter registration): \_\_\_\_\_

Preferred name (if different): \_\_\_\_\_

Position applying for: \_\_\_\_\_

**Note:** Your address is used only to verify residency within the district/zone, as required by Oregon law. Verification may be required.

Home street address (as it appears on voter registration):  
\_\_\_\_\_

City: \_\_\_\_\_ State: OR

Primary phone: \_\_\_\_\_ Alternative phone: \_\_\_\_\_

Email: \_\_\_\_\_

Best way to contact you? ☐ Phone ☐ Email ☐ Text

### **Accessibility and Accommodations**

We welcome applicants with disabilities. Do you need an accommodation to participate in interviews or meetings (e.g., ASL interpreter, materials in alternative formats, physical access, assistive technology)?

☐ No ☐ Yes (please describe): \_\_\_\_\_

### **Attestations (Required)**

- ☐ The information I have provided is true and complete to the best of my knowledge.
- ☐ I meet the statutory eligibility for appointment: registered elector and one-year residency (ORS 332.018).
- ☐ [I reside in the zone corresponding to this vacancy (ORS 332.030 and ORS 332.122).]
- ☐ I am not disqualified by employee status (ORS 332.016).
- ☐ I understand the appointment duration (through June 30 after the next regular district election) (ORS 332.030(4)).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Sweet Home School District 55

Code: BCB  
Adopted: 9/13/14  
Revised/Readopted: 4/13/26  
Orig. Code: BCB

## Board Officers

No later than the next regular ~~At its first scheduled~~ meeting after July 1, the Board will elect one of its members to serve as chair and one to serve as vice chair 1 and vice chair 2. In an election year, this meeting must occur no later than the last day of July. No member of the Board may serve as chair more than four years in succession. ~~If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.~~

### **Board Chair**

The Board chair will:

1. Prepare ~~Work with the superintendent to establish~~ the agenda for regular Board meetings in accordance with Board policy BDDC – Board Meeting Agenda;
2. Call special meetings ~~when required~~;
3. Preside at meetings of the Board and enforce the rules of order. The Board chair has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public comment is a part of the meeting, the Board chair may regulate the order and length of appearances and limit appearances to presentations of relevant points in accordance with Board policy BDDH – Public Comment at Board Meetings;
4. ~~Sign~~ ~~Preside at all meetings of the Board and enforce the rules of order;~~
5. ~~Sign the minutes and other~~ official documents that require the signature of the chair;
6. Represent the district and the Board at official functions, unless this duty is delegated by the Board chair to another Board member;
7. Appoint Board members to all committees ~~and will be an ex officio member of all such committees~~ unless otherwise ordered by the Board;
8. Have the right to discuss issues and vote; and
9. Perform such other duties as may be prescribed by law or by action of the Board.

In the absence, ~~incapacitation or death~~ of the chair, the vice chair 1 will perform the duties of chair and, when so acting, will have the chair's powers. The vice chair 1 will perform other functions as designated by the Board.



## **If a Board Secretary**

~~The superintendent will designate a staff member is unable to continue to serve as Board secretary and will directly supervise and evaluate the secretary. In absence of the designated Board secretary, the Board may name anyone present to serve as an officer, a replacement will be elected. The replacement officer will serve the remainder of the officer's term, until the officer resigns or ceases to serve as secretary for that meeting. The secretary to remain on the Board, will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board chair. These duties will include, but not be limited to, the following:~~

- ~~1. Record the disposition of all matters on which the Board considered action;~~
- ~~2. Prepare and distribute minutes in advance for approval at the next Board meeting;~~
- ~~3. Maintain properly authenticated official copies of the minutes;~~
- ~~4. Maintain the official record of Board policies;~~
- ~~5. Properly post all Board meetings.~~

## **Board or until the officer is District Spokesperson**

~~The Board may appoint one of its members, usually the chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The spokesperson serves at the Board's direction and may be removed or replaced by at any time by action of a majority of the Board.~~

## **Board Spokesperson**

The Board may designate the chair, vice chair or another Board member as the Board's spokesperson. A Board member speaks on behalf of the Board only when specifically authorized by the Board. Official Board statements will be made using official district or Board communication channels, websites or social media accounts, or at official district events. When a Board member expresses personal opinions in public, the Board member is encouraged to clearly identify the opinions as personal. Comments made by Board members when not authorized by the Board are considered personal comments of the Board member.

END OF POLICY

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

[ORS 255.335](#)  
[ORS 332.040](#)

[ORS 332.045](#)  
[ORS 332.057](#)

[OAR 166-400](#)  
[OAR 166-050-0050](#)

# Sweet Home School District 55

Code: BCE  
Adopted: 6/08/98  
Revised/Readopted: 4/11/22  
Orig. Code: BCE

## Board Committees

(Version 1)

See updated version

The Board may have standing committees. Special committees may be appointed by the Board for specific purposes to serve until their assignment is completed. The entire Board may meet as a committee-of-the-whole.

The function of special committees will be fact-finding, deliberative and advisory, rather than legislative or administrative. The committee will make recommendations directly to the Board as a whole, which alone may take action. Committee meetings may be called by the Board chair, the committee chair or any committee member.

Committee-of-the-whole meetings, called "work sessions," may be held. Committee-of-the-whole meetings may be called by the Board chair or any three Board members.

All meetings of special committees and of committees-of-the-whole will follow the Public Meetings Law. The Board or its committees may sit in an executive session to discuss matters when such session is required or permitted by law.

All matters referred to a committee will be thoroughly investigated. A committee will not have the power to act for the Board except as the Board has specifically authorized, but will make recommendations to the Board. Committee recommendations and reports will become an official part of Board minutes.

A Board committee may appoint advisory members from the staff, student body or community with approval of the Board. Advisory members will be instructed in the committee's functions and their status. Advisory members may not be included in considering whether a quorum of the committee is present, nor may they vote on recommendations to be made to the Board. Either an advisory member or an ex-officio member may present a written minority report to the Board.

END OF POLICY

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### Legal Reference(s):

[ORS 192.610 - 192.705](#)  
[ORS 332.045](#)

[ORS 332.105](#)

[OAR 199-040](#)  
[OAR 199-050](#)

### Cross Reference(s):

BCF - Advisory Committees to the Board



# Sweet Home School District 55

Code: BCE  
Adopted:

## Board Committees (Version 2)

The Board may establish committees. A Board committee is a group of Board members, staff, students and/or community members tasked by the Board to make a decision on behalf of the Board or make a recommendation to the Board on policy or administration. The district may have additional administrative committees.

Board committees may be classified into two general types based on membership:

1. Board subcommittees are primarily made up of Board members, e.g., superintendent evaluation committee, long-range planning committee, policy committee;
2. Advisory committees are primarily made up of non-Board members, e.g., bond steering committee.

Regardless of classification, the Board can include Board members and non-Board members on committees.

Board committees will not have the power to act for the Board except as the Board has specifically authorized. Committee meetings may be called by the committee in accordance with any direction from the Board and committee procedures. Committee recommendations and reports will be provided to the Board.

All meetings of Board committees will follow the Public Meetings Law<sup>1</sup>, including the requirement to record the meetings or take meeting minutes. A committee may sit in an executive session when such meeting is in accordance with the committee's assigned purpose and when such session is permitted by law. Administrative committees, including superintendent committees, are generally not subject to Public Meetings Law.<sup>2</sup>

Committee-of-the-whole meetings, called "work sessions," may be held. Committee-of-the-whole meetings may be called by the Board chair or any three Board members.

When establishing a Board committee, the Board will determine:

1. Committee membership and appointment process;

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<sup>1</sup> OAR 199-050-0010(1)(b) provides that Public Meetings Law apply to bodies "with authority to make recommendations to a public body on policy or administration."

<sup>2</sup> OAR 199-050-0010(2)(b) provides that Public Meetings Law does not apply to "bodies appointed by an individual public official with authority to make recommendations only that individual public official who has the authority to act on the body's recommendation and is not required to pass the recommendations on unchanged to a public body."

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2. The task of the committee;
  3. What resources are needed and will be provided to the committee;
  4. The length of time the committee will exist<sup>3</sup>;
  5. Expectations regarding any actions or recommendations of the committee.

END OF POLICY

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**Legal Reference(s):**

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<sup>3</sup> The Board can establish a standing committee, which has a continuing existence or a special committee, which goes out of existence as soon as the committee has completed a specified task.

[ORS 192.610 - 192.705](#)  
[ORS 332.045](#)

[ORS 332.105](#)

[OAR 199-040](#)  
[OAR 199-050](#)

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# Sweet Home School District 55

Code: BCF  
Adopted: 6/08/98  
Revised/Readopted: 4/11/22; 1/09/23  
Orig. Code(s): BCF

## Advisory Committees to the Board

Covered in BCE

In an ongoing effort to increase communication with the public and to provide for community involvement, the Board may appoint advisory committees which include community members to consider matters of districtwide importance.

Recommendations of such committees will be given careful consideration by the Board, but such recommendations will not relieve the Board of its legal responsibility to make final decisions about such matters.

All meetings of advisory committees shall follow the Public Meetings Law. The press may attend and report proceedings. Visitors shall sit apart from the committee members and shall speak only when invited to do so by the committee chair.

The composition of advisory committees to the Board will be broadly representative and will take into consideration the specific tasks assigned to the committee. The process for the appointment of community members to an advisory committee will be determined by the Board. When requested and approved by the Board, appointment of staff members, when appropriate, will be made by the superintendent.

The Board will adopt guidelines for each committee as appropriate, which will include, but not be limited to, the following:

1. The committee's written charge which shall include, but not be limited to, a statement of purpose and responsibility;
2. The resources the Board will provide;
3. The length of time the committee is asked to serve and the approximate date(s) on which the Board wishes to receive the committee report(s).

Except as specifically provided by the Board, advisory committees will cease to function when their reports have been received by the Board or when the purposes for which they were established have been accomplished.

The Board may be represented on lay and professional committees that serve the Board in an advisory capacity, with specific Board members appointed by the chair, but normally such Board members will function as ex-officio members of the committees.

### Educational Equity Advisory Committee

The duties of the district's educational equity advisory committee shall include:

1. Advising the Board about the educational equity impacts of policy decisions;
2. Advising the superintendent about the educational equity impacts of policy decisions; and
3. Informing the Board and superintendent when a situation arises in a district school that negatively impacts underrepresented students and advising the Board and superintendent on how best to handle that situation.

The educational equity advisory committee may prepare an annual report that:

1. Contains the following information:
  - a. The successes and challenges the district has experienced in meeting the educational equity needs of students in the district;
  - b. Recommendations the committee made to the Board and superintendent, and the actions that were taken in response to those recommendation; and
  - c. Any other information required by the State Board of Education.
2. Is made available by being:
  - a. Distributed to parents of district students;
  - b. Posted on the district's website;
  - c. Presented to the Board in at a board meeting with adequate opportunity for public comment; and
  - d. Sent to the State Board of Education.

The educational equity advisory committee shall be appointed by the Board and superintendent and must be composed of parents, employees, students and community members from the district. For the purposes of selecting members, the Board and superintendent:

1. Shall solicit name of possible members from the community;
2. Must ensure that membership is primarily representative of underserved student groups;
3. May not exclude members based on immigration status; and
4. Must comply with any other requirements established by the State Board of Education.

A member of the educational equity advisory committee will also serve on the school district budget committee.<sup>1</sup>

END OF POLICY

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<sup>1</sup> The district is not required to add an educational equity advisory committee member to the budget committee until there is a non-school board member vacancy on the budget committee.

**Legal Reference(s):**

[ORS 192.610](#)  
[ORS 192.630](#)

[ORS 294.414](#)  
[ORS 329.704](#)

[ORS 329.711](#)  
[ORS 332.107](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

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# OSBA Model Sample Policy

Code: BD  
Adopted:

## Board Meetings, Notices and Communications

### Definitions

“Communication” means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

“Convening” means gathering in a physical location, using electronic, video or telephonic technology to be able to communicate contemporaneously among participants, using serial electronic written communication among participants, or using an intermediary to communicate among participants.

“Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the Board<sup>1</sup> is required, at any meeting at which a quorum is present.

“Decision-making process” means the process the Board engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

“Deliberation” means discussion or communication that is part of a decision-making process.

“Executive session” means any meeting or part of a meeting of the Board that is closed to certain persons for deliberation on certain matters.

“Intermediary” means a person who is used to facilitate communications among members of the Board about a matter subject to deliberation or decision by the Board, by sharing information received from a member of the Board with other members of the Board. The term “intermediary” can include a member of the Board.

“Meeting” means the convening of the Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program or the attendance of members of the Board at any national, regional or state association to which the Board or the members belong.

“Public Meetings Law” means Oregon Revised Statutes (ORS) 192.610 – 192.705 and Oregon Administrative Rules (OAR) 199-040 and 199-050.

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<sup>1</sup> This policy is written to apply to the Board. Other bodies, including Board committees, may be subject to public meeting laws. This policy may help other bodies understand what is required, but is intended as direction for the Board.

**“Quorum”** means the minimum number of members of the Board required to legally transact business. For the Board, a quorum is five Board members.

**“Work session” or “workshop”** means meetings held for the purpose of either presenting information to the Board to prepare for a regular or special meeting, or to allow the Board to engage in preliminary discussions or deliberations.

### **Board Authority at Meetings**

The Board has the authority to act only when a quorum is present at a properly noticed regular, special or emergency meeting. The affirmative vote of five members of the Board is required to transact any business.

### **Types of Meetings**

The Public Meetings Law applies to all regular, special, emergency, executive session and work session meetings of the Board.

#### **1. Regular Meetings**

The regular meeting schedule will be established at the annual organizational meeting each year and may be changed by the Board with public notice. The purpose of each regular meeting will be to conduct the regular Board business.

#### **2. Special Meetings**

A special meeting may be scheduled when less than a quorum is present at a regular meeting and therefore no business may be conducted, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district, or other reasons. Special meetings may be convened by the Board chair, upon request of three Board members, or by common consent of the Board.

#### **3. Emergency Meetings**

Emergency meetings may be called in the case of an actual emergency upon appropriate notice under the circumstances. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

#### **4. Work Sessions**

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with Public Meetings Law. The Board may make official decisions during a work session.

#### **5. Executive Sessions**

Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC – Executive Sessions).



## **Communications Outside of a Board Meeting (Serial Meetings Prohibited)**

Private meetings where a quorum of the Board engages in discussions or communications that are part of the Board's decision-making process on matters within the authority of the Board violate Public Meetings Law, except as part of an executive session.

A quorum of Board members shall not, outside of a meeting conducted in compliance with Public Meetings Laws, use a series of communications of any kind, directly or through intermediates, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the Board. This prohibition applies to using any one or a combination of the following methods of communication:

1. In-person;
2. Telephone calls;
3. Videos, videoconferencing, or electronic video applications;
4. Written communication, including electronic written communications, such as email, texts, and other electronic applications;
5. Use of one or more intermediaries to convey information among members; and
6. Any other means of conveying information.

Communications outside of a Board meeting may contain communications between or among members of the Board, including a quorum, that are:

1. Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board;
2. Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
3. Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

E-mails sent to other Board members are encouraged to have the following notice:

*Important: Please do not reply or forward this communication if this communication could constitute a decision or deliberation toward a decision between and among members of the district board. Board member electronic communications on district business are subject to Public Meetings and Public Records Law.*

A quorum of Board members may attend social meetings or gatherings so long as no discussions or deliberations are had.

## **Meeting Location, Public Accommodations and Logistical Requirements**

All meetings will be open to the public except as provided by law.



All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law<sup>2</sup>. The Board may attend training sessions outside the district boundaries but may not deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced. Meeting locations shall be accessible to persons with disabilities.

Any Board meeting may be held in person, through the use of electronic or telephonic means, or in some combination of in-person, electronic or telephonic means.

Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. For Board meetings (excluding executive session) held by telephone or other electronic means of communication, the district shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no Board member is present.

For executive sessions where the media are statutorily authorized to be present, if any person, including any Board member, is attending the executive session by telephone, video, or other electronic means, the district shall provide members of the media the same attendance option. The district may establish reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for persons who are deaf or hard of hearing. The request should include the name of the requester, sign language preference and any other relevant information requested. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate aids and services may be provided upon request and appropriate advance notice.

Recordings or minutes will be kept for all meetings in accordance with state law and Board policy BDDG – Recordings or Minutes of Board Meetings.

All meetings shall comply with applicable provisions of the Oregon Indoor Clean Air Act.

### **Public Notice Requirements**

The district posts public notice of its meetings on the district's website or on a publicly accessible website hosted by a third-party that is linked to the district's website.

The public notice shall identify the following:

1. The time, date, location of the meeting, and, to the extent reasonably possible, will include the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means;

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<sup>2</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

2. The agenda or list of the principal subjects anticipated to be considered at the meeting and will be specific enough to permit the public to recognize matters in which they are interested. The Board may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting. See Board policy BDDC – Board Meeting Agenda for additional meeting agenda information; and
3. The name, telephone number, and email address of a person at the district office to contact to request an interpreter or other communication aids or a statement that the district will provide a sign language interpreter or other communication aids at the meeting.

The district will provide notice to interested persons and news representatives who have requested notice through means reasonably calculated to provide actual notice to interested persons known to the Board.

For all regular meetings, the meeting notice shall be provided with as much advance notice as reasonably possible, but no less than 48 hours' advance notice.

For all special meetings, the meeting notice shall be provided with no less than 24 hours' advance notice.

For an emergency meeting, public notice shall be provided with as much advance notice as reasonably possible given the emergency circumstances. The district shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, email, social media, or other method reasonably calculated to provide actual notice. If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the district's website or on a publicly accessible website hosted by a third-party hosted and linked to the district's website.

If a meeting will include an executive session, the notice shall comply with the above notice requirements and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. Example:

“The Board will meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.”

If an executive session is to be part of an open regular, special, or emergency meeting, the notice shall comply with the above notice requirements and prior to entering the executive session, the Board chair shall make a public announcement and identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization (See Board policy BDC – Executive Sessions for additional information on executive sessions.)

## **Complaints**

Complaints regarding Public Meetings Laws can be filed in accordance with Public Meetings Law complaint procedures outlined in Board policy KL – Public Complaints. Complaints must be filed within 30 days of the alleged violation.

## **Mandatory Training**

Every member of the Board shall attend or view a training on Public Meetings Law as required by ORS 192.700 and Board policy BBAA – Board Member's Authority and Responsibilities.



END OF POLICY

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**Legal Reference(s):**

[ORS Chapter 192](#)  
[ORS 332.040](#) - 332.061

[ORS 332.107](#)  
[ORS 433.835](#) - 433.875

[OAR 199-050-0005](#) – 199-050-0085

OR. ATTY. GEN. *Public Records and Meetings Manual.*

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# Sweet Home School District 55

Code: BD/BDA  
Adopted: 1/11/10  
Revised/Readopted: 12/13/21; 4/11/22; 1/08/24  
Orig. Code: BD/BDA

## Board Meetings

Replace with new policy BD

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening<sup>1</sup> of a quorum of the Board as the district's governing body to make a decision<sup>2</sup> or to deliberate<sup>3</sup> toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Board, i.e. a work session. "Meeting" does not include any on-site inspection of any project or program the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings and/or posted on the district's website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law<sup>4</sup>. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they are not included in the notice.

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<sup>1</sup> "Convening" means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

<sup>2</sup> "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

<sup>3</sup> "Deliberation" means discussion or communication that is part of a decision-making process.

<sup>4</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.



If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property unless weapons are under the control of law enforcement personnel or a person who has a valid license under ORS 166.291 and 16.292 are permitted.

## 1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may be scheduled if less than a quorum is present at a meeting, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons. At least 24 hours' notice must be provided to all Board members, the news media which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

## 2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Communications outside of a Board meeting may contain:

- a. Communications to, between or among members of a governing body that are:

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- (1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
  - (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
  - (3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or

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- b. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members will have the following notice:

*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by public meetings law.*

**3. Private or Social Meetings**

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law.

**4. Work Sessions**

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. The Board may make official decisions during a work session. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

**5. Executive Sessions**

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law.

Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.<sup>5</sup>

**Mandatory Training**

Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGE) at least once during the Board member's term of office and shall verify attendance in accordance with OGE procedures.

END OF POLICY

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<sup>5</sup> See House Bill 2805 (2023) Section 5(2) for requirements of the response.



**Legal Reference(s):**

[ORS Chapter 192](#)

[ORS 255.335](#)

[ORS 433.835 - 433.875](#)

[ORS 332.040 - 332.061](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

OR. ATTY. GEN. Public Records and Meetings Manual.

[House Bill 2805](#) (2023).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

BDC - Executive Sessions

# Sweet Home School District 55

Code:  
Adopted:

BDD  
4/11/22

## Board Meeting Procedures

(Version 1)

See updated version

### 1. Quorum

A quorum will consist of the majority of the Board members.

### 2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

### 3. Board Member Voting

Each member's vote on all motions will be recorded in the minutes.

### 4. Abstaining from Vote

If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board member will state the reason for the abstention and such abstention will be recorded. (See policy BBFA – Board Member Ethics and Conflicts of Interest for further procedure for board members to state a conflict of interest.)

### 5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards" as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

END OF POLICY

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Legal Reference(s):

[ORS 192.650](#)  
[ORS 244.120\(2\)](#)  
[ORS 332.045](#)

38 OR. ATTY. GEN. OP. 1995 (1978)  
41 OR. ATTY. GEN. OP. 28 (1980)

[ORS 332.055](#)  
[ORS 332.057](#)  
[ORS 332.107](#)

[OAR 199-050-0005 \(9\)](#)  
[OAR 199-050-0055](#)

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# Sweet Home School District 55

Code: BDD  
Adopted:

## Board Meeting Procedures

### 1. Quorum

A quorum of the Board is 5 Board members.

### 2. Vote Needed for Exercise of Powers

The affirmative vote of five Board members will be necessary for exercising any of the Board's powers. All votes of the Board shall be taken by public vote, except when authorized in executive session under Oregon Revised Statute (ORS) 332.061.

### 3. Board Member Voting

The results of all votes shall be recorded, including the vote of each member's vote by name, on all votes taken by the Board. A written ballot, if used, shall identify the individual Board member by name and their vote, and shall be announced during the meeting at which the vote occurred. Secret ballots are prohibited.

### 4. Abstaining from Vote

Any conflicts of interest will be handled in accordance with ORS 244.120 and Board policy BBFA – Board Member Ethics and Conflicts of Interest. Board member abstentions will be documented in the meeting minutes or recording.

### 5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at properly noticed<sup>1</sup> meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards"<sup>2</sup> as modified by the Board will govern the Board in its deliberation. Modifications include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

Failure to follow *Robert's Rules of Order* will not invalidate a lawful Board decision.

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<sup>1</sup>

<sup>2</sup> See *Robert's Rules of Order*, 12<sup>th</sup> Edition, § 49:21.

**Legal Reference(s):**

[ORS 192.650](#)

[ORS 244.120\(2\)](#)

[ORS 332.045](#)

[ORS 332.055](#)

[ORS 332.057](#)

[ORS 332.107](#)

[OAR 199-050-0005 \(9\)](#)

[OAR 199-050-0055](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

# Sweet Home School District 55

Code: BDDC  
Adopted: 9/13/04  
Revised/Readopted: 4/11/22  
Orig. Code: BDDB/BDDC

## Board Meeting Agenda (Version 1)

See updated version

The Board chair works with the superintendent, who will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the superintendent at least five working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least three full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted on the district website and in each district facility on the day of the meeting. Members of the public may request a copy of the agenda through the district office.

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the request of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such a request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an alternate, equally effective communication will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY



**Legal Reference(s):**

[ORS 192.630](#)

[ORS 192.640](#)

[OAR 199-050-0040](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

**Cross Reference(s):**

BDDG - Minutes of Board Meetings

BDDH - Public Comment at Board Meetings

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# Sweet Home School District 55

Code: BDDC  
Adopted:

## Board Meeting Agenda (Version 2)

The Board chair will direct the preparation of an agenda for all meetings of the Board. The Board chair may seek assistance from the superintendent or another Board member. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the Board chair or superintendent at least [five] working days prior to the meeting. The agenda will include the principal subjects anticipated to be considered at the meeting and be specific enough to permit the public to recognize the matters in which they are interested. When the agenda includes an executive session, the agenda shall identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See Board policy BDC – Executive Sessions for additional information.)

The Board chair may direct an amendment to the agenda until it is posted, including adding or removing items. The Board may also amend the agenda during a meeting by a majority vote of the Board. This includes adding items to the agenda during the meeting.

A consent agenda may be used by the Board. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be voted on and approved at the same time. An item on the consent agenda will be removed from the consent agenda upon request of a Board member prior to the consent agenda's consideration. The item removed from the consent agenda will then be placed on the regular agenda.

The agenda, together with supporting materials, will be distributed to Board members at least [three] full working days prior to the meeting. A copy of the agenda will be posted on the district website at least 48 hours prior to any regular meeting and 24 hours prior to any special meeting.

Copies of the agenda for the press and public will not contain any confidential information included in Board member packets.

END OF POLICY

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### Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

[OAR 199-050-0040](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

# Sweet Home School District 55

Code: BDDG  
Adopted: 9/13/04  
Revised/Readopted: 4/11/22  
Orig. Code: BDDG/BDDK

## Minutes of Board Meetings (Version 1)

See updated version

In accordance with statutes, the Board will maintain accurate records of the actions taken at each Board meeting. The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants.

The minutes will include, but not be limited to, the following information:

1. The nature of the meeting, regular or special, the time, the place, Board members present and absent and the approval of minutes of preceding meeting or meetings;
2. A record of all motions, proposals, resolutions, orders and measures proposed and their disposition;
3. The substance of any discussion on any matter;
4. The results of all votes and the vote of each member by name;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of approved current minutes at the district office. Minutes need not be approved by the Board prior to being available to the public. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain a hard copy<sup>1</sup> of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under ORS 192.660, the material may be withheld from disclosure.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including a student's confidential records, the discussion, and each Board member's vote on the issue.

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<sup>1</sup> Oregon Administrative Rule 166-400-0010(9)



END OF POLICY

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**Legal Reference(s):**

[ORS 192](#).610 - 192.705  
[ORS 332](#).061

[OAR 166](#)-017-0005 - 0095  
[OAR 166](#)-400-0010(9)

[OAR 199](#)-050-0060

Attorney General's PUBLIC RECORDS AND MEETINGS MANUAL.

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# Sweet Home School District 55

Code: BDDG  
Adopted:

## Recordings and Minutes of Board Meetings (Version 2)

The Board will ensure a video recording is made of all of its meetings and portions of meetings that are not held in executive session. These recordings will be posted on the district's website or social media site within seven days following the meeting.

A video or audio recording of a meeting can be kept as the official record as long as all required content is included and it is kept in an allowable format<sup>1</sup>. Alternatively, the district may create written minutes. Written minutes do not need to be a verbatim transcript and can be kept in hard copy or electronic form<sup>2</sup>.

The official record must give a true reflection of the matters discussed at the meeting and the views of the participants, and must include the following information:

1. All members of the Board present;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name for all actions taken<sup>3</sup>;
4. The substance of any discussion on any matter; and
5. A reference to any document discussed at the meeting.

If written minutes are created for meetings which do not take place in executive session, those minutes shall be available to the public within a reasonable time after the meeting. These minutes will be published to the district website and] may be requested from the district office.

Recordings or minutes<sup>4</sup> of executive sessions will be kept in the same manner as other meetings of the Board. If disclosure of material from executive session recordings or minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure. Executive session minutes of a hearing held under ORS

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<sup>1</sup> Oregon Administrator Rule (OAR) 166-017-0045(4) requires moving images or audio recordings be kept in MP2, MP3, MP4, or WAVE formats.

<sup>2</sup> Oregon Administrator Rule (OAR) 166-017-0045(4) requires textual data or still images be kept in XML, ODT, TXT, PDF, RTF, PREG, JFIF, PNG, or TIFF formats.

<sup>3</sup> If minutes are kept in a recorded form, all voting will use a roll call vote and if minutes are kept in written form the minutes will identify the vote of each member by name under each board action.

<sup>4</sup> "...a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law." ORS 192.650(2)

332.061 shall contain only material not excluded under ORS 332.061(2) and information<sup>5</sup> will not be disclosed in accordance with ORS 332.061.

Either the recording or minutes of Board meetings will be kept permanently. If written minutes are created for any meetings of the Board, any recordings will be kept for at least one year after the minutes are created.

END OF POLICY

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Legal Reference(s):

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<sup>5</sup> ORS 332.061 prohibits the disclosure of:

1. The name of the minor student;
2. The issue, including a student's confidential records;
3. The discussion; and
4. The school board member's vote on the issue.



Attorney General's PUBLIC RECORDS AND MEETINGS MANUAL.

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# Sweet Home School District 55

Code: CBA  
Adopted: 4/11/22  
Orig. Code(s): CBA

## Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district<sup>{1}</sup>;
2. A master's degree or higher in the field of education, preferably in educational administration;
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;
2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
8. Ability to motivate other administrators and significantly involve them in the decision-making process;
9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

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<sup>1</sup>{ Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure. }

## General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.
2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

## Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;
2. Serve as educational leader to the Board, staff and community;
3. Act as the district's chief administrative officer;
4. Serve as district school clerk, performing such duties as required by law or by the Board;
5. Support the Board with scheduling ~~Schedule~~ meeting places, providing for required notices, ~~prepare an agenda~~ and ensuring any required recordings or ~~record~~ minutes are created for all Board meetings and for all ~~other~~ committee meetings authorized by the Board, as appropriate;
6. Attend all regular and special meetings of the Board, except when excused;
7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;
8. Administer adopted Board policies;
9. Regularly review adopted Board policies and make recommendations for needed changes;
10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;
11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;
12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;
13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;
14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;



15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;
16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;
17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;
18. Resolve problems of operations and settle disputes referred through administrative channels;
19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;
20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;
21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;
23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;
25. ~~Provide for~~ Evaluate the performance ~~evaluations~~ of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
26. Assign and control the promotion of students;
27. Maintain a continuous inventory of all district property, furniture, material and supplies;
28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;
29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;

30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;
31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;
32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;
33. Direct the district in its relationships with federal, state and local government agencies;
34. Cooperate with universities and colleges in their student-teacher training programs;
35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;
36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;
37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;
38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;
39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

#### END OF POLICY

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#### Legal Reference(s):

[ORS 332.075](#)  
[ORS 342.143](#)  
[ORS 342.173](#)

[ORS 342.850](#)  
[OAR 584-020-0000 - 0035](#)  
[OAR 584-046-0003 - 0024](#)

[OAR 584-080-0151](#)  
[OAR 584-080-0152](#)  
[OAR 584-080-0161](#)

#### Cross Reference(s):

CBG - Evaluation of the Superintendent



# Sweet Home School District 55

Code: CBG  
Adopted: 8/14/17  
Revised/Readopted: 4/11/22; 9/09/24  
Orig. Code: CBG

## Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance at least once each year. The evaluation will be based on the superintendent's job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public.<sup>1</sup> Such an executive session will not include a general evaluation of any district goal, objective or operation or of any directive to personnel concerning district goals, objectives, operations or programs.<sup>2</sup> Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

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### Legal Reference(s):

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<sup>1</sup> Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the Board;
- b. The time, date and location of the meeting;
- c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
- d. Information on how the superintendent may make a request for an open hearing.



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

[ORS 332.505](#)

[OAR 199-040-0027](#)  
[OAR 199-040-0030](#)  
[OAR 581-022-2405](#)

Hanson v. Culver Sch. Dist. (FDAB 1975).¶

**Cross Reference(s):**

BDC - Executive Sessions

CB - Superintendent

CBA - Qualifications and Duties of the Superintendent

# OSBA Model Sample Policy

Code: CEA  
Adopted:

## Educational Equity Advisory Committee

The duties of the district's educational equity advisory committee<sup>{1}</sup> shall include:

1. Advising the superintendent about the educational equity impacts of policy decisions; and
2. Informing the superintendent when a situation arises in a district school that negatively impacts underrepresented students and advising the superintendent on how best to handle that situation.

The superintendent may act within the superintendent's authority on any recommendations of the educational equity advisory committee without approval from the Board. The superintendent does not have the authority to adopt or amend policy.

The educational equity advisory committee may prepare an annual report that:

1. Contains the following information:
  - a. The successes and challenges the district has experienced in meeting the educational equity needs of students in the district;
  - b. Recommendations the committee made to the superintendent, and the actions that were taken in response to those recommendation; and
  - c. Any other information required by the State Board of Education.
2. Is shared with the Board:
  - a. By the superintendent; and
  - b. If requested by the Board, by the committee as a presentation by the committee at a Board meeting.
3. Is made available by being:
  - a. Distributed to the parents of district students;
  - b. Posted on the district's website; and
  - c. Sent to the State Board of Education.

The educational equity advisory committee shall be selected and appointed by the superintendent and must be composed of parents, employees, students and community members from the district. For the purposes of selecting members, the superintendent:

1. Shall solicit names of possible members from the community;

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<sup>1</sup> {The district can name this committee something else. If the district chooses to do so, use consistent language throughout.}

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2. Must ensure that membership is primarily representative of underserved student groups;
  3. May not exclude or deny members based on language, immigration status or protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity;
  4. May not appoint a voting member of the Board or the superintendent to the educational equity advisory committee; and
  5. Must ensure that the composition of an educational equity advisory committee elevates underrepresented parent, employee, student, and community member voices.

The district will provide sufficient support to educational equity advisory committee members to participate in meetings, including, but not limited to access to district-managed emails, translation and interpretation services, and relevant trainings.

A member of the educational equity advisory committee will also serve on the school district budget committee.<sup>2</sup>

END OF POLICY

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Legal Reference(s):

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<sup>2</sup> {The district is not required to add an educational equity advisory committee member to the budget committee until there is a non-board member vacancy on the budget committee.} The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.



[ORS 328.542](#)  
[ORS 329.711](#)

[ORS 332.107](#)  
[OAR 199-050-0010](#)

[OAR 581-022-2307](#)

House Bill 4066 (2026)

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# Sweet Home School District 55

Code: EBB  
Adopted: 1/12/15  
Revised/Readopted: 6/13/22  
Orig. Code: EBB

## Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the ~~Board~~<sup>district</sup> shall adopt an integrated pest management plan (IPM)<sup>{1}</sup> which emphasizes the least possible risk to students, staff and community members and shall adopt a list<sup>2</sup> of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website<sup>3</sup>.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
  - a. Protect the health and safety of students and staff;
  - b. Protect the integrity of district buildings and grounds;
  - c. Maintain a productive learning environment; and
  - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;

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<sup>1</sup> {See Integrated Pest Management Program for Oregon Schools at <http://blogs.oregonstate.edu/schoolipm/>. The program includes access to Resources & Forms including Model plans for large school districts and small school districts.}

<sup>2</sup> See ORS 634.705(5).

<sup>3</sup> Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The district shall designate the maintenance director as the Integrated Pest Management Plan Coordinator and gives them the authority for overall implementation and evaluation of the IPM plan.

### **Integrated Pest Management Plan Coordinator**

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results; ~~and~~
8. Keep for at least four years following the application date, records of applied pesticides that include:
  - a. A copy of the label;
  - b. A copy of the Safety Data Sheet (SDS);
  - c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
  - d. The pest condition that prompted the application;
  - e. The approximate amount and concentration of pesticide applied;
  - f. The location and description of the area where the pesticide was applied;
  - g. The type of application and whether the application was effective;



- h. The name(s) of the person(s) applying the pesticide;
  - i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
  - j. The dates and times for the placement and removal of warning signs; and
  - k. Copies of all required notices given, including the dates the IPM Coordinator(s) gave the notices.
9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints; and
10. Conduct outreach to district staff about the district's IPM plan.

At least once every five years, the Board shall review the IPM plan, make any necessary updates and readopt the IPM plan.<sup>4</sup> The final IPM plan shall include the day, month and year the Board adopted or readopted the plan.

END OF POLICY

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**Legal Reference(s):**

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<sup>4</sup> For IPMs adopted prior to January 1, 2026, the Board shall review, update and readopt the IPM no later than January 1, 2027, or five years from the date of the most recent approval of the plan, whichever is later.

[ORS 634.116](#)  
[ORS 634.700 - 634.750](#)

**Cross Reference(s):**

EB - Safety Program  
GBE - Staff Health and Safety

# Sweet Home School District 55

Code: ECAA  
Adopted: 1/11/99  
Revised/Readopted: 6/13/22  
Orig. Code: ECAA

## Access to Buildings and Grounds

The Board directs the superintendent to control access to district buildings ~~and grounds~~ as appropriate and necessary to protect property, students and personnel.

The superintendent or designee will develop procedures to ~~Board's objectives for providing controlled access are to:~~

- ~~1. Ensure maximum protection of district property and facilities that minimizes possibilities of theft, vandalism and loss of materials and equipment;~~
- ~~2. Establish and maintain an efficient organizational plan for securing district property and facilities.~~

~~Building principals will control access to school buildings and grounds and will provide safeguards against unauthorized access to these~~ such buildings. Procedures will include staff members being responsible for district property (e.g., keys, access cards) in their possession. ~~and grounds. Each building principal, with the superintendent's approval, will develop regulations designed to control the use of buildings and grounds and access, and to ensure that buildings are adequately closed and locked when no authorized personnel are present and grounds are secured as necessary.~~

Staff who fail to obey such ~~procedures~~ regulations may be disciplined up to and including dismissal. Students who fail to obey such ~~procedures~~ regulations may be disciplined.

When reviewing policies and procedures relating to school building security, the Board must consider the installation of a panic alarm system in accordance with ORS 339.408.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)  
[ORS 332.172](#)

[ORS 339.408](#)



# Sweet Home School District 55

Code: GAA  
Adopted: 9/13/04  
Revised/Readopted: 9/12/22  
Orig. Code: GAA

## Personnel: Definitions

OSBA is recommending deleting this policy

1. A “teacher” is an employee who holds a teacher’s license or is registered to teach by TSPC.
2. A “contract teacher” is any teacher who has been regularly employed by a district for a probationary period of not more than three successive school years and who has been retained for the next succeeding school year.
3. A “probationary teacher” is one who is not a contract teacher and who is employed for at least 135 consecutive days in any school year as a teacher in the district. At least 30 consecutive days of employment in the district in a successive year shall be sufficient to keep the service intact, and the teacher shall not lose credit for previous probationary years served.
4. A “temporary teacher” is any teacher employed to fill a position designated as temporary or experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.
5. A “substitute teacher” is any teacher employed to take the place of a probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract, and does the work of the regularly assigned teacher during the latter’s absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually in accordance with the provisions of Oregon law.
6. An “intern teacher” is a regularly enrolled candidate of an approved educator preparation provider, who teaches under the supervision of the staff of the provider and of the employing district, in order to acquire practical experience in teaching. The intern teacher receives both academic credit from the provider and financial compensation from the district or education service district.
7. An “administrator” is an employee who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license. An administrator includes, but is not limited to, all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts, who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services with public funds.
8. A “specialist” is an employee who has a teaching license or a letter of authorization from the Oregon Department of Education and who is employed half-time or more.
9. “Classified personnel” are those employees in job positions for which no teaching or administrative licenses are required by law.

10. "Confidential employees" are designated in accordance with Oregon law and provisions of the labor agreements between the district and its licensed and classified employees. Such employees will be excluded from any bargaining unit.

Confidential employees will be granted the benefits generally provided for classified staff in the collective bargaining agreement between the district and the classified employees' representative.

11. "Supervisory employees" are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.
12. "Administrative employee" means an employee of the district who possesses authority to formulate and carry out administrative and/or program decisions, or who represents administration's interest by taking or effectively recommending discretionary actions that control or implement district policy, and who has discretion in the performance of these administrative and/or program responsibilities beyond the routine discharge of duties. An administrative employee need not act in a supervisory capacity in relation to other employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 243.650](#)(6), (23)

[ORS 332.505](#)

[ORS 332.554](#)(3)

[ORS 342.120](#)

[ORS 342.125](#)

[ORS 342.420](#)

[ORS 342.610](#)

[ORS 342.815](#)

[ORS 342.835](#)

[ORS 342.840](#)

[ORS 342.845](#)

[OAR 584-020-0005](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

**Cross Reference(s):**

GC - Licensed Staff Positions



# Sweet Home School District 55

Code: GBA  
Adopted: 12/13/21  
Revised/Readopted: 9/12/22  
Orig. Code: GBA

## Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race<sup>1</sup>, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition<sup>2</sup>, age, veterans' status<sup>3</sup>, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability<sup>4</sup> if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be communicated provided to all students, parents of students and employees through handbooks and will be published on the district website.

The superintendent will develop other specific recruitment, interview recruiting, interviewing and evaluation procedures as are necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination[, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities].

### END OF POLICY

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<sup>1</sup> Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001. ~~(as amended by House Bill 2935 (2021)).~~

<sup>2</sup> [Certain protections ~~This unlawful employment practice~~ related to pregnancy, childbirth or a related medical condition ~~applies as described in House Bill 2341 (2019) (added to ORS 659A) applies~~ to employers who employ six or more persons (ORS 659A.106 and ORS 659A.148).] {Remove if district has six or more employees.}

<sup>3</sup> ~~The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.~~

<sup>4</sup> [Certain protections ~~This unlawful employment practice~~ related to disability ~~apply only as described in ORS 659A.112 applies~~ to employers who employ six or more persons (ORS 659A.106).] {Remove if ESD has six or more employees.}



**Legal Reference(s):**[ORS 174.100](#)[ORS 243.305](#)[ORS 326.051](#)[ORS 332.505](#)[ORS 408.225](#) – 408.237[ORS 652.210](#) - 652.220[ORS 659.850](#)[ORS 659A.003](#)[ORS 659A.006](#)[ORS 659A.009](#)[ORS 659A.029](#)[ORS 659A.030](#)[ORS 659A.082](#)[ORS 659A.109](#)[ORS 659A.112](#)[ORS 659A.147](#)[ORS 659A.820](#)[OAR 581-021-0045](#)[OAR 581-022-2405](#)[OAR 839-006-0435](#) - 0480

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024). 

**Cross Reference(s):**

AC - Nondiscrimination

ACA - Americans with Disabilities Act

# Sweet Home School District 55

Code: GBN/JBA  
Adopted: 11/09/20  
Revised/Readopted: 9/12/22; 9/09/24; 8/01/25  
Orig. Code: GBN/JBA

## Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

### General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>1</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student's educational activity or program;
  - b. Interferes with a school or district staff member's ability to perform their job; or
  - c. Creates an intimidating, offensive, or hostile environment.

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<sup>1</sup> "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

3. Assault when sexual contact occurs without consent<sup>2</sup>
4. Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance

### **Oregon Procedures**

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

#### **Foster Elementary**

|               |           |              |                                                                            |
|---------------|-----------|--------------|----------------------------------------------------------------------------|
| Shelley Nurre | Principal | 541-367-7810 | <a href="mailto:shelley.nurre@shsd55or.gov">shelley.nurre@shsd55or.gov</a> |
|---------------|-----------|--------------|----------------------------------------------------------------------------|

#### **Hawthorne Elementary**

|             |           |              |                                                                        |
|-------------|-----------|--------------|------------------------------------------------------------------------|
| Mark Looney | Principal | 541-367-7450 | <a href="mailto:mark.looney@shsd55or.gov">mark.looney@shsd55or.gov</a> |
|-------------|-----------|--------------|------------------------------------------------------------------------|

#### **Holley Elementary**

|             |           |              |                                                                        |
|-------------|-----------|--------------|------------------------------------------------------------------------|
| Josh Dargis | Principal | 541-367-7510 | <a href="mailto:josh.dargis@shsd55or.gov">josh.dargis@shsd55or.gov</a> |
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#### **Oak Heights Elementary**

|            |           |              |                                                                      |
|------------|-----------|--------------|----------------------------------------------------------------------|
| Ryan Adams | Principal | 541-367-7411 | <a href="mailto:ryan.adams@shsd55or.gov">ryan.adams@shsd55or.gov</a> |
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#### **Sweet Home Jr. High School**

|            |           |              |                                                                          |
|------------|-----------|--------------|--------------------------------------------------------------------------|
| Nate Tyler | Principal | 541-367-7411 | <a href="mailto:nate.tyler@sshdsd55or.gov">nate.tyler@sshdsd55or.gov</a> |
|------------|-----------|--------------|--------------------------------------------------------------------------|

#### **Sweet Home Charter School**

|             |           |              |                                                              |
|-------------|-----------|--------------|--------------------------------------------------------------|
| Monica Isom | Principal | 541-367-1833 | <a href="mailto:shcs@piecharter.org">shcs@piecharter.org</a> |
|-------------|-----------|--------------|--------------------------------------------------------------|

#### **Administration**

|              |                       |              |                                                                          |
|--------------|-----------------------|--------------|--------------------------------------------------------------------------|
| Terry Martin | Superintendent        | 541-367-7637 | <a href="mailto:terry.martin@shsd55or.gov">terry.martin@shsd55or.gov</a> |
| Brian Brands | Dir. of Student Serv. | 541-367-7115 | <a href="mailto:brian.brands@shsd55or.gov">brian.brands@shsd55or.gov</a> |

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

### **Response**

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<sup>2</sup> "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.



Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

### **Investigation**

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

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

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

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;

4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources

When a student or staff member is harassed by a third party, the district will consider the following:

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

### **No Retaliation**

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

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

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

### **Notices**

When a person<sup>3</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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<sup>3</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.



1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include<sup>4</sup>:

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

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<sup>4</sup> Remember confidentiality laws when providing any information.



~~Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.~~<sup>4</sup>

The notice must:

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

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request

### **FEDERAL DEFINITION AND PROCEDURES**

#### **Federal Definition**

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity<sup>5</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or

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<sup>5</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))



intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

## **Federal Procedures**

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

## **Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The director of student services is designated as the Title IX Coordinator and can be contacted at 541-367-7115. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this ~~AR policy~~. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook

## **Response**

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>6</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>7</sup> to the complainant and by following a grievance procedure<sup>8</sup> prior to imposing any disciplinary sanctions or other actions that are not

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<sup>6</sup> (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>7</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>8</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>9</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>10</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

## **Notice**

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary<sup>11</sup>, or both

## **No Retaliation**

Neither the district or any person may retaliate<sup>12</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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<sup>9</sup> The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

<sup>10</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

<sup>11</sup> Of the United States Department of Education.

<sup>12</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.



Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

## **Publication**

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

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

[ORS 243.706](#)  
[ORS 332.107](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)

[ORS 342.850](#)  
[ORS 342.865](#)  
[ORS 659.850](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).¶

¶

## **Cross Reference(s):**

AC - Nondiscrimination

ACB - Every Student Belongs

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying - Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JBA/GBN - Sexual Harassment

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

# Sweet Home School District 55

Code: JBA/GBN  
Adopted: 11/09/20  
Revised/Readopted: 9/12/22; 9/09/24; 8/01/25  
Orig. Code: JBA/GBN

## Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

### General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>1</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student's educational activity or program;
  - b. Interferes with a school or district staff member's ability to perform their job; or
  - c. Creates an intimidating, offensive, or hostile environment.

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<sup>1</sup> "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.



3. Assault when sexual contact occurs without consent<sup>2</sup>. Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

### **Oregon Procedures**

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

#### **Foster Elementary**

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| Mark Looney | Principal | 541-367-7450 | <a href="mailto:mark.looney@shsd55or.gov">mark.looney@shsd55or.gov</a> |
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#### **Holley Elementary**

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| Josh Dargis | Principal | 541-367-7510 | <a href="mailto:josh.dargis@shsd55or.gov">josh.dargis@shsd55or.gov</a> |
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#### **Sweet Home Jr. High School**

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|-------------|-----------|--------------|--------------------------------------------------------------|
| Monica Isom | Principal | 541-367-1833 | <a href="mailto:shcs@piecharter.org">shcs@piecharter.org</a> |
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#### **Administration**

|              |                |              |                                                                          |
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| Terry Martin | Superintendent | 541-367-7637 | <a href="mailto:terry.martin@shsd55or.gov">terry.martin@shsd55or.gov</a> |
|--------------|----------------|--------------|--------------------------------------------------------------------------|

|              |                       |              |                                                                          |
|--------------|-----------------------|--------------|--------------------------------------------------------------------------|
| Brian Brands | Dir. of Student Serv. | 541-367-7115 | <a href="mailto:brian.brands@shsd55or.gov">brian.brands@shsd55or.gov</a> |
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These individual(s) are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX coordinator. See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

### **Response**

---

<sup>2</sup> "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.



Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

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

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

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

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1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;

4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources

When a student or staff member is harassed by a third party, the district will consider the following:

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

### **No Retaliation**

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

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

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

### **Notices**

When a person<sup>3</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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<sup>3</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.



1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include<sup>4</sup>:

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

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<sup>4</sup> Remember confidentiality laws when providing any information.



~~Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.~~<sup>4</sup>

The notice must:

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

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request

### **FEDERAL DEFINITION AND PROCEDURES**

#### **Federal Definition**

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity<sup>5</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or

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<sup>5</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

## **Federal Procedures**

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) – Federal Law (Title IX) Sexual Harassment Complaint Procedure.

## **Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The director of student services is designated as the Title IX Coordinator and can be contacted at 541-367-7115. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook

## **Response**

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>6</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>7</sup> to the complainant and by following a grievance procedure<sup>8</sup> prior to imposing any disciplinary sanctions or other actions that are not

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<sup>6</sup> (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>7</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>8</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).



supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>9</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>10</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

### **Notice**

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary<sup>11</sup>, or both

### **No Retaliation**

Neither the district or any person may retaliate<sup>12</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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<sup>9</sup> The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

<sup>10</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

<sup>11</sup> Of the United States Department of Education.

<sup>12</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.



Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

## **Publication**

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

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

[ORS 243.706](#)  
[ORS 332.107](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)

[ORS 342.850](#)  
[ORS 342.865](#)  
[ORS 659.850](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
  
[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).¶

## **Cross Reference(s):**

GBN/JBA - Sexual Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying - Staff

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

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements