



Northwest Regional  
Education Service District

## BOARD PACKET

# MATERIALES DE LA MESA DIRECTIVA

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November 17, 2020

20 de Noviembre de 2020

6:00PM - 8:00PM

CONTACT/CONTACTO

Lauren Slyh O'Driscoll

lslyh@nwresd.org | 503-614-1401



# Northwest Regional Education Service District

**Welcome to this Public Meeting of the  
NWRESD Board of Directors  
Regular Meeting**

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**November 17, 2020**

[Virtual Meeting: Register Here!](#)

6:00 PM	1.	<p><b><u>CALL TO ORDER</u></b> Board: Renee Bruce, Karen Cunningham, Tony Erickson, Dave Hollandsworth, DaWayne Judd, Marilyn McGlasson, Lisa Poehlitz, Chris Riley, Ross Tomlin</p>	Chair Poehlitz
6:02 PM	2.	<p><b><u><a href="#">PLEDGE OF ALLEGIANCE</a> / <a href="#">LAND ACKNOWLEDGEMENT</a></u></b></p>	Chair Poehlitz
6:07 PM	3.	<p><b><u>AGENDA REVIEW/REVISION</u></b></p>	Chair Poehlitz
6:10 PM	4.	<p><b><u><a href="#">SUPERINTENDENT REPORT</a></u></b></p>	Dan Goldman
6:30 PM	5.	<p><b><u>COMMUNICATIONS TO THE BOARD/PUBLIC COMMENT</u></b> <i>The Northwest Regional Education Service District Board of Directors appreciates community members sharing information during public comments. The Board requests comments be limited to three (3) minutes per speaker. Speakers will state their name and home address for the record. While the Board does not respond to public comment, following the meeting, the Chair, Vice Chair, and Superintendent will together determine the appropriate level of response. Speakers may offer objective criticism of district operations or programs, but the Board will not hear complaints concerning specific district personnel.</i></p>	Chair Poehlitz
6:40 PM	6.	<p><b><u>2020-2021 RECOGNITION AND GOOD NEWS</u></b> A. Front Desk Receptionists</p>	Kelsey Cardwell
7:00 PM	7.	<p><b><u>CONSENT AGENDA</u></b> A. <a href="#">October Board Meeting Minutes</a> B. <a href="#">Personnel Action Report</a></p>	Lauren O'Driscoll Joseph Hernandez
7:02 PM	8.	<p><b><u>REPORTS AND DISCUSSIONS</u></b> A. <a href="#">All Students Belong: Policy ACB - First Reading</a> B. COVID-19 Update: <a href="#">New Statewide Metrics</a>  C. <a href="#">Administrative Reports</a></p>	Joseph Hernandez Dan Goldman & Sarah Pope Dan Goldman
7:35 PM	9.	<p><b><u>ACTION ITEMS</u></b> A. <a href="#">November Financial Report</a> B. <a href="#">Policy Updates - Second Reading</a> C. OSBA Elections:     i. <a href="#">Resolution to adopt the OSBA 2021-22 Legislative Priorities and Principles</a>     ii. <a href="#">Board of Directors Election - Position 15</a></p>	Tami Montague Joseph Hernandez Dan Goldman
7:50 PM	10.	<p><b><u>GOOD OF THE ORDER</u></b></p>	Chair Poehlitz

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Next Meeting: December 15, 2020

### **PUBLIC PARTICIPATION IN BOARD MEETINGS**

1. A visitor wishing to make public comment may contact the Board Secretary by emailing [lslyh@nwresd.org](mailto:lslyh@nwresd.org) or using the Q&A feature in the Zoom Webinar prior to the start of the meeting. Please include your name and address in your message and the topic for which you would like to provide public comment.
2. Members of the public will be asked to speak under item 5. **COMMUNICATIONS TO THE BOARD/PUBLIC COMMENT**
3. After being recognized by the Board chair, the speaker will be transitioned into the virtual webinar as a panelist. Please identify yourself: **full name and address and state your purpose in addressing the Board.**
4. A group of visitors with a common purpose should designate a speaker for the group.
5. Comments or statements by members of the public are limited to 3 minutes and should be brief and concise unless otherwise authorized by the Chair.
6. Speakers may comment on a topic not on the published agenda, however, the Board - at its discretion - may require that the proposal, inquiry, or request be submitted in writing. The Board reserves the right to refer the matter to the administration for action or study and to report at a subsequent meeting.
7. When meetings are large or controversial, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda or non-agenda item, may do so at the discretion of the Board Chair. The Chair will determine the amount of time that will be allotted for each individual.
8. Speakers may offer objective criticism of district operations or programs but the Board will not hear complaints concerning specific district personnel. Complaints against individuals must be addressed by following the steps in Policy KL ("Public Complaints") and Procedure KL-AR ("Complaint Form").
9. These procedures will be published on the back of every Board meeting agenda.

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### **2020-21 NWRESD Board Goals**

1. Attend board meetings consistently and arrive prepared to discuss presented materials.
2. Ensure board/superintendent working agreements are known, practiced, and monitored.
3. Improve Board governance.
4. Learn more about regional programs using the ESD Equity Lens.



Northwest Regional  
Education Service District

# PLEDGE OF ALLEGIANCE





## INDIGENOUS LAND ACKNOWLEDGEMENT

# THE LAND UPON WHICH WE STAND.

“WE WANT TO ACKNOWLEDGE THAT WE GATHER AS THE NORTHWEST REGIONAL ESD ON THE TRADITIONAL LANDS OF THE **ATFALATI** (TUALATIN/WAPATO LAKE), **NEKELIM** (NEHALEM), **SILETZ** AND **TILLAMOOK** PEOPLES, PAST AND PRESENT, AND HONOR WITH GRATITUDE THE LAND ITSELF AND THE PEOPLE WHO HAVE STEWARDED IT THROUGHOUT THE GENERATIONS.”

-ADAPTED FROM DELILAH FRIEDLER



# Northwest Regional Education Service District

November 17, 2020

TO: Board of Directors

FR: Dan Goldman, Superintendent

RE: November Superintendent Report

EXPLANATION: Please find attached the Superintendent Report.

PRESENTER(S): Dan Goldman, Superintendent

SUPPLEMENTARY MATERIALS: November Superintendent Report

RECOMMENDATION: N/A

PROPOSED MOTION: N/A



November 17, 2020

### **COVID-19 Update**

As we will discuss later this evening, there have been significant changes in the statewide guidance for increasing face-to-face instruction during the ongoing pandemic. While the changes reposition some decision-making capacity to the county/district level, data-based decision rules based on case rates (or counts in smaller population counties such as Tillamook) and test positivity are still required. More emphasis (and decision-making authority) has been shifted to Local Public Health Authorities (LPHA) in each county. The ESD has been convening weekly meetings between school and LPHA personnel in an effort to ensure both systems have the capacity to prevent and address potential outbreaks and to improve lines of communication between these systems.

After a significant spike in COVID-19 cases, the Governor is requiring nine counties - including Washington County - to begin a two-week pause of social activities starting on Nov. 11. According to the Oregon Department of Education, this pause should not significantly delay our efforts to begin serving a very small number of students in "limited in-person instruction." Towards this end, our Reopening Schools Team is currently evaluating services and individual students whose needs cannot be adequately met in the comprehensive distance-learning framework. We also continue to practice and refine safety and health protocols within each of our facilities with the goal of being prepared for increased face-to-face services in the future.

### **All Students Belong: New Administrative Rule from ODE**

In late September, the Oregon Department of Education (ODE) filed a [temporary administrative rule](#) with the Secretary of State, adopted by the State Board of Education, called **All Students Belong**. It focuses on the health and safety of our students and educators by creating a safer and more inclusive school climate. All Students Belong specifically bans the use of three hate symbols: the noose, swastika, and the confederate flag. Tonight, the Board will review the NWRESD policy recommendation.

The week before the national election, all of our staff across the Agency engaged in learning about the All Students Belong guidance and collaborated on best practices in interrupting racism and creating safe online spaces for students. The timing of this effort was purposeful as students have been experiencing increased racialized rhetoric in the run up to November 7. Our administrators and teacher leaders from all departments and schools led their staff in a required 30-minute session developed by members of our Instructional Services Team. While this is only one step in an ongoing process to combat racism in educational spaces, I am proud of how eager and motivated our staff are to improve as active anti-racist educators.

## **Budget & Legislative Update**

By the next time the Board meets in December, the Governor will have released her budget framework for the coming biennium and we will have received the next revenue forecast (Nov. 18). Despite the Improved Forecast in September, the future budget picture is gloomy. The 2021-23 Budget shortfall is estimated to be \$800m to \$1b. A bright spot is the Commercial Activity Tax (CAT), projected to bring in \$2.2b.

While many, many aspects of Governor Brown's plan are unknown, there is wide speculation that the State School Fund (SSF) will be flat-funded at \$9b for the biennium. With the enormous challenges we are facing in navigating the pandemic, along with assumptions for typical roll-up costs for school districts and the ESD, flat-funding will almost certainly precipitate budget reductions across the region. It is still unclear if many of our state grants and contracts will be similarly impacted in Governor Brown's budget, but we are expecting a very challenging legislative session and budget cycle.

The Session: the election resulted in democrats maintaining majorities in the Oregon house and senate; however, republicans picked up one seat in the House ending the super-majority in both chambers. It is rumored that the Governor will call a special session of the Legislature during Thanksgiving week and that all hearings will be held in virtual settings (likely for the general session, as well). This translates to less hearings and fewer opportunities to engage legislators at the capital. The general session will start on January 19.

We expect fewer bills because of the need to focus on the Budget, COVID (limitations on virtual hearings), and fire relief issues. Primary issues of concern identified by OAESD

- SSF flat-funding
  - \$9b and DAS' current service level calculations being based on a 50/50 split of funds for 2019/2021;
  - Maintaining the SSA investments outside of the SSF
- Maintain/expand funding for CTE/M98; Low-Incidence Regional Programs, EI/ECSE
- Liability protection during COVID pandemic
- Dual Credit Transferability

## **Local Service Plan**

Despite the downward forecast (which will impact the funds our districts are expected to receive from the ESD next year), our 20 school district superintendents recently unanimously approved our local service plan for the 2021-22 school year. The ESD Board will be asked to approve the plan next month, which will precipitate voting by our component school boards prior to March 1.

In accordance with ORS 334, the LSP must be approved by school boards representing two-thirds of the component districts with greater than 50 percent of the students voting in favor of the plan.

The timeline for LSP development and approval is as follows:

- **October:** NWRESA previews potential changes to Local Service Plan



- **November:** District Superintendents approve CORE services
- **December:** NWRESD Board adopts Local Service Plan
- **January:** NWRESD distributes Local Service Plan and Resolution to component districts for District Board approval
- **March:** School Districts return Board approved Resolution for Local Service Plan as per ORS 334.175 by March 1. NWRESD opens LSP Online system for district selections
- **April 15:** Districts finalize LSP Plans in LSP Online

The only significant change in next year's LSP is the inclusion of programs and services funded by the Student Success Act; specifically, school improvement networks (early learning, mental and behavioral health, instructional coaching, preK-3rd grade reading, and racial equity), community engagement, and assessment and data services.

### **Action Plans - Strat Plan 4.1 and 5.1**

Our operational departments (HR, Fiscal, Facilities, Communications, Equity & Family Partnerships, and I.T.) are completing first drafts of Action Plans (APs) aligned to the strategies and metrics in the board's adopted strategic plan. ARs are a significant body of work involving multiple stakeholders working to identify high leverage adult actions, monitoring activities, and professional learning needs to implement change in and across departments. Family partnership plays a central role in the planning and monitoring of our efforts. We will report on this initial effort into department level action planning at an upcoming board meeting.

### **New Administrator Introductions**

I am pleased to introduce three new NWRESD administrators to the Board: Victor Cato, Karen Dalbey, and Bethany Bowers.

Karen Dalbey is being recommended to the Board as our next Coordinator of Early Intervention/Early Childhood Special Education. Karen is coming to us from the Sherwood School District, where she has served as their Director of Special Programs since 2011. For the past three years, Karen has led SSD's Early Learning Team where she spearheaded the creation and expansion of high quality early learning programs. Prior to 2011, Karen was Sherwood's Special Programs Coordinator and a school psychologist.

Victor Cato is being recommended to the Board to become our next Talent Acquisition & Retention Manager. Victor is coming to us from Clackamas ESD, where he served as their Diversity Recruitment and Inclusion Coordinator. Victor has a wide array of educational and Human Resources prior experiences, working for the City of Portland as their Equity and Inclusion Manager, the Oregon Department of Education as their Strategic Initiatives and Special Projects Administrator, and a CTE teacher and coordinator at the K-12 and postsecondary levels in Louisiana.

Bethany Bowers is our new Special Education Coordinator of the Blind-Visually Impaired Program and Principal of the Day Treatment Program in Tigard. Bethany has worked with the NWRESD since 2017 as a school psychologist and behavior specialist, leading a number of professional learning and consultation projects including Quality IEP Development, Crisis Intervention, and programs for

students with Traumatic Brain Injury. Prior to coming to the ESD, Bethany worked in the Tigard-Tualatin schools as an elementary school counselor and psychologist.



Northwest Regional  
Education Service District

# CONSENT AGENDA



# Northwest Regional Education Service District

October 20, 2020

TO: Board of Directors

FR: Dan Goldman, Superintendent

RE: November 17 Consent Agenda

EXPLANATION: Consent Agenda as follows

A. Approval of October Minutes

B. Approval of Personnel Report

PRESENTER(S): Dan Goldman, Superintendent

SUPPLEMENTARY MATERIALS:

RECOMMENDATION: Approve the consent agenda.

PROPOSED MOTION: I move to approve the consent agenda as presented/amended.



# Northwest Regional Education Service District

November 17, 2020

TO: Board of Directors

FR: Lauren Slyh O'Driscoll, Board Secretary

RE: October 2020 Meeting Minutes

EXPLANATION: Please find the attached October 2020 Regular Meeting Minutes.

PRESENTER(S): Consent Agenda

SUPPLEMENTARY MATERIALS: October 20, 2020 Regular Meeting Minutes

RECOMMENDATION: Approve as presented in the consent agenda.

PROPOSED MOTION: I move to approve the October 20, 2020 minutes as presented/amended.



# Northwest Regional Education Service District

**Welcome to this Public Meeting of the  
NWRESD Board of Directors  
Regular Meeting Minutes**

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**October 20, 2020  
Virtual Meeting**

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**6:00 PM**

**1. CALL TO ORDER**

Board: Tony Erickson, Marilyn McGlasson, Lisa Poehlitz, Chris Riley, Ross Tomlin

Chair Poehlitz called the board to order at 6:01 pm.

**2. PLEDGE OF ALLEGIANCE / LAND ACKNOWLEDGEMENT**

Director Bruce led the board through the pledge, Director Erickson read the land acknowledgement.

**3. AGENDA REVIEW/REVISION**

Chair Poehlitz entertained a motion by Director McGlasson to add Items 9B and 9C to the consent agenda. The motion was seconded by Director Riley and passed unanimously.

*Karen Cunningham joined the meeting at 6:07pm.*

**4. SUPERINTENDENT REPORT**

Superintendent Goldman reviewed the report to the board and provided an update on Comprehensive Distance Learning, the status at St. Mary's Home for Boys, and preparation for the upcoming legislative session. Superintendent Goldman highlighted Crystal Greene's work as the agency grant writer and the value the grants we have received brings to our region. The superintendent also informed the board of the "All Students Belong" policy that will be coming to the board at the November meeting, and encouraged board members to attend the upcoming CAFE sessions in his report.

**5. COMMUNICATIONS TO THE BOARD/PUBLIC COMMENT**

N/A

**6. 2020-2021 RECOGNITION AND GOOD NEWS**

A. [Speech Language Pathology Team Recognition](#)

Special Student Services Executive Director Cathy Jensen introduced Ana Lia Oliva and Kate Resch, thanking them for their advocacy which has led to six speech-language pathologists in their clinical year fellowship at Northwest Regional ESD who received a \$10k scholarship award from a rural speech-language pathologist recruitment grant through the Oregon Department of Education. The scholarship recipients have also committed to two years of service at our agency.

Additionally, the team has launched the Diverse Speech-Language Pathology Pathway, a new partnership with Pacific University. These recent accomplishments on behalf of SLP services demonstrate an outstanding display of NWRESD values: equity, innovative service, partnership, and student success.

The board thanked the partners for their great and exciting work.

7. **CONSENT AGENDA**

A. [September Board Meeting Minutes](#)

B. [Personnel Action Report](#)

9B. [Quarterly Assurances - 3rd Qtr 2020](#)

9C. [Designation of Facility Consultant Agency of Record](#)

*Director Bruce noted the minutes do not include her name under attendance although she was present. The minutes have been corrected by Board Secretary O'Driscoll.*

Chair Poehlitz entertained a motion by Marilyn McGlasson to approve the consent agenda as amended. The motion was seconded by Director Riley and approved unanimously.

8.

**REPORTS AND DISCUSSIONS**

A. [Covid-19 Response Report: Limited In-Person Instruction & Evaluation Services](#)

Deputy Superintendent Sarah Pope presented the board with the Covid-19 Response Report on Limited In-Person Instruction and Evaluation Services.

B. [Policy Updates - First Reading](#)

CHRO Joseph Hernandez presented the board with an overview of proposed changes to this batch of policies.

C. [Administrative Reports](#)

*No additional comments.*

9.

**ACTION ITEMS**

A. [October Financial Report](#)

CFO Montague presented the October Financial Report. Chair Poehlitz entertained a motion by Director Tomlin to approve the financial report. The motion was seconded by Director Bruce and passed unanimously.

Additionally, Chair Poehlitz requested a short overview of the new Quarterly Assurance Item which has been added to the agenda. CFO Montague entertained any questions

~~B. [Quarterly Assurances - 3rd Qtr 2020](#)~~

*Moved to Consent Agenda*

~~C. [Designation of Facility Consultant Agency of Record](#)~~

*Moved to Consent Agenda*

10.

**GOOD OF THE ORDER**

N/A

11.

**ADJOURN**

The meeting was adjourned at 7:11 pm.

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**PUBLIC PARTICIPATION IN BOARD MEETINGS**

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7. These procedures will be published on the back of every Board meeting agenda.





# Northwest Regional Education Service District

November 9, 2020

To: Board of Directors

From: Joseph Hernandez – Chief Human Resources Officer

Re: Personnel Report

EXPLANATION: Please see attached personnel report prepared by Kathy Fernandez.

Presenter: Joseph J. Hernandez

Supplementary Materials: Personnel Report, additional comments to be provided to the board at the meeting on November 17, 2020.

Recommendation: N/A

Proposed Motion: Move to accept the personnel report as presented in consent agenda.

# NW Regional Education Services District

## Human Resources Office

5825 NE Ray Circle • Hillsboro, Oregon 97124 • (503) 614-1486 • (503) 614-1409

October 10, 2020 - November 9, 2020

NEW HIRES			
NAME	POSITION	BUILDING	COMMENTS
Karen Dalbey	Coordinator of Early Intervention/Early Childhood Special Education (1.0 FTE)	Washington SC	New FTE
Victor Cato	Talent Acquisition & Retention Manager (1.0 FTE)	Washington SC	Replacing DeMarcus Mitchell
Shira Long-Strand	Administrative Specialist (1.0 FTE)	Washington SC	New FTE
Caelish Tarrham	Early Childhood Professional Development Support Specialist (1.0 FTE)	Columbia SC	New FTE
Marichona Brassfield	Early Childhood Professional Development Support Specialist (1.0 FTE)	Tillamook SC	New FTE
Ann Tronco	Professional Learning Coach (TOSA) (1.0 FTE)	Washington SC	New FTE
Charles Chung	Professional Learning Coach (TOSA) (1.0 FTE)	Washington SC	New FTE
Jennifer Johnson	School Safety Prevention Manager (1.0 FTE)	Washington SC	New FTE
Samantha Spies	Speech Language Pathologist (1.0 FTE)	Beaverton ECC	New FTE
Doris Cambron-Flores	Spanish Interpreter (0.5 FTE)	Tillamook SC	Replacing Luisa Hernandez
Bailey Kose	Wellness Coordinator (0.2 FTE)	Washington SC	New FTE
Murray Rau	Truancy Officer (Hourly/Limited Term)	Washington SC	Recalled from lay-off
John Shipley	Truancy Officer (Hourly/Limited Term)	Washington SC	Recalled from lay-off

RESIGNATIONS/RETIREMENTS			
NAME	POSITION	BUILDING	COMMENTS
Chelsea Tumbarello	Speech Language Pathologist (1.0 FTE)	Clatsop SC	Resignation effective November 13, 2020
Susan Kirlin	Early Childhood Education Specialist (1.0 FTE)	Washington SC	Resignation effective November 13, 2020

Mary O'Connell	Occupational Therapist (1.0 FTE)	Hillsboro ECC	Resignation effective November 5, 2020
William Alton	Instructional Assistant (0.85 FTE)	Cascade Academy	Resignation effective November 6, 2020
Deyanah Jarrar	Speech Language Pathologist (1.0 FTE)	Beaverton ECC	Resignation effective October 23, 2020
Jacob Neves	Instructional Assistant (0.85 FTE)	Pacific Academy	Separation date October 22, 2020

### REQUESTS FOR LEAVES OF ABSENCE

NAME	POSITION	BUILDING	COMMENTS
Rosa Walker	Occupational Therapist	Tualatin ECC	Requesting reduced FTE .8 to .55 10/15 – 12/31/2020; now request to extend through 03/30/2021

### EMPLOYEE TRANSFERS

NAME	FROM: BUILDING/POSITION	TO: BUILDING/POSITION	COMMENTS
Dorit Harvey-Skidmore	Columbia SC / Early Childhood Professional Development Support Specialist (1.0 FTE)	Washington SC / Preschool Promise Instructional Coach (1.0 FTE)	New FTE

### ADVERTISED VACANCIES (Information Only)

OPEN POSITION	BUILDING	STATUS	COMMENTS
Coordinated Enrollment Specialist – Early Learning Program (1.0 FTE)	Washington SC	10/23/2020 – 11/16/2020	New FTE
Early Childhood Professional Development Support Specialist (1.0 FTE)	Clatsop, Columbia, & Tillamook counties	10/29/2020 – 11/12/2020	Replacing Dorit Harvey-Skidmore (transferred)
Speech Language Pathologist (1.0 FTE)	Beaverton ECC	10/06/2020 – Until Filled	Replacing Deyanah Jarrar
Speech Language Pathologist (1.0 FTE)	Clatsop SC	10/14/2020 – 11/09/2020	Replacing Chelsea Tumbarello
Speech Language Pathologist (1.0 FTE)	Columbia SC	8/13/2020 – Open until filled	Ongoing recruitment
Physical Therapist (1.0 FTE)	Columbia SC	08/13/2020 – Open until filled	Ongoing recruitment
Early Childhood Education Specialist (1.0 FTE)	Columbia SC	09/18/2020 – Open until filled	Replacing Mithu Dasgupta (transferring)

Occupational Therapist (1.0 FTE)	Multiple Locations	07/01/2020 – Open until filled	Ongoing recruitment
Teacher of the Visually Impaired (1.0 FTE)	Multiple Locations	07/01/2020 – Open until filled	Ongoing recruitment
Physical Therapist (1.0 FTE)	Multiple Locations	07/01/2020 – Open until filled	Ongoing recruitment
Registered Nurse (1.0 FTE)	Tigard Tualatin SD	11/06/2020 – Open until filled	Currently filled by contractor
Speech Language Pathologist (1.0 FTE)	Scappoose School District	10/01/2020 – Open until filled	New FTE
Registered Nurse (1.0 FTE)	Nestucca Valley SD	03/17/2020 – Open until filled	Ongoing recruitment
Speech Language Pathologist (Evaluation Team) (1.0 FTE)	Washington SC	10/16/2020 – 11/15/2020	New FTE



Northwest Regional  
Education Service District

# GOOD NEWS & RECOGNITION



5825 NE Ray Circle Hillsboro,  
OR 97124-6436

November 9, 2020

To NWRES D Front Desk Receptionists: Amie Brown-Rotondo, Amy Guse, Ana De Lara, Julie Lavers, Julie White, Julieann Been, Maria Tellez, Mary Robertson, Misty Averette, Misty Burris, Patricia Burros, Paul Thompson, Piper Ryan, Remy Icenogle, Robin Lindsey, Valerie Lane-White

It is my pleasure to inform you that the Northwest Regional Education Service District Board of Directors would like to express their gratitude for your work to keep our staff safe and acting as the welcoming face at our program, school and service center sites. The comments below are a sampling of our gratitude for your hard work over the past months.

*Thank you for being the first person many of our families and school colleagues see in person at service centers or hear on the phone. You are often the only voice/face of NWRES D people recognize. You represent all of us and do it so well! We appreciate you! - Johnna Timmes, E.D. Instructional Services*

*Thank you so much for your commitment to welcoming our staff into our buildings and helping maintain safety practices. Your support is appreciated." - Kim Lyon, Tillamook S.C. Administrator*

*Thank you all for "holding down the fort" and for continuing to be the positive face of NWRES D during these crazy times! It is amazing to still get that human connection with the front desk every time I walk in the building. It's such a small thing and more important than ever. Thank you for being that connection! - Stuart Long, CIO*

**We respectfully request your attendance at our next board meeting at 6:00 p.m. on Tuesday, November 17, [scheduled to take place virtually](#).** We look forward to having the opportunity to personally thank you.

Sincerely,

A blue ink handwritten signature, appearing to read "Dan Goldman", with a stylized flourish at the end.

Dan Goldman  
Superintendent

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■ CLATSOP COUNTY  
503-325-2862  
Fax: 503-325-1297  
3194 Marine Drive  
Astoria, OR 97103

■ COLUMBIA COUNTY  
503-366-4100  
Fax: 503-397-0796  
800 Port Avenue  
St. Helens, OR 97051

■ TILLAMOOK COUNTY  
503-842-8423  
Fax: 503-842-6272  
2515 3rd Street  
Tillamook, OR 97141

■ WASHINGTON COUNTY  
503-614-1428  
Fax: 503-614-1440  
5825 NE Ray Circle  
Hillsboro, OR 97124-6436



Northwest Regional  
Education Service District

# REPORTS & DISCUSSIONS



# Northwest Regional Education Service District

November 17, 2020

TO: Board of Directors

FR: Joseph J. Hernandez, Chief Human Resources Officer

RE: All Students Belong Policy & Bias Incident Complaint Procedure

EXPLANATION: Please see the attached All Students Belong Policy and Bias Incident Complaint Procedure. These have been reviewed by the Board Policy Committee and their recommendations have been incorporated. Additional comments can be provided to the board at the meeting on November 17, 2020.

PRESENTER(S): Joseph J. Hernandez

SUPPLEMENTARY MATERIALS: Please see attached policy and incident complaint procedure.

RECOMMENDATION: *N/A - First Reading*

PROPOSED MOTION: *N/A - First Reading*



Code: **ACB**  
Adopted:

## **All Students Belong**

Northwest Regional Education Service District is committed to equity and the success of each and every student. This commitment means we focus on attaining student outcomes that are not predicted by race, ethnicity, family economic status, mobility, language, country of origin, gender, gender expression, sexual orientation, disability, or zip code.

Equity in education ensures inclusion and centers on social justice. Equity is not used interchangeably with principles of equality. Equity goes beyond equality where students are not simply given the same thing, but instead receive what they need to succeed. Thus, fostering an environment in which each and every student has an opportunity to access and succeed in a high-quality educational experience.

Education is a core determinant factor in a student’s health, well-being, economic stability, civic involvement, and contribution to society. The creation of a more equitable and just society hinges on actualizing the principles of educational equity. In order to break the predictive link between student demographics and student achievement, the ESD will apply the principle of equity to all policies, programs, operations, and practices.

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin <sup>{1}</sup>.

All visitors are entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin<sup>{2}</sup>.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag ,{ } and whose display:

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

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

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

The ESD prohibits the use or display of any symbols of hate<sup>{3}</sup> on ESD or school <sup>{4}</sup> grounds or in any ESD- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned to the Oregon State Standards.

In responding to the use of any symbols of hate, the ESD will use non-disciplinary remedial action whenever appropriate.

The ESD prohibits retaliation against an individual because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Nothing in this policy is intended to interfere with the lawful use of ESD facilities pursuant to a lease or license.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 659.850](#)  
[ORS 659.852](#)

[OAR 581-002-0005](#)  
[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).  
*Dariano v. Morgan Hill Unified Sch. Dist.*, 767 F.3d 764 (9th Cir. 2014).  
*State v. Robertson*, 293 Or. 402 (1982).

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<sup>3</sup> {Prior to adopting the symbols of hate prohibition, or adding other symbols to the list, we recommend that the ESD document why the ESD feels that the presence of these symbols will cause a “material and substantial interference with schoolwork or discipline” or collide “with the rights of other students to be secure and be let alone.” These reasons may include previous incidents, current conditions in the schools and other factors. }

<sup>4</sup> {Oregon Administrative Rule uses “school.”}

Code: **ACB-AR**  
Adopted:

## **Bias Incident Complaint Procedure**

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

Step 1<sup>{2}</sup>: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the supervisor.

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

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

The supervisor or designee must consider whether the behavior implicates other ESD policies or civil rights laws, and if so, respond accordingly.

The supervisor or designee will make a decision within 10 working days of receiving the complaint.

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

- That an investigation has been initiated;
- When the investigation has been completed;

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

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

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

- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

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

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within 10 working days after receipt of the administrator or designee’s response to the complaint.

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

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

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within 10 working days of receipt of the superintendent or designee’s response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board’s decision will be final and will address each allegation in the complaint and contain reasons for the Board’s decision. A copy of the Board’s final decision shall be sent to the complainant in writing within 20 days of this meeting.

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

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

The complainant, if a person who resides in the ESD, or a parent or guardian of a student attending a school operated by the ESD or is receiving services from the ESD or a person who resides in the ESD’s

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

service area, staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved.

is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal<sup>5</sup> the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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

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

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

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

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



# Northwest Regional Education Service District

November 17, 2020

TO: Board of Directors

FR: Sarah Pope, Deputy Superintendent

RE: COVID-19 Update: New Statewide Metrics

EXPLANATION: The COVID-19 update will cover the region's COVID-19 metrics, NWRESD's planning for Limited In Person Instruction, and the health and safety protocols.

PRESENTER(S): Sarah Pope, Deputy Superintendent  
Dan Goldman, Superintendent

SUPPLEMENTARY MATERIALS: COVID-19 Status Report

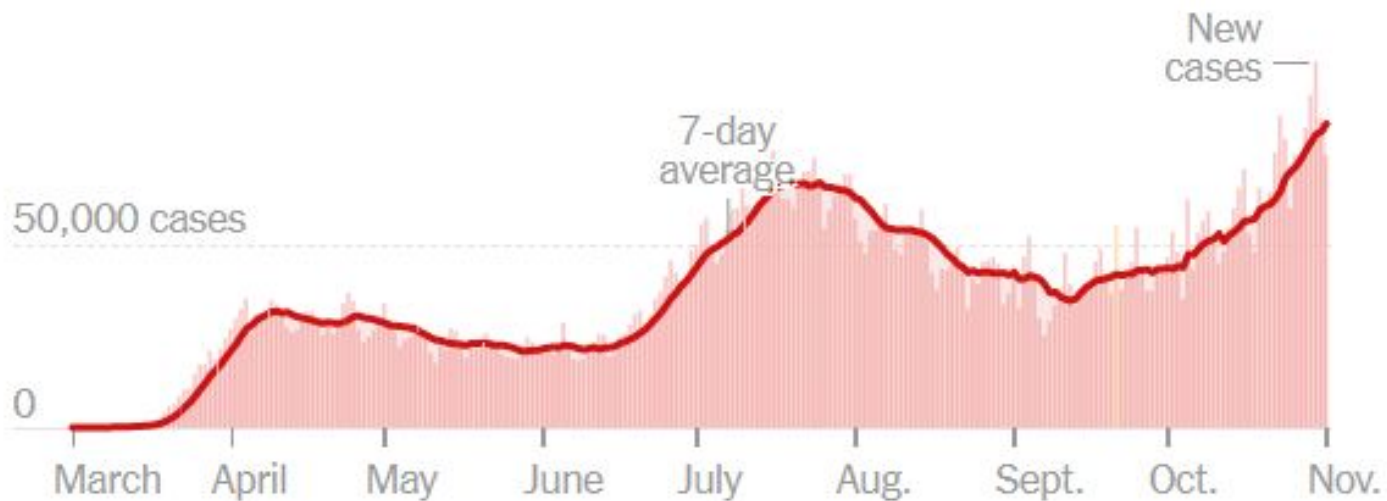
RECOMMENDATION: N/A

PROPOSED MOTION: N/A



Northwest Regional  
Education Service District

# **Covid-19 Update: New Statewide Metrics**



	TOTAL REPORTED	ON NOV. 1	14-DAY CHANGE
<b>Cases</b>	9.3 million+	74,236	+45% →
<b>Deaths</b>	231,182	427	+17% →



# Why update metrics now?

Reasoning from ODE and the Governor:

- **Improve support systems for children.** *Returning to in-person instruction is one of Oregon's highest priorities.*
- **New data is available.** *ODE & OHA initially created metrics for returning to in-person instruction in early August.*
- **COVID-19 spread can be mitigated in schools.** *Oregon's Ready Schools, Safe Learners guidance can help reduce, but not eliminate this risk.*



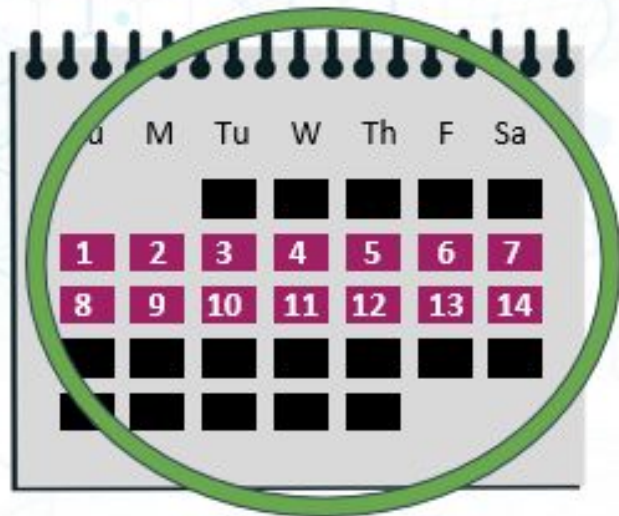
# Metrics Table

Metrics & Models	On-Site	On-Site and Distance Learning	Transition	Distance Learning
<b>County Case Rate</b> per 100,000 People Over 14 days	<50.0	50.0 to <100.0	100.0 to ≤200.0	>200.0
<b>County Case Count</b> Over 14 days (for small counties <sup>1</sup> )	<30	30 to <45	45 to ≤60	>60
<b>County Test Positivity<sup>2</sup></b>	<5.0%	5.0% to <8.0%	8.0% to ≤10.0%	>10.0%
<b>Instructional Model</b>	Prioritize <i>On-Site</i> or <i>Hybrid</i> (as needed to maintain small cohorts) instructional models.	Prioritize careful phasing in of <i>On-Site</i> or <i>Hybrid</i> for elementary schools (starting with K-3 and adding additional grades up to grade 6).  Middle school and high school primarily <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> . Over time, if elementary schools can demonstrate the ability to limit transmission in the school environment <sup>3</sup> , transition to <i>On-Site</i> or <i>Hybrid</i> .	Consider transition to <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> .  For counties with an upward case/positivity trend (entering from a lower risk category), school officials should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the local community in deciding whether to return to <i>Comprehensive Distance Learning</i> (CDL). <sup>4</sup>  Schools in counties with downward case/positivity trend must remain in CDL until they drop into the Moderate Risk category or lower.	Implement <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> only.

## Two-Week “Look Back” at Data



Before: Look at data 1 week at a time over a **3 week period**



Now: **Single two-week “look back” window** to align with CDC

# 9 County Pause--includes WA Cty

- November 11-November 25 for counties with high numbers: Baker, Clackamas, Jackson, Malheur, Marion, Multnomah, Umatilla, Union, and Washington.

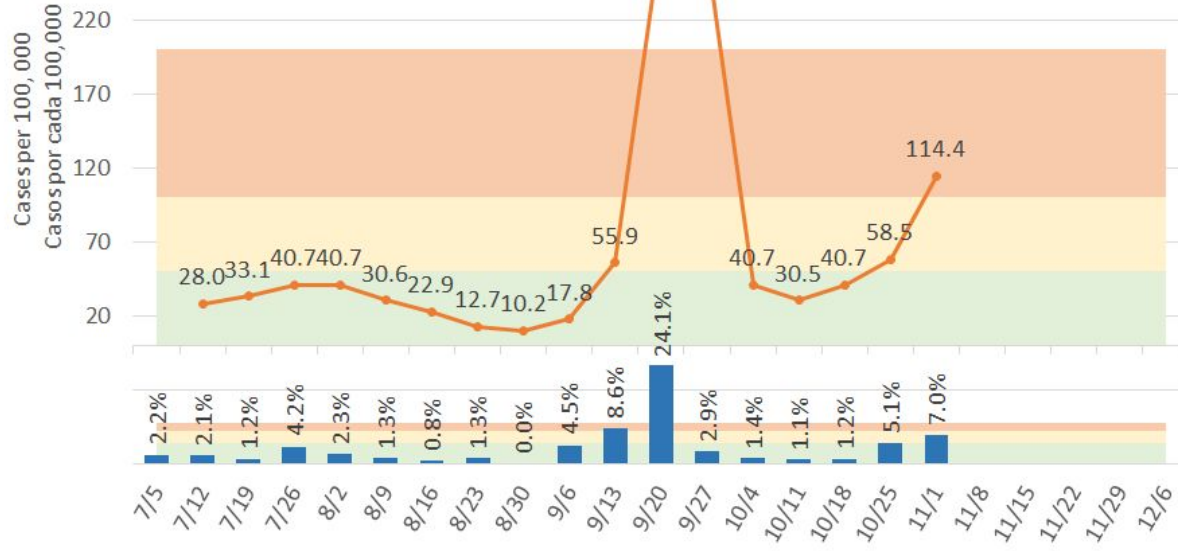
These 5 Requirements:

- Work from home to the greatest extent possible
- Pausing long-term care facility visits
- Reducing maximum restaurant capacity to 50 people (including customers and staff)
- Reducing the maximum capacity of other indoor activities to 50 people (includes gyms, fitness organizations/studios, bowling alleys, ice rinks, indoor sports, pools, and museums).
- Limiting social gatherings to your household, or no more than six people

Clatsop County  
COVID Cases and Test Positivity Rates

Condado de Clatsop  
Casos de COVID y Tasas de Positividad

- On-Site or Hybrid Goal  
Meta Presencial o Híbrido
- K-6 On-Site Goal  
Meta Presencial K-6
- Limited In-Person Instruction  
Instrucción Limitada en Persona
- Test Positivity  
Positividad en Pruebas
- 2 Week Total Cases  
Total de Casos en 2 Semanas



Columbia County  
COVID Cases and Test Positivity Rates

Condado de Columbia  
Casos de COVID y Tasas de Positividad

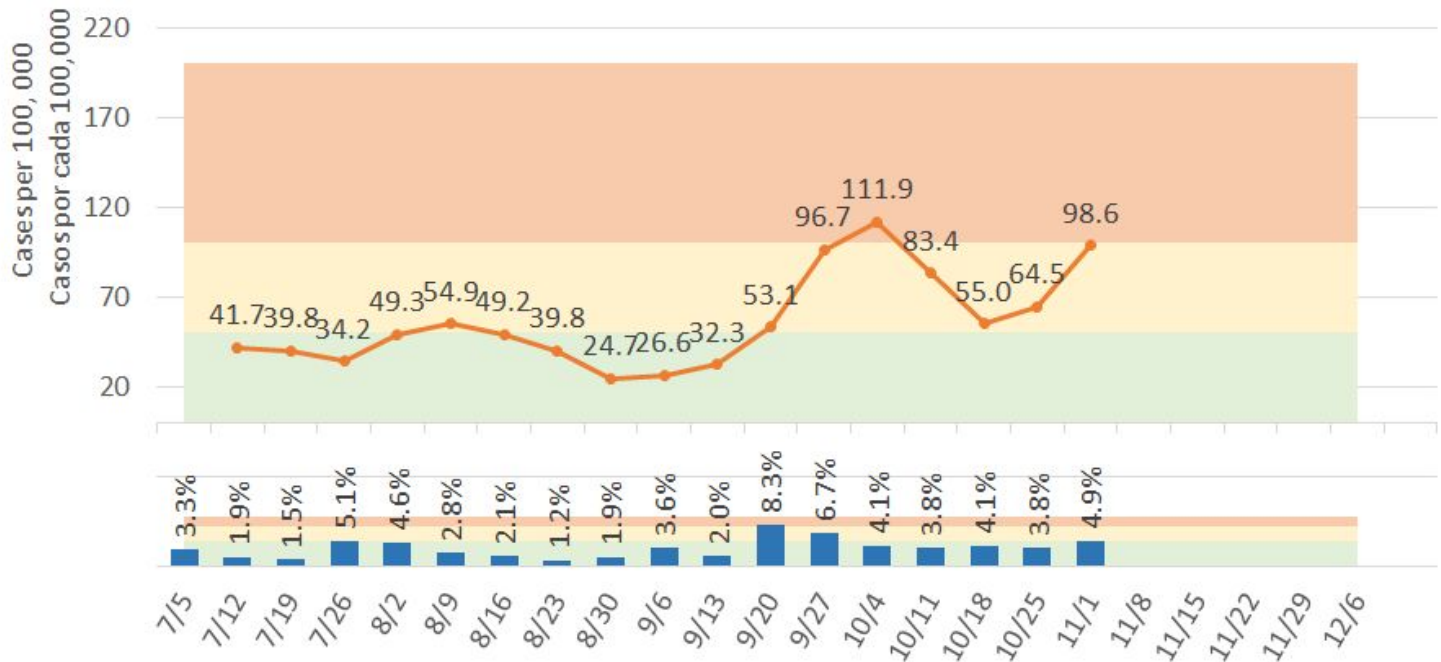
On-Site or Hybrid Goal  
Meta Presencial o Híbrido

On-Site or Hybrid Goal  
Meta Presencial o Híbrido

K-6 On-Site Goal  
Meta Presencial K-6

2 Week Total Cases  
Total de Casos en 2 Semanas

Limited In-Person Instruction  
Instrucción Limitada en Persona



Tillamook County  
COVID Cases and Test Positivity Rates

Condado de Tillamook  
Casos de COVID y Tasas de Positividad

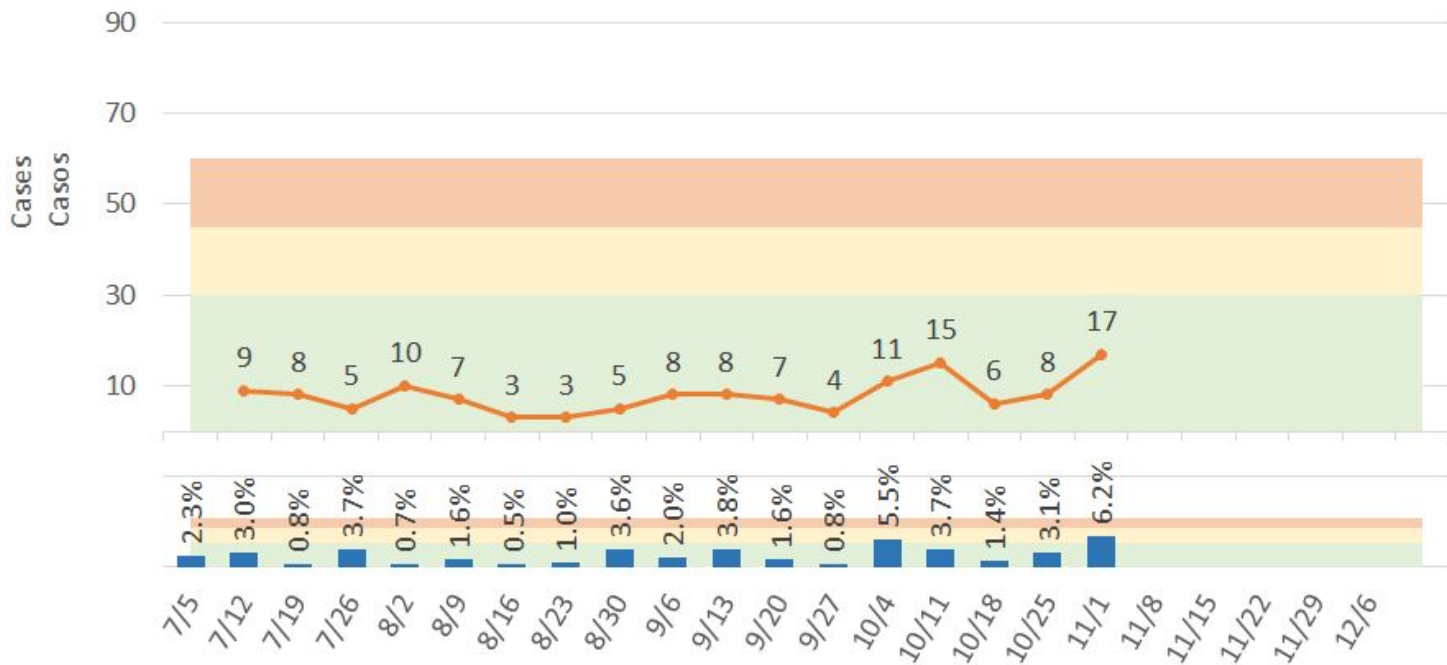
On-Site or Hybrid Goal  
Meta Presencial o Híbrido

Test Positivity  
Positividad en Pruebas

K-6 On-Site Goal  
Meta Presencial K-6

2 Week Total Cases  
Total de Casos en 2 Semanas

Limited In-Person Instruction  
Instrucción Limitada en Persona

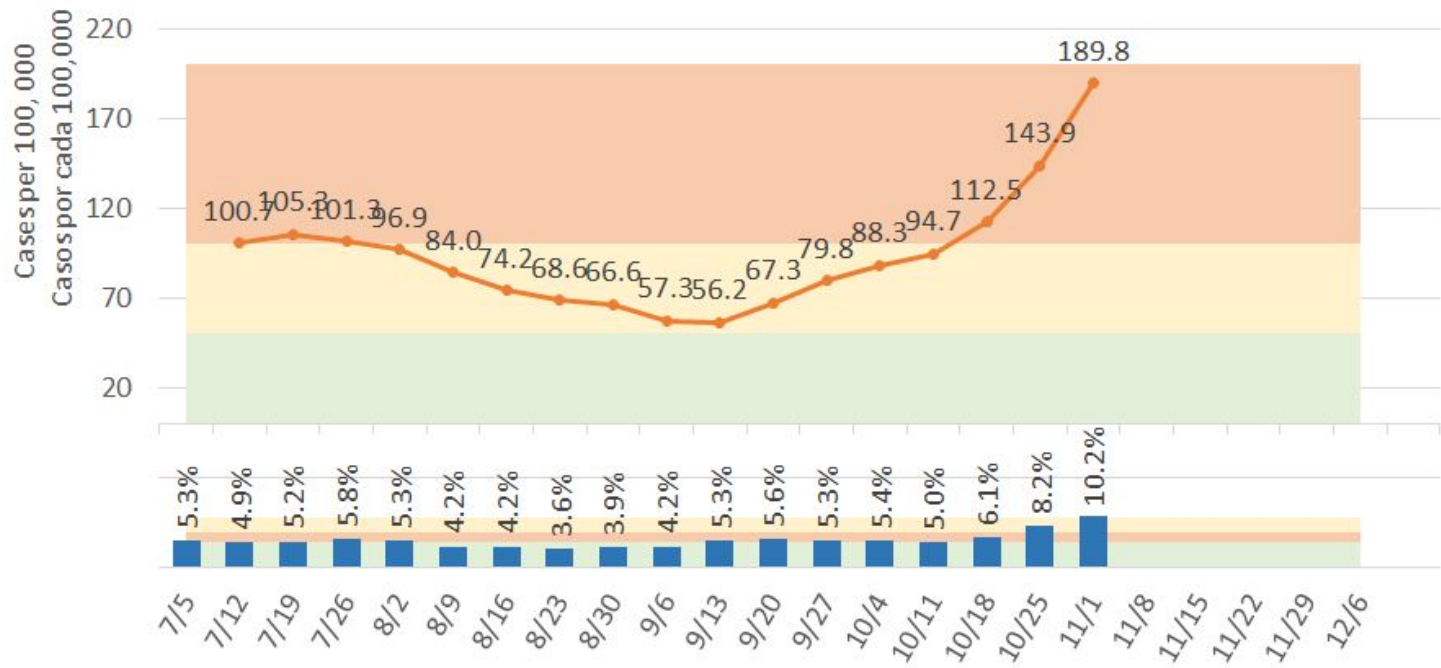




Washington County  
COVID Cases and Test Positivity Rates

Condado de Washington  
Casos de COVID y Tasas de Positividad

- On-Site or Hybrid Goal  
Meta Presencial o Híbrido
- K-6 On-Site Goal  
Meta Presencial K-6
- Limited In-Person Instruction  
Instrucción Limitada en Persona
- Test Positivity  
Positividad en Pruebas
- 2 Week Total Cases  
Total de Casos en 2 Semanas





# General Metrics Overview

## General Metrics - for returning to in-person instruction

**For schools to fully return to in-person instruction the following must be met:**

If >10% of students or >10% staff are from a county where case rates or test positivity puts them in the “Transition” column (on metrics table) they should consider delaying a return to in-person instruction until these counties also meet the required metrics, unless after discussion with the LPHA a collaborative decision is made that the neighboring county does not pose significantly higher-risk.

# Current NWRES D Position

CDL w/ Increasing Limited-In-Person Instruction (LIPI)  
through February 5th.

# Limited In-Person Updates

## Limited In-Person Instruction

- 20 students at a given time in a cohort
- Staff members (even in multiple roles) cannot interact with more than three cohorts
- Removes 250 student limit

### Cohort Defined:

[Ready Schools, Safe Learners](#) defines a stable cohort as “a group of students that are consistently in contact with each other or in multiple cohort groups.” One student working with a teacher, by definition, does not constitute a cohort. If teachers are involved in individual 1 to 1 interactions and not cohorts of multiple students, they can still only interact with no more than 60 total students a day.



### STATEWIDE ALLOWANCE FOR LIMITED IN-PERSON INSTRUCTION (LIPI) FOR SPECIFIC GROUPS OF STUDENTS

ODE's [Comprehensive Distance Learning guidance](#) provides [Limited In-Person Instruction](#) (LIPI) to meet the needs of specific groups of students based on needed educational, relational, social-emotional, curricular, instructional, and/or assessment supports. This includes, but is not limited to, provisions for supporting students experiencing disability, English language learners, as well as programs such as career technical education (CTE) that may require hands-on demonstration of skills and the provision of secure assessment environments. This allowance does not count for instructional time requirements. An exception to meeting county metrics to implement LIPI as an enhancement to [Comprehensive Distance Learning](#) should be prioritized under the following conditions:

Ensure strong screening measures are in-place from day one and refer to the [Planning for COVID-19 Scenarios in Schools Toolkit](#) for positive cases, symptomatic individuals, and exposure.

Fully comply with sections 1-3 of the Ready Schools, Safe Learners guidance.

Fully comply with Comprehensive Distance Learning Guidance for [Limited In-Person Instruction](#) (LIPI), which includes further limitations on cohort sizes, time, and more.

# LIPI Services - Current

- Audiology services
- PT fittings
- Truancy
- Vision Clinics up to 4x/year
- Identifying individual students based on engagement data

# Next Steps

- Regularly meet with each county's Public Health Leadership
- Continue meeting with NWRESOs Executive Reopening Schools Team
- Continue identifying students who are disengaged in CDL for LIPI, and start to look at progress data
- Evaluate district requests for in person work



Northwest Regional  
Education Service District

# ADMINISTRATIVE REPORTS



## **COLUMBIA COUNTY BOARD REPORT**

Prepared by Stacy Rager

NOVEMBER 2020

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The Col Co school-aged staff completed their first Equity training of the year. Staff read a thought provoking article by Robin DiAngelo on “Educators’ ‘White Fragility’” and used a discussion protocol to process the reading. We discussed the implications for our day-to-day work, and we had a robust discussion about the importance of being antiracist leaders in our educational settings.

I joined the Columbia County Trauma Informed Network (CCTIN) meeting and will participate in those meetings monthly.

Angelo Escobedo from the CCTIN joined the monthly superintendent meeting to share a proposal for a communication collaboration between the local police departments and school districts. The collaboration, entitled “Handle With Care” is a notification system with law enforcement wherein they will notify schools when a child has been involved in a traumatic incident. This notification will allow the district to provide extra supports and/or utilize trauma informed practices with the student. All Col Co Supts. agreed to participate and will designate a district contact for the local police departments to contact in those situations.

The Early Intervention (EI) team met to continue developing their skills as Lead Interventionist. The topic for the training was writing Functional/Routines based goals. The teams will meet together before the next meeting to practice writing SMART Routine-based goals and will share them collectively at our next meeting in December.

I have had the opportunity to observe a number of staff members provide virtual services to children and families, and the work that they do is impressive. Being able to connect with the parents and families, and essentially to “enter” the home and teach them how to help develop their child’s lagging skills during this time, is amazing. The parents that I have observed have developed wonderful support skills that they use to help coach their child manage frustration, generate targeted sounds correctly (articulation therapy), and encourage their child in a variety of settings. And the use of technology in these sessions is a testament to the dedication of the staff to learn new and interesting ways in which to engage the children and families. We have a very talented team of professionals (both early childhood and school-aged) and I am encouraged and delighted by the work that they do.

Respectfully submitted,

SR





## COMMUNICATIONS BOARD REPORT

Prepared by Kelsey Cardwell

November 2020

### Website Redesign

We've set a "go live" date for our website - December 9. We are working through technical glitches and final edits to be ready to launch a complete site at that time, with the understanding that the new site will be iterative and offer us a stream of data about user experience and site improvements.

### Newsletters and Recent Communications

View recent communications from NWRESA:

- [Announcement to families about the extension to comprehensive distance learning](#), launch of limited in-person instruction.
- [Message to families on revised school health metrics](#).
- The November [newsletter to community partners and component district leadership](#).

In addition to messages for NWRESA families and partners, our communications team is supporting several of our component school districts as they share information with their communities about what the revised metrics means for their schools.

**Early Intervention/Early Childhood Special Education  
November 2020**

Monthly Board Report

For more information, please contact Nancy Ford, [nancyf@nwresd.k12.or.us](mailto:nancyf@nwresd.k12.or.us)

On October 22, 2020, the EI/ECSE program held a regional staff inservice. Approximately 240 staff members participated in the day long zoom training. The keynote speaker in the morning was Sharif Liwaru NWRESD Director of Equity and Family Partnerships, presenting for an hour on *Change*.

Following Liwaru's presentation, the administrative team provided a history of EI/ECSE from 1992 to present and how services evolved. The remainder of the day was spent on reviewing and discussing the programs future focus on Family Engagement, Inclusion, Range of Services and Equity (i.e. FIRE).

As the program continues to plan for future services the 2021-2022 model goals are:

- Family engagement: Increase family participation and support
- Inclusion: More children served in natural environments and with typical peers
- Range of Services: Access for every child to an educational setting meets their needs
- Equity: all kids get what they need to make progress

In order to learn, children need practice with those they trust and love. When looking at inclusive practices for children experiencing a disability the program looks towards "natural environments". "Natural Environments" means settings and activities that are normal for a child's same-age peers in her community who have no disabilities or developmental delays. It is the place and/or an event the child would likely be if she did not have a disability or delay. These environments include family home, backyards, grocery stores, libraries, relative's homes, parks, child care programs, preschools, etc.

In natural environment settings, children play with toy, rocks, grass, pots and pans and they interact with their brothers and sisters, aunts and uncles, mom and dad nannies, teachers and same age peers. And, the activities my include visiting the park, eating lunch, playing peek-a-boo with a parent, reading the same book over and over again or unlading the kitchen cupboard 400 times to name a few.

In order to provide inclusive settings, the program will continue to expand partnerships with district preschools, private preschools, community programs such as park and rec. Professional development will be provided to the various partnership staff so they feel they are able to support children experiencing a disability. As the program moves from providing the majority of early childhood special education services within a program site, licensed staff and trained instructional assistants will be available to support individual children in the inclusive settings.

Work groups in areas of family engagement, inclusive practices, range of services and equity have been established and meetings have been scheduled to continue planning.



## November 2020 Fiscal Report

### ***Fiscal Services:***

We continue focus on our Fiscal Department goals in support of Strategic Goal Collective Commitment 6.4 and 6.5 related to budget control. During the month of November a number of fiscal department staff attended the OASBO fall conference virtually and hosted a Regional Business Officials meeting. These meetings help our staff stay current on the operational and procedural tools we use to provide seamless services to our agency and districts.

### ***Regional Business Officials Meetings:***

Quarterly NWRESD hosts a collaboration meeting with business officials from our region. The first of these meetings this year were on October 30 and November 6 (offered twice due to scheduling). We covered topics related to our Local Service Plan and cyber security. We had attendees from nearly all of our districts. Our smallest districts especially appreciate the opportunity to network, discuss best-practice, and problem-solve current hot topics with peers in like positions.

### ***2021-2022 Local Service Plan:***

Work on the 2021-2022 Local Service Plan has begun with preliminary departmental conversations about potential changes to services we will offer districts next fiscal year. Superintendents reviewed our proposed service plan for the core portion in November and approved it unanimously. This year they additionally approved the SSA Technical Service Grant plan. A service menu proposal will come before NWRESD Board of Directors in December and then go out to district boards in late winter for approval. ORS requires 2/3 of districts representing more than 50% of student enrollment approve our plan by resolution no later than March 1. The LSP timeline is as follows:

<b>November 2020</b>	NWRESD & School District Superintendents agree on CORE Services and SSA Technical Assistance
<b>December 2020</b>	NWRESD Board adopts Local Service Plan Services for 2021-22 <i>Following adoption by the NWRESD Board, Local Service Plan shall be approved on or before March 1 by resolution of at least two-thirds of the eligible component school boards, which have a majority of the students enrolled in the NWRESD region. ORS 334.175</i>
<b>January 2021</b>	NWRESD distributes Local Service Plan Services Menu and Resolution to component districts for their boards to approve
<b>February 2021</b>	NWRESD and districts meet to discuss preliminary Cost of Services
<b>March 1, 2021</b>	School Districts return LEA Board approved Resolutions by March 1  If approved by Districts: NWRESD opens LSP Online for District selections
<b>April 15, 2021</b>	School Districts finalize preliminary selections in LSP Online

**For additional information, please contact**  
**Tami Montague, Chief Financial Officer**  
[tmontague@nwresd.k12.or.us](mailto:tmontague@nwresd.k12.or.us)



**HUMAN**

**RESOURCES**

**BOARD REPORT**

Prepared by Joseph Hernandez  
November 2020

**Strategic plan updates:**

With the adoption of the recent strategic plan for the next five years (2030-2025), HR has been tasked with many elements that will aid in moving towards equitable practices within our agency. Notably, we are tasked with diversifying the recruitment process through strategic goal 1.4. This work is critical and will be rolled out in various ways through partnerships and collaboration. Examples include:

**Collaboration with NREN:**

In collaboration with the [Northwest Regional Educator Network \(NREN\)](#), Joseph J. Hernandez, NWRESD's chief human resources officer, is steering work to roll out a pilot for the NREN. The NREN pilot seeks to uncover transformative human resources practices this school year.

In partnership with Mariana Zaragoza, regional educator network coordinator, the team hopes these transformative human resources practices will encourage and support an equitable human resources process in many realms especially related to retaining and recruiting diverse staff and educators.

Human resources staff from the [20 school districts within the NWRESD region](#) are invited to team up with Joseph and our NREN.

The work will be centered on continuous improvement, which refers to a process in which schools, districts or other organizations commit to quality improvement efforts that are evidence-based, integrated into the daily work of individuals, contextualized within a system, and iterative.

**Other HR News:**

The HR department has been busy for our recruitment of two vacant positions (Assistant Director of Human Resources and the Talent Acquisition and Retention

Manager). We have concluded our rigorous recruitment and have identified finalists for each position.



## INSTRUCTIONAL SERVICES BOARD REPORT

Prepared by Johnna N. Timmes

November 2020

### Migrant Education

This October the MEP team continued connecting eligible MEP families with supports offered through MEP and the school districts. Some of this work includes access to devices and internet connectivity; including login support, web navigation, support with platforms (Canvas, Google Classroom, etc.).



Sandra Silva, our School Readiness Specialist, has been working with EL Hub to provide support recruiting Migrant families for the Preschool Promise grant. She is also collaborating with Bumble Preschool in Astoria to provide Spanish language support to students. In addition, Sandra has launched the MEP Fall School Readiness campaign for preschoolers (and their parents) that are not currently attending a preschool. Sandra provides families with a basket of manipulatives and age appropriate activities that children can do independently as well as activities that involve the parent as teacher.

Family Engagement specialists have been working closely with Warrenton-Hammond HS and Tillamook SD to coordinate some 1:1 tutoring for MEP students that have disengaged and/or need additional support with Math specifically. They have also begun hosting virtual meetings with the elected MEP Parent Advisory Committees in Tillamook and Clatsop counties. These meetings are providing a lot of great information about the day-to-day experiences of some students with CDL. This month we also co-hosted family engagement night with Yamhill-Carlton SD.



As part of Hispanic Heritage month and Día de los Muertos we've collaborated with Consejo Hispano to deliver cultural activity kits directly to students' homes. The kits are suitable for a variety of age ranges and are accompanied by YouTube "how to" videos in English and Spanish. At the end of this week (Friday, Nov 6<sup>th</sup>) we are co-hosting a live virtual event celebrating both Hispanic Heritage and Día de los Muertos. Event will include a live storytime, loteria and a virtual Día de los Muertos makeup "parade".



## Early Learning

In October, we launched this year's Early Learning Shared Learning Community. For the last few years, a group of early learning administrators and advocates from school districts in Washington County have gathered in a professional learning community to connect, support each other, and share their knowledge and experiences. There are school districts represented that have had early learning programs in their schools for many years and others that are just launching new programs or want to be able to launch programs in the future. This year we expanded our group to invite folks from districts in Clatsop, Columbia, and Tillamook counties. Meetings are held on the 3rd Wednesday of each month via Zoom.

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## STEM/Career & Technical Education

Throughout the past week, the Northwest STEM Hub has deployed 844 Lego and Microbit STEM kits for educators to distribute to their students and families as class engagement tools. We are wrapping up Manufacturing Month; check out the industry videos on our [YouTube Channel](#). The NW STEM Hub is pleased to announce the release of the STEM Community Innovation Mini Grants. The application and details can be found [here](#). All applications are due on November 16th.



## Grants

### NWRES D Receives Grants to Advance Internal Equity Work and Support STEM Programming

This past month, NWRES D was awarded a \$185,000 two-year grant from the Meyer Memorial Trust to support the development of internal staff equity teams to deepen our integration of educational equity and anti-racism into our day-to-day work. We will work with the National Equity Project to provide ESD leaders and staff with high-quality, sustained, and intentional equity-driven professional learning aimed at transforming how we approach and apply our work. Our STEM Hub also received a \$20,000 STEM COVID Response grant from the Oregon Community Foundation to provide STEM kits and other supports to educators and students to support the transition to remote learning. If you have questions about these or other grant programs at NWRES D, please contact our Grants Manager, Crystal Greene.

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## Northwest Promise

NWRES D is offering college credit tuition reimbursement for teachers working towards offering direct dual credit courses. If you have teachers earning college credits that would make them eligible to direct dual credit, they may be eligible for tuition reimbursement. They can contact Betsy Brower at [nwpromise@nwresd.k12.or.us](mailto:nwpromise@nwresd.k12.or.us) for information or they can apply directly: [Teacher Grant for Accelerated Learning College Credits](#).

We are now offering New World of Work (NWOW) virtually! We are hosting training to teachers and district partners remotely November 17-19 and again in December for those who can't join us in November. Scholarships are available to cover the cost of attendance. NWOW is a great solution to enhance CTE curriculum and ensure that our students are still developing their employability skills. For more information contact Raya Nichols, NWRES D Career and College Coordinator at [rnichols@nwresd.k12.or.us](mailto:rnichols@nwresd.k12.or.us).

**ALSO**, NW Promise is still accepting teachers for **Winter** and **Spring** dual credit courses. Interested administrators or teachers should contact Betsy Brower at [nwpromise@nwresd.k12.or.us](mailto:nwpromise@nwresd.k12.or.us).

## Professional Learning

The Professional Learning Team spent October deeply engaged in virtual adult learning with participants across the region.

### RISS

- The Reimagining Schools Series has been focused on working with educators on ways to build relationships with students (and their families). Professional Learning Team members shared research and promising practices on strategies teachers can use to develop successful learning partnerships in online spaces. Teachers discussed trauma informed practices, techniques for helping students evolve from dependent learners to independent learners, the four practice areas (Awareness, Learning Partnership, Information Processing, and Community of Learners & Learning Environments) of the Ready for Rigor Framework and identified how they are engaging in different activities to address self and collective care. In November, participants will be learning about “Universal Design for Learning: From Design to Delivery”.

### 9th Grade Success

- The 9th Grade Success Network kicked off October with the first convening of the year, engaging approximately 130 educators from 30 high schools for a half day. School teams connected within and across districts, and worked on setting up team structures and data as well as developing strategies for building connected and caring communities for students. Multiple opportunities for cross-district learning continue throughout November and December, including sessions for team leads and administrators. Additionally, we held our first meeting with 30 student interns who will be leading improvement projects at their schools.

### REN

- The Regional Educator Network has begun planning for changes ideas related to developing mentors of color for educators of color cohort to be piloted in five districts. Similarly planning has also begun for a pilot related to transforming human resource hiring practices that will be headed by Joseph Hernandez, ESD Chief Human Resources Officer in collaboration with HR personnel from regional districts.

### Diverse Educator Pathways

- The Diverse Educator Pathway has begun active recruitment within their partner districts in Washington County. Additionally, two of their participants have extended their summer internship by collaborating with 9GS to support their Student Network.

### New Staff

The Professional Learning team is pleased to welcome Jennifer Johnson as our new School Safety and Prevention Specialist. Prior to joining our team, Jenn was a classroom teacher, Climate and Culture TOSA, and Behavior Specialist with the Hillsboro School District.

Annie Tronco joined the PL team as a Professional Learning TOSA. She comes with years of experience as an instructional coach and teacher mentor, and is a big cheerleader for continuous improvement work that is grounded in equity and understanding how people are experiencing systems.

Ken Chung also joined the PL team as a Professional Learning TOSA. After a twelve year teaching career across three states, he continues his life's work towards diversity, equity, and inclusion in education outside of a classroom setting. A child of Vietnamese immigrants, he sees himself as a "generational ambassador" having been raised in a traditional Vietnamese household while growing up in an American society.



## Data Research, Assessment & Evaluation

The Student Health Survey is a great resource by which to measure SEL in districts as compared to the whole of Oregon. The free survey includes questions on the following:

- Social determinants of health
- **Positive Youth Development (PYD)**
- Mental health and suicide
- **School climate and culture**
- Sexual health
- Substance use
- Healthy body

AND

It specifically asks about stressors due to the **impacts of COVID-19**.



The Student Health Survey is on-going right now! **The Survey Window is October to December**. The demands of CDL and the new fall administration may cause the survey to get overlooked. Please check with your teams to ensure that your district has a plan to successfully participate in this great resource for Oregon students.

Please see the [Student Health Survey](#) webpage for more info about the survey, the forms and OHA contacts.

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## Outdoor School

Outdoor School (ODS) continues to develop our comprehensive distance learning for use with both 6th graders on-track to attend ODS this year and 7th graders who missed their ODS experience last spring due to COVID-19 related cancellations. Our ten core staff along with a dozen seasonal staff are working on three teams (curriculum, production & post-production) to create lessons & activities and produce supporting video content. We'll soon be sending a digital postcard to all partnering teachers with a link to our recently completed mushroom & fungi lesson with hopes that teachers will use the lesson immediately while mushrooms are still easy to find this fall.

Districts are very excited about our plans to include science kits for students as a part of the ODS experience this year. Our administrative support staff is working hard to source and purchase items for the kits and making plans for assembling the kits with the assistance of our veteran high school volunteers (Student Leaders) in a COVID-safe manner. Students will use items in the kit to complete our CDL lessons and will be able to keep the kit for use in other classes and their own self-directed science exploration.

We continue to communicate with districts to gain a better understanding of how we can best support students and teachers this year. CDL will certainly be a significant component of the ODS experience for all students in 2020-2021, but we're hoping that guidance issued this winter will allow for some in-person work with students in the spring, either at school sites or in field trip based settings. We are also planning synchronous virtual experiences with students in case in-person programming is not permitted or districts do not want to engage in in-person experiences as a part of their students' ODS experience this year.

**SPECIAL STUDENT SERVICES**  
**Monthly Board Report**  
**November 2020**

*For more information, please contact Cathy Jensen, [cjensen@nwresd.k12.or.us](mailto:cjensen@nwresd.k12.or.us)*

**Remote Evaluation Workshop:** On October 20, Tina participated in the OrPATS Conducting Remote Evaluation workshop for new Autism Consultants and other service providers around the state. She co-presented on the new FAQ document developed in partnership with the Oregon Statewide ASD Professional Learning Team. This information was also shared at the Regional Special Education Directors meeting held October 30.

**OHSU Oregon ECHO Network:** Several ASD and School Psychology Team members participated in their first monthly session with OHSU's Oregon ECHO Network. This network allows for primary care physicians to treat chronic and complex challenges of children with ASD while collaborating with various specialists from the field of medicine and education in order to problem solve unique and challenging cases. Several members from NWRESD were able to provide excellent ideas and potential solutions during this session.

**Professional Goals:** In October, the School Psychology and ASD Team members met with Tina to review their professional goals for the year. Several have selected goals aligning with our Strategic Plan, such as focusing on equity, anti-racism and wellness. In addition, many are focusing on ways in which they can support students in the unique context of CDL.

**Audiology Program to Open:** The NWRESD Audiology program is opening to provide services to children within our component school districts! With safety plans in place, Bret Wonderlick (Audiologist) and Marivel Santos (Administrative Specialist) are now scheduling appointments for children aged birth to 21 to come and have their hearing evaluated, purchase hearing aids, or have their hearing aids repaired.

**Comprehensive Distance Learning at Groner DHH Program:** Our Groner Deaf/HH program is working hard through comprehensive distance learning to reach and teach our students who range from kindergarten through the seventh grade. Lee Ann Banning, Groner Elementary Teacher of the Deaf/HH, has done some incredibly creative work to make instruction fun, visual, and engaging to our students.

**SEL School Programs to Offer Limited In-Person.** In line with the Ready Schools Safe Learners guidance from the Oregon Department of Education, the SEL School Programs have been collecting student data to determine students that might be eligible for limited in-person instruction. They will be reaching out to families of eligible students in November.



Northwest Regional  
Education Service District

# ACTION ITEMS



# Northwest Regional Education Service District

November, 2020

TO: Board of Directors

FR: Tami Montague, CFO

RE: Monthly Financial Update

EXPLANATION: Monthly Financial Summary report for period ending October 31, 2020. Highlighted cells call out areas of note. Budget shown in the 200-599 funds was updated to corrected values. The \$2 million available in instructional program areas reflects amounts not yet encumbered for currently open positions and will be updated as staff are hired and start receiving payments. Beginning fund balances were posted during October and are now reflected in this report.

PRESENTER(S): Tami Montague

SUPPLEMENTARY MATERIALS: Attached to this cover sheet:

Summary Financial Statements – October 31, 2020

RECOMMENDATION: N/A

PROPOSED MOTION: I move to accept the monthly financial report as presented.

## FY 2020-20201 NWRESD FINANCIAL SUMMARY

For the Period Ending October 31, 2020

GENERAL FUNDS (100-199)	Prior YTD	Current YTD	Add: Projections	Annual Forecast	Annual Budget	Variance Fav / (Unfav)
<b>Beginning Fund Balance</b>	\$ 3,928,173	\$ 4,535,509	\$ -	\$ 4,535,509	\$ 4,940,842	\$ (405,333)
<b>REVENUES</b>						
Local Sources	661,519	187,676	15,426,651	15,614,327	16,069,400	(455,073)
Intermediate Sources	-	-	-	-	-	-
State Sources	14,941,535	15,645,830	22,420,437	38,066,267	38,006,000	60,267
Federal Sources	-	-	-	-	-	-
Other Sources	53,777	-	265,000	265,000	397,000	(132,000)
<b>TOTAL REVENUE</b>	<b>\$ 15,656,831</b>	<b>\$ 15,833,506</b>	<b>\$ 38,112,088</b>	<b>\$ 53,945,594</b>	<b>\$ 54,472,400</b>	<b>\$ (526,806)</b>
<b>EXPENDITURES</b>						
Instruction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Support Services	2,822,060	2,389,227	5,559,049	7,948,275	8,345,952	397,677
Enterprise and Community Services	-	-	-	-	-	-
Facilities Acquisition and Construction	-	-	-	-	-	-
Other Uses	-	-	47,119,288	47,119,288	47,192,290	73,002
Contingencies	-	-	-	-	1,375,000	1,375,000
Unappropriated Ending Fund Balance	-	-	-	-	2,500,000	2,500,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,822,060</b>	<b>\$ 2,389,227</b>	<b>\$ 52,678,337</b>	<b>\$ 55,067,563</b>	<b>\$ 59,413,242</b>	<b>\$ 4,345,679</b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$ 12,834,771</b>	<b>\$ 13,444,279</b>	<b>\$ (14,566,249)</b>	<b>\$ (1,121,969)</b>	<b>\$ (4,940,842)</b>	
<b>Projected Year End Fund Balance</b>				<b>\$ 3,413,540</b>	<b>6.33%</b>	<b>of Revenues</b>

ALL OTHER FUNDS (200-599)	Prior YTD	Current YTD	Add: Projections	Annual Forecast	Annual Budget	Fav / (Unfav)
<b>Beginning Fund Balance</b>	\$ 5,212,438	\$ 3,450,870	\$ 181,330	\$ 3,632,200	\$ 1,948,968	\$ 1,683,232
<b>REVENUES</b>						
Local Sources	8,970,450	10,265,758	28,838,831	39,104,589	38,091,024	1,013,565
Intermediate Sources	-	-	-	-	-	-
State Sources	6,156,245	922,138	33,870,189	34,792,327	35,337,627	(545,300)
Federal Sources	1,589,581	3,195	8,940,462	8,943,657	9,048,657	(105,000)
Other Sources	24,752	26,000	6,823,984	6,849,984	7,004,055	(154,071)
<b>TOTAL REVENUE</b>	<b>\$ 16,741,028</b>	<b>\$ 11,217,091</b>	<b>\$ 79,532,788</b>	<b>\$ 89,690,557</b>	<b>\$ 89,481,364</b>	<b>\$ 209,194</b>
<b>EXPENDITURES</b>						
Instruction	\$ 10,137,512	\$ 9,965,735	\$ 35,947,862	\$ 45,913,598	\$ 47,991,914	\$ 2,078,316
Support Services	8,136,908	8,140,788	25,104,956	33,245,744	33,296,863	51,119
Enterprise and Community Services	457,692	276,359	1,249,839	1,526,198	1,714,493	188,294
Facilities Acquisition and Construction	-	-	99,963	99,963	200,000	100,037
Other Uses	922,385	1,959,081	5,832,723	7,791,804	8,227,063	435,259
Contingencies	-	-	-	-	-	-
Unappropriated Ending Fund Balance	-	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>\$ 19,654,497</b>	<b>\$ 20,341,963</b>	<b>\$ 68,235,344</b>	<b>\$ 88,577,307</b>	<b>\$ 91,430,332</b>	<b>\$ 2,853,025</b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$ (2,913,468)</b>	<b>\$ (9,124,872)</b>	<b>\$ 11,297,444</b>	<b>\$ 1,113,250</b>	<b>\$ (1,948,968)</b>	
<b>Projected Year End Fund Balance</b>				<b>\$ 4,745,450</b>	<b>5.29%</b>	<b>of Revenues</b>

**NW Regional ESD  
Monthly Financial Report**

For Period Ending October 31, 2020

**Superintendent's Expense Report**

Expenses:	Registration Meeting/Conf	Airfare	Mileage & Parking	Hotel	Dues/Fees	Meals	Other	Total
July-20								0.00
August-20							1,949.96	1,949.96
September-20							3,049.30	3,049.30
October-20					878.18		4,680.00	5,558.18
November-20								0.00
December-20								0.00
January-21								0.00
February-21								0.00
March-21								0.00
April-21								0.00
May-21								0.00
June-21								0.00
<b>Total Expenses</b>	0.00	0.00	0.00	0.00	878.18	0.00	9,679.26	10,557.44

**Detailed Expense Report**

October 2020					
Vendor	Date	PO #	Amount	Type*	Description of Product / Service
VALLEY ATHLETIC FIELD SOLUTIONS INC.	10/2/2020	210368	\$3,770.00	PO	Face Masks Purchase
LYDIA PICKARD	10/2/2020	210343	\$910.00	PO	ASL Interpreter - Provide ASL interpreter services
GOVERNMENT ETHICS COMMISSION	10/9/2020	210363	\$878.18	PO	2020-21 Dues to Oregon Gov Ethics Commission
			<u>\$ 5,558.18</u>		

September 2020					
Vendor	Date	PO #	Amount	Type*	Description of Product / Service
NORTHWEST AMERICAN SIGN LANGUAGE ASSC	9/18/2020	210333	\$980.00	PO	Provide ASL Interpreter services for annual NW Inservice
PHILEMON ULINWA	9/23/2020	210103	\$2,000.00	PO	Provide ASL Interpreter services for annual NW Inservice
BANK OF AMERICA	9/30/2020	210395	\$8.06	PO	tgoldner-Amazon -Thank you gift for inservice stud *new to report
BANK OF AMERICA	9/30/2020	210395	\$22.26	PO	tgoldner-Amazon -Thank you gift for inservice stud *new to report
BANK OF AMERICA	9/30/2020	210395	\$38.98	PO	tgoldner-SHUTTERFLY-Living our values employee awa *new to report
			<u>\$ 3,049.30</u>		

**NW Regional ESD  
Monthly Financial Report**

For Period Ending October 31, 2020

**Board of Directors' Expense Report**

Expenses:	Registration Meeting/Conf	Airfare	Mileage	Hotel	Meals	Legal/Audit	Dues/Fees	Other	Total
July-20									\$ -
August-20	\$60.00						\$3,520.00	\$6,112.00	\$9,692.00
September-20						\$6,076.00	\$1,500.00	\$238.91	\$7,814.91
October-20						\$9,504.17	\$24,375.00		\$33,879.17
November-20									\$0.00
December-20									\$0.00
January-21									\$0.00
February-21									\$0.00
March-21									\$0.00
April-21									\$0.00
May-21									\$0.00
June-21									\$0.00
<b>Total Expenses</b>	\$60.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,580.17	\$29,395.00	\$6,350.91	\$51,386.08

**Detailed Expense Report**

October 2020					
Vendor	Date	PO #	Amount	Type*	Description of Product / Service
LINN BENTON LINCOLN ESD	10/23/2020	210429	\$24,375.00	PO	2020-21 OAESD Dues
HUNGERFORD LAW FIRM, THE	10/23/2020	210463	\$504.17	PO	2020-21 Legal Support and Presentations/Trainings
PAULY, ROGERS & CO. PC	10/23/2020	210495	\$9,000.00	PO	June 30, 2020 Audit
			<u>\$ 33,879.17</u>		

September 2020					
Vendor	Date	PO #	Amount	Type*	Description of Product / Service
OREGON SMALL SCHOOLS ASSOC	9/11/2020	210308	\$1,500.00	PO	2020-2021 Oregon Small Schools Association members
MILLER NASH WIENER HAGER & CARLSON LLP	9/30/2020	210213	\$6,076.00	PO	2020-21 Miller Nash Invoicing
BANK OF AMERICA	9/30/2020	210395	\$178.91	PO	tgoldner-IMPRINT.COM-Mugs for board of directors r
BANK OF AMERICA	9/30/2020	210428	\$60.00	PO	tgoldner-AWESOME GAPPS INC-Monthly awesome table s
			<u>\$7,814.91</u>		



# Northwest Regional Education Service District

November 17, 2020

TO: Board of Directors

FR: Joseph J. Hernandez, Chief Human Resources Officer

RE: OSBA Policy Updates

EXPLANATION: The attached spreadsheet provides an overview of the proposed policy changes. These have been reviewed by the Board Policy Committee and their recommendations have been incorporated. No additional comments we received since our last meeting.

PRESENTER(S): Joseph J. Hernandez

SUPPLEMENTARY MATERIALS: Please see attached spreadsheet and policies.

RECOMMENDATION: *Approve as presented*

PROPOSED MOTION: *I move the NWRESD Board of Directors approve the policies as presented/ amended.*



Policy Letter	Policy Name	Summary	Required, recommended, optional	Accept, reject, revise OSBA's edits	Details on revisions	Sent for board policy committee review	Next Steps	Comments from OSBA	First Read	Second Read
GBL	Personnel Records	Senate Bill 155 (2019) updated statute affecting release of personnel records when requests are received	Required	Small revision	Last sentence, we will go with [Board policy KBA - Public Records]. [The ESD will attempt to notify the employee of the request and that the ESD believes it is legally required to disclose certain records.]	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
GBLA	Disclosure of information	Senate Bill 155 (2019) updated statute affecting release of personnel records when requests are received	Highly Recommended	Accept	N/A	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
*GBEB	Communicable Diseases	Recent events in our communities prompted revisions to rules prescribed by the Oregon Health Authority (OHA) affecting school attendance by staff and students to protect public health. As a result, OHA added COVID-19 to the restrictable disease list and established criteria for returning staff and students to school, in addition to other revisions made to existing rules including changes in definitions and other parts of previous rules. Please continue to follow guidance as it is reported by OHA and the Oregon Department of Education in connection with these recommended changes. Legal Reference: OAR 333-019-1000	Staff Highly Recommended	Accept	N/A	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
JHCC	Communicable Diseases	Recent events in our communities prompted revisions to rules prescribed by the Oregon Health Authority (OHA) affecting school attendance by staff and students to protect public health. As a result, OHA added COVID-19 to the restrictable disease list and established criteria for returning staff and students to school, in addition to other revisions made to existing rules including changes in definitions and other parts of previous rules. Please continue to follow guidance as it is reported by OHA and the Oregon Department of Education in connection with these recommended changes. Legal Reference: OAR 333-019-1000	Students Required	Accept	N/A	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
*GBN/JBA	Sexual Harassment	The updates issued for policy and administrative regulations for sexual harassment result from release of revised Federal regulations for Title IX protections, and the release of updates to Oregon Administrative Rules revised to reflect new Oregon statute adopted in the 2019 Legislative session amending Oregon's sexual harassment definition and its policy and procedures requirements. Members will need to consider the urgency of adoption of these new recommended revisions to update procedures for complaints and investigations of sexual harassment reports or complaints for the coming school year. In compliance with these new recommended policy and administrative regulations, members need to consider which definition of sexual harassment a reported incident or complaint may align with and follow recommended procedure, and whether the reported incident or complaint may need to be investigated and processed under both State and Federal law established procedures.	Required	Small revision		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
JBA/GBN	Sexual Harassment	The updates issued for policy and administrative regulations for sexual harassment result from release of revised Federal regulations for Title IX protections, and the release of updates to Oregon Administrative Rules revised to reflect new Oregon statute adopted in the 2019 Legislative session amending Oregon's sexual harassment definition and its policy and procedures requirements. Members will need to consider the urgency of adoption of these new recommended revisions to update procedures for complaints and investigations of sexual harassment reports or complaints for the coming school year. In compliance with these new recommended policy and administrative regulations, members need to consider which definition of sexual harassment a reported incident or complaint may align with and follow recommended procedure, and whether the reported incident or complaint may need to be investigated and processed under both State and Federal law established procedures.	Required	Small revision	Include CHRO role only, rather than name, phone, email, keep the recommendations from Cathy/Joseph, follow comments	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Northwest Regional ESD

Code: GBL  
Adopted: 6/20/17  
Orig. Code: GBL

### Personnel Records

An official personnel file will be established for each person employed by the Northwest Regional Education Service District (NWRES D). Such files will be maintained in a central location and are the property of the NWRES D.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent or designee will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions ~~to be~~ placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of an employee's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, NWRES D employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee ~~or designee~~ may arrange with the human resource office to inspect the contents of ~~his/her~~ ~~their~~ personnel file on any day the human resource office is open for business;
2. Others designated ~~in writing~~ by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member, when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent or designee and members of the central administrative staff;
6. The NWRES D administrators and supervisors who currently or prospectively supervise the employee;
7. The employees of the human resource office; and

8. The attorneys for the NWRES D or the NWRES D's designated representatives on matters of NWRES D business;
9. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent or designee may permit persons other than those specified above to use and inspect employee records when, in his/her/their opinion, the person requesting access has a legitimate official purpose. The superintendent or designee will determine in each case the appropriateness and extent of such access.

~~Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order requiring their release~~

Release of personnel records to parties other than those listed above, will be in-line with [the ESD's public records procedures] [Board policy KBA - Public Records]. [The ESD will make a reasonable attempt to notify the employee of the request and that the ESD believes it is legally required to disclose certain records.]

**Commented [1]:** We will go with "Board policy KBA - Public Records"

**Commented [2]:** Keep [The ESD will attempt to notify ....] amended to [The ESD will make a reasonable attempt to notify ...] on 10/9/20

END OF POLICY

Legal Reference(s):

~~ORS 339.370 to -339.374~~      ~~ORS 342.143~~      ~~ORS 652.750~~  
~~ORS 339.388~~                      ~~ORS 342.850~~                      ~~OAR 581-024-0245~~

~~OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019);  
28 C.F.R. Part 35 (2019).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).~~

**Legal Reference(s):**

~~ORS 339.370 to -339.374~~                      ~~ORS 342.143~~                      ~~ORS 652.750~~  
~~ORS 339.388~~                                      ~~ORS 342.850~~                      ~~OAR 581-024-0245~~

~~OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).~~

# Northwest Regional ESD

Code: GBLA  
Adopted: 6/20/17  
Orig. Code: GBLA

## Disclosure of Information

Authorized Northwest Regional Education Service District (NWRES D) officials may disclose information about a former employee's job performance to a prospective employer. The NWRES D officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
  - a. Knowingly false;
  - b. Deliberately misleading;
  - c. Rendered with malicious purpose; or
  - d. Violated civil rights of the employee protected under Oregon Revised Statute (ORS) 659 or 659A.
2. ~~The disclosure is of the disciplinary records of an NWRES D employee who has been convicted of a crime listed in Oregon Revised Statute (ORS) 342.143. These records are generally not exempt from disclosure under ORS 192.501 or ORS 192.502. Prior to the disclosure of a disciplinary record, an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.~~ Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined by ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. The disclosure is the result of a request from a law enforcement agency, the Oregon Department of Human Services, or the Teacher Standards and Practices Commission ~~regarding the records of investigations of suspected child abuse by an NWRES D employee~~ or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. Not later than 20 days after receiving a request under ORS 339.374(1)(b), ~~an education provider that~~ the ESD, if it has or has had an employment relationship with the applicant shall disclose the information requested ~~and any disciplinary records that must be disclosed as provided by ORS 339.388(7).~~

END OF POLICY

### Legal Reference(s):

[ORS 30.178](#)  
[ORS 339.370 - 339.400](#)

[ORS 339.388](#)  
[ORS Chapter 659](#)

[ORS Chapter 659A](#)

## Northwest Regional ESD

Code: GBEB  
Adopted: 6/20/17  
Orig. Code: GBEB

### Communicable Disease

The Northwest Regional Education Service District (NWRES D) shall provide reasonable protection against the risk of exposure to communicable disease for NWRES D employees while engaged in the performance of their duties. Reasonable P protection from communicable disease is generally shall be attained through immunization, exclusion or other measures provided for in Oregon Revised Statutes and Oregon Administrative Rules by Oregon law, by the local health department, or in the Communicable Disease Guidance published by the Oregon Department of Education and the Oregon Health Authority.

Employees shall comply with all measures adopted by the NWRES D and with all rules set adopted by the Oregon Health Authority, Public Health Division and the county-local health department. Employees have a responsibility to report to the NWRES D when infected with a communicable disease unless stated otherwise by law.

~~Employees shall provide services to students who are infected with a communicable disease except as provided by law. In those cases where a communicable disease is diagnosed and confirmed, the NWRES D shall inform the appropriate employees to protect against the risk of exposure.~~

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

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

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons, including those who are infected with a communicable disease, and shall provide the services in accordance with this policy. Where the NWRES D knows that a person is infected with a communicable disease it shall inform the employees, as appropriate, to protect against the risk of exposure.~~

~~No employee shall be denied the opportunity to provide service solely on the basis that the employee is infected with a communicable disease except as otherwise required by law. However, the NWRES D may require an employee infected with a communicable disease, which is diagnosed and confirmed, to comply with such reasonable measures, including submission to NWRES D paid medical examinations, as may be determined as conditions of continued employment.~~

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

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

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

~~The NWRESD shall protect the confidentiality of an employee's health condition/record to the extent possible.~~

**END OF POLICY**

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**Legal Reference(s):**

# OSBA Model ESD Sample Policy

Code: GBN/JBA  
Adopted:

## Sexual Harassment

The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. 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 ESD processes complaints<sup>{1}</sup> 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 ESD, the ESD 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 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 ESD may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures<sup>{2}</sup>.

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>3</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 ESD staff member’s ability to perform their job; or

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

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

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

- c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.<sup>{4}</sup>

Sexual harassment does not include conduct that is necessary because of a job duty of a school or ESD staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, <sup>{5}</sup>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].

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**Oregon Procedures**

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

Name	Position	Phone	Email
_____	_____	_____	_____
[_____]	[_____]	[_____]	[_____]

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

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**Response**

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

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1. Student is protected and to promote a nonhostile learning environment;

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

<sup>{5}</sup> OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The ESD has discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school ESD's legal counsel.

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



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 ESD official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to [immediately] report their concerns to ESD 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 ESD official.

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### Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The ESD 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.]

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The ESD 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.]<sup>7</sup>

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The ESD 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 ESD electronic systems;

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

5. Trainings and education for staff and students; and

6. Increased notifications regarding ESD procedures and resources.]

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

1. [Removing that third party's ability to contract or volunteer with the ESD, or be present on ESD property;

2. If the third party works for an entity that contracts with the ESD, communicating with the third party's employer;

3. If the third party is a student of another district, ESD or school, communicate information related to the incident to the other district, ESD or school;

4. Limiting attendance at ESD events; and

5. Providing for additional supervision, including law enforcement if necessary, at ESD events.]

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#### 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 ESD 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 ESD's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

#### Notice

When a person<sup>8</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

1. Each reporting person;

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<sup>8</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

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>9</sup>:

1. Name and contact information for all person designated by the ESD 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 ESD that the [student, student's parents, staff member, person or person's parent] [person] who filed the complaint may pursue, including the person designated for the school or ESD for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or ESD 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 ESD, 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 ESD;
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 ESD's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

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<sup>9</sup> Remember confidentiality laws when providing any information.

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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 ESD office and on the website of the school or ESD.

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

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

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### **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 ESD conditioning the provision of an aid, benefit, or service of the ESD 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 ESD's education program or activity<sup>10</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 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.

<sup>10</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))

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A ESD’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 ESD 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) - Title IX Sexual Harassment Grievance Procedures.

### 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.

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. The Title IX Coordinator will coordinate the ESD’s efforts to comply with its responsibilities related to this AR. The ESD prominently will display the contact information for the Title IX Coordinator on the ESD website and in each handbook. {<sup>11</sup>}

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### Response

The ESD 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>12</sup> The ESD shall treat complainants and respondents equitably by providing supportive measures<sup>13</sup> to the complainant and by following a grievance procedure<sup>14</sup> prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes, with respect to supportive measures, inform the complainant

<sup>11</sup> Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements}

<sup>12</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>13</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 ESD’s educational environment, or deter sexual harassment.<sup>13</sup> The ESD 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>14</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).

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>15</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>16</sup>The ESD 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 ESD 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 ESD 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 ESD 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 ESD 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>17</sup>, or both.]

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### No Retaliation

Neither the ESD or any person may retaliate<sup>18</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 ESD must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

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

<sup>16</sup> The ESD 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>17</sup> Of the United States Department of Education

<sup>18</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

**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] [ESD] student handbook and on the [school][ESD] website. This policy shall also be made available at each school office and at the ESD office. The ESD shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any [student, parent of a student, school or ESD staff member, or third party] [person] upon request.

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- Commented [16]: keep ESD
- Commented [17]: keep ESD
- Commented [18]: person

END OF POLICY

**Legal Reference(s):**

- |                             |                              |                                  |
|-----------------------------|------------------------------|----------------------------------|
| <a href="#">ORS 243.706</a> | <a href="#">ORS 342.850</a>  | <a href="#">ORS 659A.030</a>     |
| <a href="#">ORS 334.125</a> | <a href="#">ORS 342.865</a>  | <a href="#">OAR 581-021-0038</a> |
| <a href="#">ORS 342.700</a> | <a href="#">ORS 659.850</a>  | <a href="#">OAR 584-020-0040</a> |
| <a href="#">ORS 342.704</a> | <a href="#">ORS 659A.006</a> | <a href="#">OAR 584-020-0041</a> |
| <a href="#">ORS 342.708</a> | <a href="#">ORS 659A.029</a> |                                  |

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).

# OSBA Model ESD Sample Policy

Code: JBA/GBN

Adopted:

## Sexual Harassment

The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. 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 ESD processes complaints<sup>{1}</sup> 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 ESD, the ESD 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 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 ESD may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures<sup>{2}</sup>.

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>3</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 ESD staff member's ability to perform their job; or
  - c. Creates an intimidating, offensive or hostile environment.

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

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

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



3. Assault when sexual contact occurs without the student’s, staff member’s or third party’s consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.<sup>{4}</sup>

Sexual harassment does not include conduct that is necessary because of a job duty of a school or ESD staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s action, offensive because of that other person’s sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, <sup>{5}</sup>physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

**Oregon Procedures**

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

Name	Position	Phone	Email
_____	_____	_____	_____
[_____	_____	_____	_____]

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

**Response**

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a ESD official. The ESD 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

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

<sup>{5}</sup> OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy”. The bracketed list in this policy reflects OSBA’s recommendations. The ESD has discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school ESD’s legal counsel. }

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

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

Any student or staff member who feels they are a victim of sexual harassment are encouraged to [immediately] report their concerns to ESD 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 ESD official.

## **Investigation**

All reports and complaints about behavior that may violate this policy shall be investigated. The ESD 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 ESD 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.]<sup>7</sup>

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

7. [Discipline of staff and students engaging in sexual harassment;
8. Removal of third parties engaged in sexual harassment;
9. Additional supervision in activities;
10. Additional controls for ESD electronic systems;
11. Trainings and education for staff and students; and
12. Increased notifications regarding ESD procedures and resources.]

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

1. [Removing that third party's ability to contract or volunteer with the ESD, or be present on ESD property;

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

2. If the third party works for an entity that contracts with the ESD, communicating with the third party's employer;
3. If the third party is a student of another district, ESD or school, communicate information related to the incident to the other district, ESD or school;
4. Limiting attendance at ESD events; and
5. Providing for additional supervision, including law enforcement if necessary, at ESD 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 ESD 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 ESD's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

### **Notice**

When a person<sup>8</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

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

The written notification must include<sup>9</sup>:

1. Name and contact information for all person designated by the ESD to receive complaints;
2. The rights of the person that the notification is going to;

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<sup>8</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

<sup>9</sup> Remember confidentiality laws when providing any information.

3. Information about the internal complaint processes available through the school or ESD that the [student, student’s parents, staff member, person or person’s parent] [person] who filed the complaint may pursue, including the person designated for the school or ESD for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or ESD 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 ESD, 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 ESD;
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 ESD’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

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

### **[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 ESD conditioning the provision of an aid, benefit, or service of the ESD 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 ESD's education program or activity<sup>10</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 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 ESD'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 ESD 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) - Title IX Sexual Harassment Grievance Procedures.

### **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.

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. The Title IX Coordinator will coordinate the ESD's efforts to comply with its responsibilities related to this AR. The ESD prominently will display the contact information for the Title IX Coordinator on the ESD website and in each handbook.<sup>{11}</sup>

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<sup>10</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))

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

## Response

The ESD 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>12</sup> The ESD shall treat complainants and respondents equitably by providing supportive measures<sup>13</sup> to the complainant and by following a grievance procedure<sup>14</sup> prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>15</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>16</sup> The ESD 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 ESD 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 ESD 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 ESD 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 ESD will respond.

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<sup>12</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>13</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 ESD's educational environment, or deter sexual harassment.<sup>13</sup> The ESD 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>14</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).

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

<sup>16</sup> The ESD 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))

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary<sup>17</sup>, or both.]

## **No Retaliation**

Neither the ESD or any person may retaliate<sup>18</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 ESD must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

## **Publication**

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

END OF POLICY

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

[ORS 243.706](#)  
[ORS 334.125](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)

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

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

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

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

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

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

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

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<sup>17</sup> Of the United States Department of Education

<sup>18</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

# Northwest Regional ESD

Code: JHCC  
Adopted: 8/07/17  
Orig. Code: JHCC

## Communicable Diseases

The Northwest Regional Education Service District (NWRES D) shall provide reasonable protection for students against the risk of exposure to communicable disease. ~~The NWRES D will follow the Oregon Department of Education and the state and local health authorities' rules and regulations pertaining to communicable diseases.~~

Reasonable protection from communicable disease is generally ~~shall be~~ attained through immunization, exclusion or other measures provided ~~for in~~ by Oregon ~~Revised Statutes and rules of~~ law, by the ~~county~~ local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will be provided to students as required by law. ~~Services generally will not be provided to students excluded under this policy unless otherwise required by law.~~

~~Where the NWRES D knows that a student is infected by any communicable disease for which the student would not be excluded under this policy, the school involved shall take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of the students.~~

~~The NWRES D may, for the protection of both the infected student and the exposed student, provide an educational program in an alternative setting. A student shall continue in the alternative setting, if provided, until such time that:~~

- ~~1. The NWRES D determines that the student presents no unreasonable risk of infection to the other students and bears no unreasonable risk of opportunistic infections; or~~
- ~~2. The student is ordered to be returned to the classroom by a court or other authority of competent jurisdiction.~~

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

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

The NWRES D will include as a part of its emergency procedure plan a description of the actions to be taken by NWRES D personnel in the case of pandemic flu outbreak declared public health emergency or other catastrophe that disrupts NWRES D operations.



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

END OF POLICY

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**Legal Reference(s):**

[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.526](#)

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 333-019-1000](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

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



# Northwest Regional Education Service District

**November 17, 2020**

**TO: Board of Directors**

**FR: Lauren Slyh O'Driscoll, Board Secretary**

**RE: OSBA Resolution and Elections**

**EXPLANATION:**

The Oregon School Boards Association election will be held November 16 - December 18, 2020. The Board will be voting on OSBA Board of Director representatives and one resolution, attached.

**PRESENTER(S):** Dan Goldman, Superintendent

**SUPPLEMENTARY MATERIALS:**

- Preview your [Official Ballot](#)
- View [candidate information](#)
- Download the [Resolution](#) you are being asked to support
- OSBA's [Election Center](#) containing all election information
- [2020 Election Calendar](#) (PDF)

**RECOMMENDATION:**

Recommend the NWRES D Board of directors approves the Resolution to adopt the OSBA 2021-22 Legislative Priorities and Principles. Furthermore, we recommend you endorse a candidate for Position .

**PROPOSED MOTION:**

I move the NWRES D Board of directors approves the Resolution to adopt the OSBA 2021-22 Legislative Priorities and Principles and endorse \_\_\_\_\_ for Position .



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

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

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

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

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

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

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

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

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

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



# 2021-2022 Legislative Priorities and Principles

Proposed: August 25, 2020

## Preamble

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

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

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

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

# Priorities

## **Promote Adequate, Predictable, and Stable Funding**

The State School Fund rises and falls every two years because Oregon's revenue-raising and funding systems have substantial variance. Stable and adequate funding is crucial to providing a quality education to all students across the education continuum. To ensure stable and adequate funding, OSBA will actively promote legislation that accurately calculates current service level funding for school districts.

## **Protect the 2019 Student Success Act**

The Student Success Act provides local school districts and education service districts unprecedented opportunities to target new funding toward educational programs. OSBA will actively promote legislation to protect the funding allocated for the Student Success Act in order to deliver equitable outcomes for all K-12 students.

## **Close the Opportunity Gap**

In every community a disparity in academic achievement exists between student groups. OSBA will support legislation aimed at closing achievement and opportunity gaps that exist across Oregon's public schools.

## **Contain Cost Drivers**

The costs associated with health care and retirement benefits are eating into funding available for instructional opportunities for students. OSBA will promote legislation that provides relief for districts related to benefit costs controlled by the State.

## **Support Local Governance and Oppose Mandates**

Locally elected officials, local education professionals, and the local community are in the best position to respond to the needs of all students. New mandates must have necessary funding and be researched-based with results indicating increased achievement for all students.

## **Support Capital Improvements**

Students need schools that are safe, comfortable, and appropriate for a modern and/or digital learning environment. OSBA will actively promote the allocation of state-level resources to help pay for construction and capital improvement. OSBA will promote legislation aimed at diversifying the funding methods available to school districts.

## **Ensure Access to Post-Secondary Credits**

All students should have access to post-secondary credit opportunities. OSBA will advocate for a seamless transfer of credits throughout Oregon's higher education system.

## **Address Education Workforce Shortages**

OSBA will promote efforts both state and at the local level to preserve and improve initiatives that combat the workforce shortage. OSBA will advocate for programs that will help districts recruit and retain a diverse and well-prepared workforce.

# Principles

## Finance

OSBA supports the allocation of state resources to ensure school districts and education service districts have the necessary resources to equitably and fully support all students' instructional, behavioral, and programmatic needs. OSBA supports appropriate financial tax policy to make Oregon schools competitive, nationally, and globally, including the preservation of other funding options for local district consideration.

## Student Programs

OSBA supports high-quality programs that equitably serve all students in obtaining a comprehensive and well-rounded education. OSBA supports new and continued partnerships with education stakeholders to increase educational and career opportunities for students.

## Student Safety and Wellness

OSBA supports safe and secure school environments, the physical health and overall well-being of all students, and services that promote social, emotional, and behavioral health.

## Personnel

OSBA supports attracting and retaining effective employees to create a healthy, diverse, culturally responsible, safe, and sustainable workforce. OSBA supports local management, local contract negotiations, and continued conversations regarding professional development, licensure, and career advancement for personnel.

## Governance and Operations

OSBA believes locally elected school district, ESD, and community college boards are best equipped to make decisions in the best interest of students and communities. OSBA supports cross-system collaboration, alignment, and accountability among education stakeholders and partners.

## Federal Education Issues

OSBA will advocate for the federal government to prioritize, streamline, and fully fund programs that support students.

The Oregon School Boards Association is dedicated to improving student success and education equity through advocacy, leadership, and service to Oregon public school boards.



1201 Court St. NE, Ste. 400, Salem, OR 97301  
503-588-2800 | 800-578-OSBA  
[info@osba.org](mailto:info@osba.org) | [www.osba.org](http://www.osba.org)

# NOMINATION FORM

## OSBA BOARD OF DIRECTORS

### REGIONAL MEMBER

Date: September 29, 2020

TO: Maureen Wolf, OSBA President-Elect  
Oregon School Boards Association  
1201 Court St NE, #400  
Salem, OR 97301  
Fax: 503-588-2813  
E-mail: [OSBAelections@osba.org](mailto:OSBAelections@osba.org)

**Nominations are due by 5 pm,  
October 2, 2020**

Return this form and all candidate information forms to the OSBA office by email at [OSBAelections@osba.org](mailto:OSBAelections@osba.org), or mail to Oregon School Boards Association, 1201 Court St. NE, #400, Salem, OR 97301

Dear Maureen Wolf:

With this letter, our board nominates the candidate named below to a position on the OSBA Board of Directors for the Washington Region, Position # 15.

### BOARD CANDIDATE INFORMATION

Name: LeeAnn Larsen  
District/ESD/Community College: Beaverton School District  
Address: 16550 SW Merlo Road  
City: Beaverton Oregon ZIP: 97003  
E-mail: LeeAnn\_Larsen@beaverton.k12.or.us Phone: 503 - 572 - 6763

**This nomination was approved by official action of our board of directors at a duly called meeting on**  
September 29, 2020  
**(date)**



*(Board Chair signature)*

Board Chair name: Becky Tymchuk  
District: Beaverton  
Address: 16550 SW Merlo Road  
City: Beaverton, Oregon ZIP: 97003



# CANDIDATE QUESTIONNAIRE

## OSBA Board of Directors

Name: LeeAnn Larsen \_\_\_\_\_ Region: Washington County \_\_\_\_\_

District/ESD/CC: Beaverton School District \_\_\_\_\_ Position #: 15 \_\_\_\_\_

I certify that if elected I will faithfully serve as a member of the OSBA Board of Directors. My nomination form has been submitted to OSBA (or is attached to this document) as evidence.

  
\_\_\_\_\_  
Name

9-10-20 \_\_\_\_\_  
Date

***Be brief; please limit your responses to 50 words per question.***

1. Describe in your own words the mission and goals of OSBA.

OSBA exists to be the leader in education for the state of Oregon. It serves public K-12 school boards, ESD boards and community college boards as well as the State Board of Education. In addition it advocates at the state and federal level on behalf of public schools and seeks to provide high level training to school boards around the state.

2. What do you want to accomplish by serving on the OSBA board of directors?

I want to provide representation for the school boards in Washington County at the state level and assist in advocating for public education in our state. I want to insure we are providing the best opportunity for ALL students to succeed.

3. What leadership skills do you believe you bring to the board of directors? Give an example of a situation in which you demonstrated these skills.

I am willing to serve in any capacity as needed. I have proven that I can provide leadership in various situations as proven from the numerous committees I have served on at the local and state level. I like to work collaboratively with everyone to find solutions that work for all students.

4. What do you see as the two most challenging issues faced by OSBA?

1. Educating students during this pandemic and making sure all students have the opportunity and access to a quality education;
2. Equity for all students in our state;
3. Continuing to advocate for adequate funding for the public school system in Oregon.

5. What do you see as the two most challenging issues faced by your region?

1. Educating students during this pandemic;
2. Equity for all students.

6. What is your plan for communicating with boards in your region?

My plan is to continue to communicate via email on all issues and board decisions. In addition, I would like to continue to work on the Washington county legislative summit which pulls our region together in advocating at the state level with our elected officials. Finally I would continue to use OSBA regional forums to communicate and to receive information from the Washington County boards.

**Deadline: October 2, 2020, 5 pm**

*Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.*

# CANDIDATE PERSONAL/PROFESSIONAL RESUME

## OSBA Board of Directors

Name: LeeAnn Larsen Date: 9/10/20

Address: 17886 NW Sedgewick Ct

City / ZIP: Beaverton OR 97006

Business phone: 503-572-6763

Residence phone: same

Cell phone: same

E-mail: leeann\_larsen@beaverton.k12.or.us

District/ESD/CC: Beaverton School District

Term expires: June 2021 Years on board: 11

**Deadline: October 2, 2020, 5 pm**

Please send your picture (head shot). A high-resolution digital photo is preferred but a print is acceptable.  
E-mail to: [OSBAelections@osba.org](mailto:OSBAelections@osba.org)  
or mail to: Oregon School Boards Association, 1201 Court St NE, #400, Salem, OR 97301

**Work or service performed for OSBA or local district** (include committee name and if you were chair):

BSD Board Chair and Vice Chair

BSD Audit Committee

BSD Budget Committee

BSD Health Curriculum Project Team (2x's)

BSD Local Option Levy Committee

BSD Student Success Act Committee

BSD Bargaining Team

OSBA Board

OSBA President, President Elect, Vice President, Past President

OSBA Finance Committee

OSBA Budget Committee

**Other education board positions held/dates:**

**Occupation** (Include at least the past five years):

Employers: SuiteAmerica

Dates: 2010 - present

**Schools attended** (Include official name of school, where and when):

High school: Mead Sr High School, Spokane WA (1974-77)

College: Washington State University, Pullman WA (1977-81)

Degrees earned: BS, Political Science with minor in Economics

Education honors and/or awards:

Other applicable training or education:

Leadership Oregon

**Activities, other state and local community services:**

Lobbying for K-12 funding at State Level

Washington County Legislative Summit committee

Educational and Workforce Task Force

ESSA State Task Force

K-12 Educational Partner Group

UFLC Leadership Council

**Hobbies/special interests:**

Gardening, Hiking, Boating, Reading, Spending time with family

**Business/professional/civic group memberships; offices held and dates:**

Portland Relocation Council Board of Directors (2018-present)

**Additional comments:**

**Deadline: October 2, 2020, 5 pm**

*Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.*



Northwest Regional  
Education Service District

**END PACKET**