Policy Committee Meeting – 9:00 am - 11:00 am
Wednesday, January 31, 2024

145 SE Salmon DR, Redmond, OR

Virtual Access:
https://zoom.us/j/96245326034

Policy Committee Members
Keri Lopez
Amanda Page

AGENDA

March 2023 Policy Update Summary
August 2023 Policy Update Summary

- **EEAE** - Student Transportation in Private Vehicles & Charter Buses (Admin Request)
- **EFA** - Local Wellness Program (Required)
- **GCBDA/GDBDA** - Family Medical Leave (Highly Recommended)
- **GCBDF/GDBDF** - Paid Family Medical Leave Insurance (Highly Recommended)
- **GCPC/GDPC** - Retirement of Employees (Optional)
- **ICB** - Religious and Cultural Holidays (Optional)
- **IGBHD** - Program Exemptions (Highly Recommended)
- **LBE** - Public Charter Schools (Highly Recommended)
- **LBEA** - Resident Student Denial for Virtual Public Charter School Attendance (Conditionally Required)

AMERICAN WITH DISABILITIES ACT: Please contact Gina Blanchette at the district office at 541-923-8250 if you need accommodation to participate. Please telephone at least three days prior to the scheduled meeting date.

Si usted requiere servicios de interpretación, por favor contacte a Mel Salinas McCabe a 541-923-5437. Por favor, llama a lo menos tres días antes de la fecha de reunión.
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AC-AR – Discrimination Complaint Procedure, Required
EHB – Cybersecurity, Optional – New
EHB-AR – Cybersecurity, Optional – New
GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Version 1, Highly Recommended – New
GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Version 2, Optional – New
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance, (aligns with Version 1 of policy only), Highly Recommended – New
ICB – Religious and Cultural Holidays**, Optional – New
IGBHD – Program Exemptions**, Highly Recommended
JGE – Expulsion**, Required
KL – Public Complaints*/**, Version 4, Highly Recommended
KL-AR(1) – Public Complaint Procedure, Highly Recommended

COMPLAINT PROCEDURES

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

Collective Bargaining Impact
None

Local District Responsibility
Revise and re-approve administrative regulations AC-AR – Discrimination Complaint Procedure (Required) and JFCF-AR – [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, or Teen Dating Violence Reporting Procedures – Student (Required). Some districts have AC-AR as a board adopted policy: if your district has done this, the board should adopt any changes. OSBA currently has four versions of policy KL, Public Complaints. Of these, versions one, two and three have an accompanying AR, while version four does not. If the district has version four (includes the complaint procedure in the policy), revise and re-adopt KL – Public Complaints*/** (Highly Recommended). If the district uses version one, two or three of KL – Public Complaints*/**, revise and re-approve KL-AR(1) – Public Complaints (Highly Recommended).
Policy(ies) and ARs Impacted by these Revisions

AC-AR – Discrimination Complaint Procedure, Required
KL – Public Complaints*/**, Version 4, Highly Recommended
KL-AR(1) – Public Complaint Procedure, Highly Recommended

CYBERSECURITY

Summary

Cybersecurity is an increasing issue in schools across the country. To help districts establish norms and procedures, OSBA is releasing a new optional policy.

Collective Bargaining Impact

None

Local District Responsibility

Consider adopting new policy EHB – Cybersecurity (Optional) and approving EHB-AR – Cybersecurity (Optional).

Policy(ies) and ARs Impacted by these Revisions

EHB – Cybersecurity, Optional – New
EHB-AR – Cybersecurity, Optional – New

PAID FAMILY LEAVE INSURANCE

Summary

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

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

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

Collective Bargaining Impact

Districts may bargain aspects of paid family leave. Many districts have received requests to bargain regarding over these topics.
Local District Responsibility

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

Policy(ies) and ARs Impacted by these Revisions

GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Version 1, Highly Recommended – New
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance, (aligns with Version 1 of policy only), Highly Recommended – New
GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Version 2, Optional – New

CULTURAL AND RELIGIOUS HOLIDAYS

Summary

Districts are prohibited from discriminating against student, staff and community members on the basis of religion and other protected classes. To assist districts in valuing the cultural and religious backgrounds of the communities that they serve, OSBA is releasing new optional policy ICB – Religious and Cultural Holidays**. OSBA has also updated policy IGBHD – Program Exemptions** to more closely match the legal requirements for requesting an exemption from school activities.

Collective Bargaining Impact

None

Local District Responsibility

Revise and re-adopt policy IGBHD – Program Exemptions** (Highly Recommended). Consider adopting new policy ICB – Religious and Cultural Holidays** (Optional).

Policy(ies) and ARs Impacted by these Revisions

ICB – Religious and Cultural Holidays**, Optional – New
IGBHD – Program Exemptions**, Highly Recommended

EXPULSION

Summary

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

None

Local District Responsibility

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

Policy(ies) and ARs Impacted by these Revisions

JGE – Expulsion**, Required

ABOUT POLICY UPDATE

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GCBDA/GDBDA-AR(1) – Family Leave *, Highly Recommended, Version 1 or 2
GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Highly Recommended, Version 1 (Version 2 has no changes and is not included in this update)
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance (PMFLI), Highly Recommended
GCPC/GDPC – Retirement of Staff *, Optional
Health Services Plan
LBE – Public Charter Schools**, Highly Recommended
LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, Conditionally Required

CHANGES IN LAW DURING THE 2023 LEGISLATIVE SESSION
Many other bills were passed that impact policy. Some of these bills are already in effect. Policies will be updated in future releases from OSBA. These include:

- JGA – Corporal Punishment, JGAB-AR – Use of Restraint or Seclusion (SB 577 (2023));
- GCDA/GDDA – Criminal Records Checks and Fingerprinting (updates to OAR 581-021-0511);
- IGBHE – Expanded Options Programs (HB 2275 (2023));
- GBN/JBA – Sexual Harassment (HB 2280 (2023));
- Abbreviated day (SB 819 (2023) and others);
- Procurement
- Graduation requirements
- Abuse reporting hotline

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

Summary

House Bill 2805 (2023) and House Bill 2806 (2023) added new provisions to Public Meetings Law and executive sessions, expanded Oregon Government Ethics Commission (OGEC) oversight of public meetings law, and added provisions requiring a board member to receive mandatory public meetings training.

As a result of HB 2805, a person who believes the district has violated identified provisions of public meetings law may be able to file a grievance with the district in accordance with law. The new public meetings law provisions to file a grievance become effective in September 2023.

The new public meetings law provisions for executive sessions (HB 2806), which now include considering matters relating to the safety of the board, district staff and volunteers and the security of district facilities and meeting spaces, as well as considering matters relating to cyber security infrastructure and responses to cyber security threats, are effective now.

The new board member training requirement takes effect January 1, 2024.

Collective Bargaining Impact

None

Local District Responsibility

Review the recommended changes for policies BD/BDA – Board Meetings, and BDC – Executive Sessions, propose to the board for readoption.

Policy(ies) and ARs Impacted by these Revisions

BD/BDA – Board Meetings, Optional
BDC – Executive Sessions, Optional

BOARD STIPENDS AND EXPENSE REIMBURSEMENTS

Summary

Previously, Oregon Revised Statute (ORS) 332.018 prohibited board members from receiving any compensation from the district. During the 2023 Legislative session, House Bill (HB) 2753 passed and became effective July 18, 2023. This law removes the prohibition on compensation and allows school district boards to provide each “voting member of the board with a stipend in an amount determined by the board, not to exceed $500 per month.”

The Oregon Government Ethics Commission recently indicated that they will be issuing guidance regarding board action with regard to stipends. As soon as this guidance is released, OSBA will release additional information, including updates to existing policy, as necessary.

No new or updated OSBA sample policies or administrative regulations released in this update.
PHYSICAL EDUCATION REQUIREMENTS

Summary

House Bill 3199 (2023) revised physical education requirements for upper elementary grades from 225 minutes down to “an average of 150 minutes during each school week, as calculated over the duration of the school year.” As was with previous law, grade 6 students must meet standards in the school where they are taught, i.e., if taught in same school as grade 5 and below, each student must “participate in physical education for the entire school year for at least 150 minutes during each school week.

Collective Bargaining Impact

None

Local District Responsibility

Review the district’s current policy EFA – Local Wellness, and if the PE requirements are included as goals under the Physical Activity and Education section, revise it to include the new requirements. If the district has not yet updated policy EFA – Local Wellness, consider doing it now. An updated version of EFA would not require EFA-AR, so review the board’s manual and rescind EFA-AR if the board updates policy EFA; there is no longer an OSBA model for EFA-AR.

Policy(ies) and ARs Impacted by these Revisions

EFA – Local Wellness, Required

EMLOYEE LEAVE

Summary

During the 2023 Legislative Session, multiple bills were passed amending Paid Family Medical Leave Insurance (PFMLI) and the Oregon Family Leave Act (OFLA). Additionally, administrative rules have been implemented. The changes to these policies reflect those amendments. These leave laws apply differently to districts based on the number of employees that a district has. Version 1 of GCBDA/GDBDA - Family Medical Leave * and its Administrative Regulation (AR) are for districts with 50 or more employees (the district is subject to OFLA and employees may be eligible for FMLA). Version 2 of GCBDA/GDBDA - Family Medical Leave * and its AR are for districts with between 25 and 50 employees (the district is subject to OFLA, but employees will generally not be eligible for FMLA). If the district has fewer than 25 employees, OSBA does not recommend using either of the versions of GCBDA/GDBDA and its AR unless the district wants to make these benefits available to its employees. Changes to additional GCBDA/GDBDA’s-A R’s will be made in future updates.

GCBDF/GDBDF - Paid Family Medical Leave Insurance * is not based on employee size. Version 1 of GCBDF/GDBDF Paid Family Medical Leave Insurance * and the AR are designed for districts using Paid Leave Oregon (through the Oregon Department of Employment). Version 2 of GCBDF/GDBDF - Paid Family Medical Leave Insurance * is for districts using an equivalent plan (there is no accompanying AR). Version 2 of GCBDF/GDBDF had no changes and therefore is not included in this update.
Collective Bargaining Impact

Districts may need to bargain aspects of these policies.

Local District Responsibility

The board should delete current GCBDA/GDBDA – Family Medical Leave * and GCBDA/GDBDA-AR(1) -Family Leave* and replace them with one of the new versions.

If the district is using Paid Leave Oregon (Employment Department) to administer PMFLI, the board should update version 1 of GCBDF/GDBDF – Paid Family Medical Leave Insurance * and GCBDF/GDBDF-AR – Paid Family Leave Insurance (PMFLI). If the district is using an equivalent plan for PFMLI, the board should keep version 2 of GCBDF/GDBDF – Paid Family Medical Leave Insurance * (no changes and not included in this update). If a district is using an equivalent plan, OSBA recommends that they work with the equivalent plan provider to developing procedures.

Policy(ies) and ARs Impacted by these Revisions

GCBDA/GDBDA – Family Medical Leave *, Highly Recommended, Version 1 or 2
GCBDA/GDBDA-AR(1) – Family Leave *, Highly Recommended, Version 1 or 2
GCBDF/GDBDF – Paid Family Medical Leave Insurance *, Highly Recommended, Version 1 (Version 2 has no changes and is not included in this update)
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance (PMFLI), Highly Recommended

PERS RETIREMENT

Summary

The only change resulting from passing House Bill 2296 (2023) extends the sunset for the 2019 law revision to the end of 2034. This summary has been provided just to inform about this change.

Collective Bargaining Impact

Review collective bargaining agreements for any provisions relating to employee retirement.

Local District Responsibility

There are no changes to policy language resulting from revisions created by House Bill 2296.

Update to legal references only.

Policy(ies) and ARs Impacted by these Revisions

GCPC/GDPC – Retirement of Staff *, Optional
HEALTH SERVICES PLAN

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

An analysis of these rule changes is still occurring and are expected to affect several policy recommendations which may include recommendations to rescind unnecessary policies.

Review the entire rule here: OAR 581-022-2220 and reach out to the Oregon Department of Education with additional questions regarding plan requirements and deadlines. ODE provided this recent news release.

No new or updated OSBA sample policies or administrative regulations released in this update.

PUBLIC CHARTER SCHOOLS

Summary
Some changes to law governing attendance at virtual public charter schools have become effective with passing of House Bill 3204 (2023). Districts may still deny enrollment if more than three percent of students residing in the district are attending a virtual public charter school not sponsored by the district. However, there are several permanent changes, two of which include a requirement to complete the percentage calculation at least twice each year and a decision by a district to not give approval requires notice to be issued by the district within 10 calendar days of receiving notice from the parent of intent to enroll their student. Such notice must now include information about the calculations which supports denial, in addition to the existing requirements to provide information about the right to appeal to the State Board and other online options available to the student (read Oregon Revised Statute (ORS) 338.125 as amended by HB 3204).

Additionally, a student is now not required to gain approval from the district where the student now resides, if the student enrolled in a virtual public charter school while living in another school district, and has maintained continuous enrollment in that school since moving into the district where the student currently resides (HB 3204).

A second bill, Senate Bill 767 (2023), created new law added to Chapter 338 governing the operation of a nonvirtual public charter school by a public charter school in a nonsponsoring school district and revised ORS 332.158. The bill does exempt schools in operation prior to the effective date of the new law, if other requirements outlined in the new provisions are met. Read the bill (SB 767) to gain further understanding of the requirements.

Both of these new bills are effective now.

Collective Bargaining Impact
None
Local District Responsibility

If the district previously adopted policy LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, and wishes to continue the practice established by policy, update policy language and submit to the board for readoption. The language in LBEA was previously part of recommended language in policy LBE - Public Charter Schools** until creation of LBEA. The district should review their version of LBE and if adopted prior to 2021, consider an update to LBE as well. In policy LBE, review the recommended changes and readopt this highly recommended language.

Policy(ies) and ARs Impacted by these Revisions

LBE – Public Charter Schools**, Highly Recommended
LBEA – Resident Student Denial for Virtual Public Charter School Attendance**, Conditionally Required

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Student Transportation in Private Vehicles and Charter Buses

Transportation of students will be by the district’s transportation system or as indicated below.

Private Vehicles

School district employees and parents may be permitted to use private vehicles to transport students on field trips or other school activities under the following conditions:

1. The school administrator has approved the activity;

2. A permission slip signed by each student’s parent(s)/guardian(s) has been received by the principal or his or her designee, granting permission for the student to participate in the field trip and to ride in a privately-owned automobile.

Transportation of students for non-curricular activities and athletic events, when possible, will be provided by Redmond School District Transportation Services certified drivers. However, if students are not provided transportation by Redmond School District certified drivers, students are required to provide and arrange for their own transportation to the location where the non-curricular activity or athletic event will take place. Redmond School District assumes no liability for transportation that is provided by the student or the student’s parent to such non-curricular activities or athletic contests, practices or activities, regardless of whether school is in or out of session. Instructional field trips and special activities are subjected to all District policies and administrative regulations will be enforced on all field trips and school sponsored tours and activities, including those in another city or state. Trips and activities that require private transportation must adhere to these policies.

Charter Buses

Students may be transported by charter buses under the following conditions:

1. The school administrator has approved the activity;

2. A permission slip signed by each student’s parent(s)/guardian(s) has been received by the principal or his or her designee, granting permission for the student to participate in the field trip and to ride in a Charter bus;

3. Charter bus companies must provide proof of pre-employment screening (drug/alcohol testing, criminal background checks) for its drivers. An insurance certificate must be provided, and the Charter bus company must have met criteria as established by the Oregon Department of Education. This information must be on file at Transportation Services.

END OF POLICY

Legal Reference(s):
Cross Reference(s):

IICA - Field Trips and Special Events
Local Wellness Program

Required. Title 7 C.F.R. 210.31(a) requires local education agencies to “establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast Program...”. The law describes the policy as “a written plan that includes” various components intended to improve student wellness. This policy is designed to meet the requirements for a wellness policy and provide the framework for the district's plan. Previously these requirements were split between the policy and an administrative regulation (AR). All required and/or related content is now included in the model policy, therefore OSBA recommends deleting the AR if the district previously included it in the board's policy manual. Districts should consult with stakeholders in the process of adoption and incorporate language that meets the unique needs of the district.

The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The program shall reflect the Board’s commitment to providing adequate time for instruction that fosters healthy eating through nutrition education and promotion, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate.

The district superintendent or designee shall establish a Wellness Advisory Committee to advise the district in the development, review and update of the local wellness policy.

POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

Implementation

The district shall manage and coordinate the implementation of this local wellness policy. Implementation will consist of, but not be limited to, the following:

1. Delineating roles, responsibilities, actions and timelines specific to each school;
2. Generating and disseminating information about who will be responsible to make what change, by how much, where and when;
3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;
4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, CACFP or risk after school, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and

5. Establishing specific goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness.

The Board designates the principal(s) or their designee to be responsible for ensuring each school meets the goals outlined and complies with this policy.

Record Keeping

The district will retain the following records to document compliance with the local wellness policy requirements at the district’s administrative offices:

1. The written local wellness policy;

6. Documentation to demonstrate the policy has been made available to the public;

7. Documentation of efforts to review and update the local wellness policy, including an indication of who participates in the update and the methods the district uses to make stakeholders aware of their ability to participate;

8. Documentation of the district’s most recent assessment on the implementation of the local wellness policy;

9. Documentation to demonstrate the most recent assessment on the implementation of the local wellness policy has been made available to the public.

Notification of Policy

The district will inform the public about the content and implementation of the local wellness policy, and post the policy and any updates to the policy on the district website annually. Included will be, if available, the most recent assessment of the implementation, and a description of the progress being made in attaining the goals of the policy. The district will publicize the name and contact information of the district or school official(s) leading and coordinating the policy and information on how the public can get involved with the local wellness policy. This information will be published on the district’s website and in district communications.

Triennial Progress Assessments

At least once every three years, the district will evaluate the implementation of this policy and its progress with a triennial assessment and produce a progress report that will include:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
10. The extent to which the district’s policy compares to model local school wellness policy¹; and

11. A description of the progress made in attaining the goals of the district’s policy.

The district will publish the triennial progress report on the district website when available. The district will update or modify the policy based on results of the triennial assessment.

**Community Involvement, Outreach and Communications (Review of, and Updating Policy)**²

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy. The district will communicate information about opportunities on the district’s website, and/or in district or school communications. The district will ensure that communications are culturally and linguistically appropriate to the community.

Parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the Board, school administrators, and the general public will be solicited to participate in the periodic review and update of the local school wellness policy.

**Nutrition Promotion and Nutrition Education**

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based strategies and techniques and nutrition messages and by creating food environments that support healthy nutrition choices.

Nutrition promotion and nutrition education shall be a **sequential and integrated** focus on improving students’ eating behaviors, reflect evidence-based strategies and be consistent with state and local district health education standards.

To promote nutrition education in the schools, the principal is responsible for ensuring the following goals are implemented:

1. Students and staff will receive consistent nutrition messages throughout the school environment;

12. Nutrition education is provided throughout the student’s school years as part of the district’s age-appropriate, comprehensive nutrition program (which includes the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, and handling and storage related to food and eating), and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;

13. Nutrition education will include culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;

¹ [Model Wellness Policy resource published by the Alliance for a Healthier Generation. OSBA makes no representation of its compliance by providing this resource.](http://example.com)

² [USDA Local school wellness policy resource; CDC resource; CDC Healthy Schools resource; USDA Local school wellness policy outreach toolkit and communication resource from Alliance for a Healthier Generation.](http://example.com)
14. Teachers will receive curriculum-specific training;

15. Parents and families are encouraged through school communications to send healthy snacks/meals and reusable water bottles with their student to school;

16. Families and community organizations are involved, to the extent practicable, in nutrition education;

17. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes).

Nutrition promotion, including marketing and advertising nutritious foods and beverages to students, will be implemented consistently through a comprehensive and multi-channel approach, (e.g., in the classroom, cafeteria and at home) by staff, teachers, parents, students and the community.

To ensure adequate nutrition promotion, the following goals will be implemented:

1. Information about available meal programs is distributed prior to or at the beginning of the school year and at other times throughout the school year;

2. Information about availability and location of a Summer Food Service Program (SFSP) is distributed;

18. Families are invited to attend exhibitions of student nutrition projects, school garden activities, or health fairs;

School Meals

Schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition program(s), administered through the Oregon Department of Education (ODE) which may include the NSLP, the SBP, Fresh Fruit & Vegetable Program (FFVP), Summer Food Service Program (SFSP) and CACFP at-risk afterschool snack/supper program(s) at eligible sites. The district also operates additional nutrition-related programs and activities including Farm-to-School programs, school gardens, Breakfast in the Classroom, Mobile Breakfast carts or Grab ‘n’ Go Breakfast.

The district’s available meal program(s) will operate to meet meal pattern requirements and dietary specifications in accordance with the Healthy, Hunger-Free Kids Act and applicable federal laws and regulations.

The principal(s) and building staff will support nutrition and food services operation as addressed in Board policy EFAA – District Nutrition and Food Services and its accompanying administrative regulation EFAA-AR – Reimbursable Meals and Milk Programs.

Water

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.
Competitive Foods and Beverages

The district controls the sale of all competitive foods. All foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed Smart Snacks Standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, a la carte options in cafeterias, vending machines, school stores, snack shops or food carts and fund raising.

Celebrations and Rewards/Incentives

All foods and beverages offered on the school campus are encouraged to meet the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, and classroom snacks brought by parents.

Food and Beverage Marketing in Schools

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards for competitive foods set by the USDA.

Physical Activity and Physical Education

A quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minute requirements in order to meet ODE’s physical education content standards and state law. Physical activity should be included in the school’s daily education program for grades [pre-]K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

In order to ensure students are afforded the opportunity to engage in physical education and physical activity in the school setting, the following goals are established:

1. Physical education will be a course of study that focuses on students’ physical literacy and development of motor skills; 

19. Staff encourages and provides support for parental involvement in their children’s physical education;

20. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;

Instruction, provided by adequately prepared teachers, i.e., licensed or endorsed to teach physical education, will meet the state adopted academic content standards for physical education (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities annually;

1. Physical activity will be integrated across curricula and throughout the school day.

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3 Oregon Department of Education,
21. Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be used as a punishment or a reward.

Other Activities that Promote Student Wellness

The district will integrate wellness activities throughout the entire school environment (districtwide). The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward the same set of goals promoting student well-being, optimal development and strong educational outcomes.

Employee Wellness

The district encourages staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school’s overall wellness program. Many actions and conditions that affect the health of staff may also influence the health and learning of students. The physical and mental health of staff is integral to promoting and protecting the health of students and helps foster their academic success. The district’s Employee Wellness Program will promote health, reduce risky behaviors of employees and identify and correct conditions in the workplace that can compromise the health of staff, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will collaborate with community partners to identify programs, services and/or resources to compliment and enrich employee wellness endeavors.

The district’s Employee Wellness Program may include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees’ needs and interests;

22. Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;

23. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;

24. Education and resources to help employees make decisions about health care; and

25. Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

Definitions
1. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.

26. “Food and beverage marketing” is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.

27. “Oregon Smart Snacks Standards” means the State’s minimum nutrition standards for competitive foods and beverages (ORS 336.423).

28. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day, i.e., at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities.

“School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction of the school that are accessible to students during the school day.

END OF POLICY

Legal Reference(s):

4 This term includes, but is not limited to, the following: brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container; displays, such as on vending machine exteriors; corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance.); corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district; advertisements in school publications or school mailings; free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

5 Oregon Department of Education, Oregon Smart Snacks Standards
ROSS 327.531        ORS 336.423        OAR 581-051-0306
ROSS 327.537        ORS 329.496        OAR 581-051-0310
ROSS 332.107        OAR 581-051-0100        OAR 581-051-0400

House Bill 3199 (2023).

Cross Reference(s):

EF AA - District Nutrition and Food Services
EFC - Vending Machines and School Stores
Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA)\(^1\) of 1993, the Oregon Family Leave Act (OFLA)\(^2\) of 1995, state and federal family medical leave acts, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act of 2008 (OMFLA), Paid Family Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee’s worksite, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.\(^3\)

OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.\(^4\)

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least the previous 12 months, and have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the requested family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar

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\(^1\) Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee “is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.” See 29 CFR 825.110(a)(3). Consequently, FMLA applies to districts with fewer than 50 employees, but individual employees will not be eligible to receive benefits.

\(^2\) OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)
days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week. Special requirements apply during public health emergencies when determining employee eligibility for parental leave.

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

PMFLI is generally available to district employees who have earned $1,000 in subject wages or taxable income during the alternate or base years, contributed to the PMFLI fund in the alternate or base years, and are otherwise eligible.

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

Legal Reference(s):

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3 The wages are not required to have been earned for work in the district.

4 See OAR 471-070-1010 for additional information.


Senate Bill 999 (2023)

**Cross Reference(s):**

GCBDD/GDBDD - Sick Time (SB 454) and Sick Leave (ORS 332.507)
OSBA Model Sample Policy

Code: GCBDF/GDBDF

Adopted:

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

*Optional policy. This version is designed for districts providing an equivalent plan instead of using Paid Leave Oregon.*

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

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

END OF POLICY

Legal Reference(s):

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

2 For poster requirements, see OAR 471-070-2330.

3 By hand delivery, regular mail, or through an electronic delivery method.
Retirement of Employees

{Senate Bill (SB) 1049 (2019) made it possible for employees to retire under PERS and work for a PERS-covered employer, without hour restrictions in most situations. House Bill (HB) 2296 (2023) extends this law to 2034. The law does not require districts to allow PERS-retired employees to work in the district, rather, leaves the decision up to the district. OSBA encourages districts to evaluate the situation (including financial impacts) prior to making a decision regarding these employees. If districts do allow retired employees to return to work, OSBA recommends working with legal counsel to develop criteria and procedures that can be consistently implemented. Also consider the bargaining impacts of the selected practice.}

To assist the district in its planning efforts, staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

{Retiring employees are encouraged to coordinate with PERS and the Human Resources Department to ensure that all requirements are met. The superintendent will develop requirements, limitations and procedures for employment as a PERS-retiree.¹}

{Regarding PERS workback, there are three main options for districts, please choose one of the following:}

{When an employee of the district retires under PERS, that employee’s employment with the district will terminate. Individuals who have retired under PERS are not eligible for employment in the district.²}

{OR}

{When an employee of the district retires under PERS, that employee’s employment with the district will terminate. PERS-retired individuals may apply for open positions with the district.³}

{OR}

¹ {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

² {There must be a break in service for retired employees returning to work.}

³ {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}
District employees will be allowed to retire under PERS and return to their position in the district (only for the remainder of the school year).©-

END OF POLICY

Legal Reference(s):
House Bill 2296 (2023).
OSBA Model Sample Policy

Religious and Cultural Holidays**

{Optional policy. The district could adopt portions of the policy or make changes to better meet the district’s needs. If the district adopts this policy, OSBA encourages the district to engage the community to determine what the major holidays are in your community.}

Accommodation for Religious Instruction and Cultural Observance

The district recognizes each student’s individual right to free exercise of religion. The district may accommodate students’ religious or cultural¹ observance, while neither promoting one religion or culture over another nor preferring religion over non-religion. Specific requests for religious or cultural accommodation should be directed to the student’s teacher or principal (in accordance with Board policy IGBHD - Program Exemptions).

Release Time for Religious and Instruction and Cultural Holidays

The district will permit elementary and secondary school students to be released from school each week consistently for religious instruction in accordance with Oregon law (and Board policy JEF - Release Time for Religious Instruction).

Accommodation of Absences for Religious and Cultural Reasons

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

Scheduling Around Major Religious and Cultural Holidays

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

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

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

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

⁴ If such obligations occur in the evening, then there would be no constraints on scheduling such activities during the school day, so long as the students will be timely released to engage in such evening activities.
1. Schoolwide and Gradewide Events. Schools should avoid scheduling important events that by their nature cannot be made up (such as picture day, open house, prom, graduation, and Outdoor School) on days that conflict with major religious or cultural holidays that may impact student attendance or participation. Such events shall be scheduled on major religious or cultural holidays only if such scheduling is reasonably necessary to carry out the proper functioning of a school program or course of study, to avoid an unreasonable burden on other students, or if such scheduling is outside the control of school employees.‡

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

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

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

3. Tests and Assignments. Any tests and assignments a student misses because of religious instruction or religious or cultural observances shall be given to the student at another time. Teachers shall provide students a meaningful opportunity and reasonable time to make up missed classwork, tests, quizzes, and final exam reviews, and to complete homework due on that day or the following school day. When scheduling tests, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Make-up opportunities will not be required of a student on the school day immediately after a student is absent from school to observe a major religious or cultural holiday.§

4. Final Exams. Final exams are scheduled based on the district-adopted calendar. The Board should consider the likely resulting exam schedule and possible conflicts with major religious or cultural holidays as they consider calendar options.¶

Communication‡

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

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

END OF POLICY

Legal Reference(s):

<table>
<thead>
<tr>
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<td>ORS 336.625</td>
<td>OAR 581-021-0009</td>
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Program Exemptions

{Highly recommended policy. The content comes primarily from OAR 581-021-0009. If the district would like to add language regarding procedure or authority, it could be added to this policy or an AR could be created.}

The District may excuse students from a state-required program or learning activity for reasons of religion, disability¹ or other reasons deemed appropriate by the district. Requests for excusal or accommodation must be in writing and must include the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt. Requests may be filed by the student’s parent or guardian, or by a student who is 18 years of age or older or who is an emancipated minor. Requests must be submitted to the [teacher or principal] or other reasons deemed appropriate by the district.

The district will determine if credit will be granted for any. An alternative activity program for credit may be provided.

END OF POLICY

Legal Reference(s):

¹ If the district receives a request for a disability accommodation, the district should consider its obligations under the Individuals with Disabilities in Education Act and Section 504 of the Rehabilitation Act.
ORS 336.035(2)  ORS 336.635  OAR 581-021-0071
ORS 336.465  OAR 581-022-2050
ORS 336.615  OAR 581-002-0035  OAR 581-022-2110
ORS 336.625  OAR 581-021-0009  OAR 581-022-2505

Cross Reference(s):

IGACA - Recognition of Religious Beliefs and Customs
IGAI - Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education
JED - Student Absences and Excuses
Public Charter Schools

Public charter schools may be established as a new public school or a virtual public school, from one or more existing public schools in the district or a portion of the school, or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution, or encompass all the schools in the district unless the district is composed of only one school.

Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

An applicant must submit a complete public charter school proposal that meets the requirements of Oregon law, and includes other information required by the district in the application process.

The public charter school will be located and operated within the sponsoring district except where authorized by law.

The public charter school employer will be determined with each proposal. If the district is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the
agreement apply. If the district is not the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.

The district will determine if it has any vacant or unused buildings and make a list of such buildings; buildings may be made available for public charter school use, subject to Board approval and Board policy. Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials are available.¹ Students must adhere to state law, Board policies, regulations, and rules concerning student conduct and discipline.

Public charter school students in grades K-8 may participate in their resident district’s activities that are offered before or after regular school hours. Public charter school students in grades 9-12 may participate in their resident district’s available activities that are sanctioned by the Oregon School Activities Association (OSAA) when the requirements found in Oregon law are met.

The district will not provide instructional materials, lesson plans, or curriculum guides for use in a public charter school.

The superintendent will develop administrative regulations to include, but not limited to, the proposal process, review, and appeal procedures, and program evaluation, renewal, and termination.

END OF POLICY

Legal Reference(s):

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¹ This does not apply to the Oregon law related to OSAA-sanctioned activity participation.
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<thead>
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<td>ORS 332.107</td>
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[Senate Bill 767](https://www.leg.state.or.us/) (2023).
Resident Student Denial for Virtual Public Charter School Attendance**

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district.

The district will semiannually, by October 1 and April 1, calculate the percentage of the number of students residing in the district, who are attending in a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school, subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305(2).

A. The district may send a notice of approval or disapproval to a parent of a student who has sent a notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment.

If the district is not approving the enrollment, the (See OAR 581-026-0305(2)). The district must respond with a decision to not give approval or disapproval to a parent within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;

2. The right to appeal the decision to the State Board of Education;

3. A list of two or more other online options available to the student; and

A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;

2. The number of students residing in the district enrolled in public charter schools located in the district;

3. The number of students residing in the district enrolled in virtual public charter schools;

*Parent* means parent, legal guardian or person in *parental relationship* as defined in Oregon Revised Statute (ORS) 430.132.
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and

5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

Legal Reference(s):

ORS 332.107  OAR 581-026-0305
ORS 338.125  OAR 581-026-0310

House Bill 3024 (2023).