



Eddyville Charter School
Board of Directors
P.O. Box 68
Eddyville, OR 97343
Phone: 541.875.2942
Fax: 541.875.4050

December 16, 2020 6:00pm
Board Packet - Regular Session
AGENDA

- 1) Regular Board Meeting Called to Order**
- 2) Past Meeting Minutes: November 18, 2020** Pg. 2-3
- 3) Agenda Adjustments**
- 4) Informational Items**
 - a) Financial Packet - November Rhonda Allen Pg. 4-13
- 5) Interested Party Comments**

During this time the audience will have the opportunity to speak to the board. Anyone wishing to address the board is asked to complete a request via sign in upon entering the board meeting. The chairman reserves the right to limit time allocated to each presenter. It is requested that those addressing the board state their name for the record.
- 6) Communication**
 - a) Administration Report- Stacy Knudson Pg. 14
 - b) Athletic Director Report- Mike Ulstad Pg. 15
 - i) OSAA Adjusted Calendar Pg. 16
- 7) Action Items**
 - a) Payment of the Bills- November
 - b) Policy Updates: (First Readings online)
 - i) GBEB AR Communicable Diseases Staff Pg. 17-18
 - ii) GBEB Communicable Diseases- Staff Pg. 19
 - iii) GBN_JBA R1 Sexual Harassment Complaint Procedure Pg. 20-24
 - iv) GBN_JBA R2 Title IX Sexual Harassment Complaint Procedure Pg. 25-32
 - v) GCBDA_GDBDA OFLA Pg. 33-41
 - vi) GCBDA_GDBDA AR Employee Leave Request Pg. 42- 43
 - vii) GCBDA_GDBDA AR OFLA Eligibility Notice to Employee Pg. 44- 46
 - viii) IKFB Graduation Exercises Pg. 47-48
 - ix) JB Equal Educational Opportunity Pg. 49-50
 - x) JBA_GBN Sexual Harassment Pg. 51- 59
 - xi) JBA_GBN AR Sexual Harassment Complaint Procedure Pg. 60- 64
 - xii) JBA_GBN AR 2 Title IX Sexual Harassment Complaint Pg. 65- 72
 - xiii) JHCC AR Communicable Diseases Student Pg. 73-75
 - xiv) JHCC Communicable Diseases Students Pg. 76
 - xv) GCBDA Update (district to charter school) Pg. 77-78
 - xvi) GCPC_GDPC Retirement of Staff Pg. 79
 - xvii) GCBDD_GDBDD Sick Time Pg. 80-81

Next Meeting: January 20, 2021 at 6:00pm



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November 18, 2020 6:00pm
Board Packet - Regular Session
MINUTES

Board members in Attendance: Larry Cook, Ryan Gassner, Abe Silvonen, Stephanie Mekemson, Lisa Rorie

Board Members Absent: Rebecca Phillips-Sutton, John Lancaster

School Administration in Attendance: Stacy Knudson

Board minutes taken by Dani Ulstad

- 1) **Regular Board Meeting Called to Order at 6:00pm** by Ryan Gassner
- 2) **Past Meeting Minutes: October 21, 2020**
 - a) Larry Cook motioned to approve the past meeting minutes, Lisa Rorie seconded. All voting members voted in favor of the motion.
- 3) **Agenda Adjustments (NONE)**
- 4) **Informational Items**
 - a) Financial Packet - October Rhonda Allen
 - b) Lincoln County pays the Charter a rate of 8,484, the state rate is moving to 8,915. They will rebalance and payments missed will be retroed.
 - c) 229k Ending fund balance, some monies moved from grant funds
- 5) **Executive Session Called to Order 192.660 (2)(a)(b at 6:15pm**
- 6) **Regular Board Meeting Called back to order at 7:21pm**
- 7) **Interested Party Comments (NONE)**

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right to limit time allocated to each presenter. It is requested that those addressing the board state their name for the record.

8) Communication

- a) Administration Report- Stacy Knudson
- b) Athletic Director Report- Mike Ulstad

9) Action Items

- a) Payment of the Bills- October
 - i) Lisa Rorie motioned to approve the payment of the bills for October, Stephanie Mekemson seconded. All voting members voted in favor of the motion.
- b) Policy First Reading
 - i) ACB: All Students Belong
 - ii) ACB-AR: Bias Incident Complaint Procedure
 - iii) Lisa Rorie motioned to approve the payment of the policy updates, Abe Silvonon seconded. All voting members voted in favor of the motion.
- c) Acceptance of Resignation: Casey Johnson
 - i) Lisa Rorie motioned to approve the resignation of Casey Johnson, Stephanie Mekemson seconded. All voting members voted in favor of the motion.
- d) Acceptance of Long Term Sub Contract: Jody Becker
 - i) Lisa Rorie motioned to approve the long term sub contract for Jody Becker, Abe Silvonon seconded. All voting members voted in favor of the motion.

Meeting Adjourned at 7:51pm by Ryan Gassner. Next Meeting:December 16, 2020 at 6:00pm



December 8, 2020

TO: Eddyville Charter School Board of Directors
FROM: Rhonda Allen, LBL-ESD Assistant Business Manager
RE: November 30, 2020 Financial Statements

Board Members,

Attached you will find the 2020-2021 financial statements through November 30, 2020 which presents actual revenue and expenditures through November 30, 2020 and projected revenue and expenditures through June 30, 2021. The estimated FY20/21 ending fund balance is \$258,770 with \$100,000 of that balance reserved in Contingency.

You should see an increase in the December SSF payment from Lincoln County SD. The payment is to be adjusted due to the charter rate increase in the 11-12-2020 estimate. This is the rate used per ADMw to calculate the payment to ECS. The revenue increase will be reflected in the December financial report.

The last month has been a busy one. In November, the latest economic forecast was released. It generally shows stable revenues and a slow but steady economic recovery. Unemployment has also dropped to 6.9% from double digits earlier this year. There has also been a modest increase in lottery revenue since the September economic forecast. Even with some good news, there is still a lot of uncertainty and potential volatility in the future until the virus is under control.

Last week, the Governor released her recommended budget for the 2021-2023 biennium, which included \$9.1 billion for funding the State School Fund and emphasized equity and racial justice. In order to fund the \$9.1 billion, an additional \$215 million is being used from the Education Stability Fund for public schools. Estimates from the Oregon Association of School Business Officials, indicate that \$9.5 to \$9.6 billion is needed in the State School Fund to maintain current service levels. This will be an interesting legislative year and we will most likely be late in the budget season before an actual state budget has been approved.

Please let me know if you have any questions or concerns regarding these statements.

Eddyville Charter School
General Fund: Statement of Revenue Budget Vs. Actual
For the Fiscal Year 2020-2021
As of 11/30/2020

Source	2020-2021 Budget	Actual YTD Rev. 11/30/2020	Projected through 6/30/2021	Total Estimated 2020-2021	(Over)/Under Budget	Total Actual 6/30/2020	2019-2020 Budget
SSF Funding							
3101 State School Support Funds	2,598,618	1,252,398	1,394,978	2,647,376	(48,758)	2,492,102	2,446,204
3101 SSF- May Adjustment			-	-	-	-	
Total SSF Funding	2,598,618	1,252,398	1,394,978	2,647,376	(48,758)	2,492,102	2,446,204
Non State School Support Formula Sources							
Local Sources							
1510 Interest on Investments/Bank	2,250	298	3,096	3,394	(1,144)	2,112	1,400
1710 Admissions	4,120	-	3,680	3,680	440	2,680	3,000
1740 Fees	8,460	-	8,460	8,460	-	10,880	3,500
1920 Donations from Private Sources		-	-	-	-	-	2,000
1960 Recovery of Prior Year Exp.		-	-	-	-	-	500
1990 Miscellaneous Local Revenue	20,000	6,123	13,877	20,000	-	44,963	10,000
Total Non Formula Local Sources	34,830	6,421	29,113	35,534	(704)	60,634	20,400
Other Sources							
5400 Beginning Fund Balance	400,000	369,736	-	369,736	30,264	600,599	600,599
Total Other Sources	400,000	369,736	-	369,736	30,264	600,599	600,599
Total Non SSF Revenue	434,830	376,156	29,113	405,270	29,560	661,233	620,999
Total Resources	\$ 3,033,448	\$ 1,628,554	1,424,091	\$ 3,052,646	\$ (19,198)	\$ 3,153,335	\$ 3,067,203
		Less Estimated Requirements		\$ (2,793,875)			
		Estimated Ending Fund Balance		\$ 258,770			

Eddyville Charter School
General Fund: Statement of Expenditures Budget Vs. Actual
For the Fiscal Year 2020-2021
As of 11/30/2020

Function	Adopted 2020-2021 Budget	Actual YTD Exp. 11/30/2020	Projected through 6/30/2021	Total Estimated 2020-2021	(Over)/ Under Budget	% Committed	Total Actuals 6/30/2020
Instruction			-				
1111 Elementary, K-6	702,167	163,933	470,873	634,806	67,361	90.41%	644,867
1113 Elementary Extracurricular	1,715	504	1,211	1,715			1,182
1121 Middle/Junior High Programs	321,399	68,334	253,065	321,399	-	100.00%	336,479
1122 Middle/Junior High School Extracurricular	17,140	1,511	13,524	15,036	2,104	87.72%	20,845
1131 High School Programs	461,387	120,907	341,349	462,255	(868)	100.19%	437,247
1132 High School Extracurricular	85,341	11,668	73,673	85,341	-	100.00%	69,464
Total Instruction	1,589,149	366,858	1,153,694	1,520,552	68,597		1,510,085
Support Services							
2122 Counseling Services	1,000	-	1,000	1,000	-		66,320
2130 Health Services	98,331	23,709	74,622	98,331	-	100.00%	81,041
2210 Improvement of Instruction Services	2,000	2,911	-	2,911	(911)	145.53%	-
2230 Assessment & Testing	3,000	-	3,000	3,000	-		-
2240 Staff Development	6,000	573	5,427	6,000	-		553
2310 Board of Education	72,932	50,458	8,523	58,980	13,952	80.87%	54,801
2321 Office of the Superintendent Services	94,820	37,068	57,752	94,820	-	100.00%	88,257
2411 Office of the Principal Services	220,836	64,832	144,631	209,463	11,373	94.85%	244,159
2520 Fiscal Services	48,770	48,443	1,114	49,557	(787)	101.61%	49,079
2541 Repair & Maintenance Services	-	317		317			
2542 Maintenance	431,262	126,607	255,655	382,262	49,000	88.64%	412,486
2552 Transportation	229,575	12,369	217,206	229,575	-	100.00%	168,708
2640 Staff Accounting Services	77,356	32,426	46,265	78,691	(1,335)	101.73%	77,513
2660 Technology	58,417	21,991	36,426	58,417	-	100.00%	29,916
Total Support Services	1,344,299	421,703	851,621	1,273,323	71,293		1,272,833
Other Requirements							
5200 Transfers of Funds	-	-	-	-	-		-
6000 Contingency	100,000	-	-	-	100,000	0.00%	-
Total Other Requirements	100,000	-	-	-	100,000		-
Total Requirements	\$ 3,033,448	\$ 788,560	\$ 2,005,315	\$ 2,793,875	\$ 239,890		\$ 2,782,918

Eddyville Charter School
Other Funds: Statement of Revenue Expenditures Budget Vs. Actual
For the Fiscal Year 2020-2021
As of 11/30/2020

Fund	Description	Beginning Fund Balance as of 7/1/2020	YTD Revenue	YTD Expenditures	Balance as of \$44,165.00
206	Siletz Tribal Charities	\$1,178.00	\$0.00	\$1,178.00	\$0.00
211	Aspire Grant	\$83.48	\$0.00	\$598.54	(\$515.06)
212	BLM Grant L16AC00309	(\$1,724.08)	\$4,459.53	\$3,571.56	(\$836.11)
213	STCCF - Independing Reading	\$54.14	\$0.00	\$54.14	\$0.00
220	ESSER	\$0.00	\$4,998.03	\$33,954.06	(\$28,956.03)
228	Carl Perkins Grant	(\$2,236.48)	\$2,235.06	(\$1.42)	(\$0.00)
229	CTE Revitalization	(\$50,318.63)	\$100,689.56	\$63,677.84	(\$13,306.91)
230	Saw Shop Grant	\$0.00	\$0.00	\$0.00	\$0.00
251	Student Investment Act	\$0.00	\$2,136.52	\$14,015.55	(\$11,879.03)
255	CDL Grant	\$0.00	\$0.00	\$13,368.18	(\$13,368.18)
272	Emergency Preparedness	\$162.91	\$0.00	\$0.00	\$162.91
273	MidWay Foundation	\$1,218.00	\$0.00	\$0.00	\$1,218.00
274	Outdoor School	\$0.00	\$0.00	\$0.00	\$0.00
277	STCCF/Medical Responder Class	\$0.00	\$0.00	\$0.00	\$0.00
278	Oregon State Credit Union Mini Grants	\$385.81	\$0.00	\$0.00	\$385.81
281	STCCF/Basketball Uniforms & Storage	\$0.00	\$0.00	\$0.00	\$0.00
282	Three Rivers Foundation	\$1,780.11	\$0.00	\$1,780.11	\$0.00
283	STCCF/Science & Body Systems	\$0.00	\$0.00	\$0.00	\$0.00
284	Clemens Fondation- Weight Room	\$0.00	\$0.00	\$0.00	\$0.00
285	Or Association Woodturns Grant	\$0.00	\$0.00	\$0.00	\$0.00
286	Selco CU Creater Learning Grant	(\$17.94)	\$0.00	(\$17.94)	\$0.00
287	Take It To The Court Grant	\$10,000.00	\$0.00	\$10,000.00	\$0.00
288	STCCF Health Center	\$0.00	\$4,500.00	\$1,999.96	\$2,500.04
297	Vision Screening	\$0.00	\$0.00	\$585.60	\$585.60
298	High School Success	(\$53.20)	\$53.20	\$17,515.21	(\$17,515.21)
299	Student Body Funds	\$40,545.42	\$2,660.50	\$4,293.47	\$38,912.45
400	Capital Project Funds	\$353,217.58	\$0.00	\$16,918.50	\$336,299.08
Totals		\$354,275.12	\$121,732.40	\$183,491.36	\$293,687.36

Eddyville Charter School
YTD Appropriations
For the Fiscal Year 2020-2021
As of 11/30/2020

Fund	Appropriations	Resolutions	YTD	Encumbrances	Totals	(Over)/Under Budget
General Fund, 100						
1000 Instruction	\$ 1,589,149		\$ 366,858	\$ 1,005,969	\$ 1,372,826	\$ 216,323
2000 Support Services	\$ 1,344,299		\$ 421,703	\$ 483,141	\$ 904,844	\$ 439,455
6000 Contingency	\$ 100,000		\$ -	\$ -	\$ -	\$ 100,000
Sub Totals	\$ 3,033,448	\$ -	\$ 788,560	\$ 1,489,110	\$ 2,277,670	\$ 755,778
Special Funds, 200						
1000 Instruction	\$ 143,895		\$ 50,287	\$ 33,780	\$ 84,067	\$ 59,827
2000 Support Services	\$ 274,723		\$ 98,839	\$ 101,452	\$ 200,291	\$ 74,431
4000 Building Acquisition	\$ 75,000		\$ 12,567	\$ -	\$ 12,567	\$ 62,433
5200 Transfers	\$ -		\$ -	\$ -	\$ -	\$ -
Sub Totals	\$ 493,617	\$ -	\$ 161,694	\$ 135,232	\$ 296,926	\$ 196,691
Student Body Funds, 299						
1000 Instruction	\$ 84,393		\$ 4,293	\$ 627	\$ 4,920	\$ 79,473
Sub Totals	\$ 84,393	\$ -	\$ 4,293	\$ 627	\$ 4,920	\$ 79,473
Capital Projects, 400						
2000 Support Services	\$ -		\$ 2,051.00	\$ 4,960	\$ 7,011	\$ (7,011)
4000 Facility Construction	\$ 353,218		\$ 14,868	\$ 1,253	\$ 16,120	\$ 337,098
Sub Totals	\$ 353,218	\$ -	\$ 16,919	\$ 6,213	\$ 23,131	\$ 330,087
Totals	\$ 3,964,676	\$ -	\$ 971,466	\$ 1,631,181	\$ 2,602,647	\$ 1,362,029

Eddyville Charter School, Inc.

Reprint Check Listing

Fiscal Year: 2020-2021

Criteria:

Bank Account: OR State CU - Checking 618680-8000

From Date: 11/01/2020

To Date: 11/30/2020

From Check:

To Check:

From Voucher:

To Voucher:

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
904	11/25/2020	JOHNSON, CASEY	\$2,364.76	8	Printed	Payroll	<input checked="" type="checkbox"/>	11/30/2020	
905	11/05/2020	AMAZON.COM	\$169.55	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
906	11/05/2020	CHARACTERSTRONG, LLC	\$99.00	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
907	11/05/2020	Copeland Lumber Co	\$300.07	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
908	11/05/2020	CTL CORPORATION	\$10,981.00	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
909	11/05/2020	CULLIGAN WATER SYSTEMS	\$230.90	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
910	11/05/2020	Edmentum	\$4,804.50	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
911	11/05/2020	HOME DEPOT	\$2,197.26	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
912	11/05/2020	INDUSTRIAL WELDING SUPPLY	\$5.00	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
913	11/05/2020	Mainline Pump & Irrigation LLC	\$220.20	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
914	11/05/2020	NORTHWEST REGIONAL ESD	\$33.25	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
915	11/05/2020	PIONEER PRINTING, INC.	\$85.55	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
916	11/05/2020	PIONEER TELEPHONE CO	\$1,363.73	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
917	11/05/2020	Power Distributors LLC	\$464.89	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
918	11/05/2020	SHONNARDS	\$675.48	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
919	11/05/2020	STAPLES ADVANTAGE	\$654.03	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
920	11/05/2020	Western States Electrical Construction	\$15,498.00	1060	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
921	11/19/2020	AMAZON.COM	\$2,003.17	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
922	11/19/2020	AMERIGAS	\$118.00	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
923	11/19/2020	ANALYTICAL LABORATORY & CONSULTANTS	\$57.00	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
924	11/19/2020	CONSUMERS POWER INC	\$2,602.70	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
925	11/19/2020	DAHL DISPOSAL SERVICE	\$898.40	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
926	11/19/2020	Earth20	\$89.49	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	

Eddyville Charter School, Inc.

Reprint Check Listing

Fiscal Year: 2020-2021

Criteria:

Bank Account: OR State CU - Checking 618680-8000

From Date: 11/01/2020

To Date: 11/30/2020

From Check:

To Check:

From Voucher:

To Voucher:

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
927	11/19/2020	GOVERNMENT ETHICS COMMISSION	\$548.87	1067	Printed	Expense	<input type="checkbox"/>		
928	11/19/2020	Hobart Service Jorgensen Bros INC	\$355.25	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
929	11/19/2020	MARY'S PEAK TRUE VALUE	\$22.33	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
930	11/19/2020	NEWPORT NEWS TIMES	\$134.00	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
931	11/19/2020	NORTHWEST TEXTBOOKS DEPOSITORY	\$115.55	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
932	11/19/2020	OREGON LOCK & ACCESS	\$156.12	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
933	11/19/2020	PAULY, ROGERS AND CO., P.C.	\$5,130.00	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
934	11/19/2020	SCHOOL SPECIALTY I	\$114.16	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
935	11/19/2020	STAPLES ADVANTAGE	\$25.59	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
936	11/19/2020	STATE FORESTER	\$0.78	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
937	11/19/2020	XEROX CAPITAL SERVICES	\$647.94	1067	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
938	11/25/2020	OBTESHKA, TERRY L	\$1,178.03	9	Printed	Payroll	<input checked="" type="checkbox"/>	11/30/2020	
939	11/25/2020	BERGER, JEANINE	\$196.34	9	Printed	Payroll	<input type="checkbox"/>		
940	11/25/2020	MOLINE, MARGARET L	\$98.17	9	Printed	Payroll	<input type="checkbox"/>		
941	11/25/2020	HENDRIX, RICKI	\$1,710.01	9	Printed	Payroll	<input checked="" type="checkbox"/>	11/30/2020	

Total Amount: \$56,349.07

End of Report

Eddyville Charter School, Inc.

Reprint Check Listing

Fiscal Year: 2020-2021

Criteria:

Bank Account: OR State CU - Student Body Checking
618680-8001

From Date: 11/01/2020

To Date: 11/30/2020

From Check:

To Check:

From Voucher:

To Voucher:

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
101	11/05/2020	AMAZON.COM	\$167.98	1061	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
102	11/19/2020	BSN Sports	\$306.25	1068	Printed	Expense	<input type="checkbox"/>		
103	11/19/2020	CONNELLY, KATHLEEN	\$51.65	1068	Printed	Expense	<input checked="" type="checkbox"/>	11/30/2020	
104	11/19/2020	PIONEER PRINTING, INC.	\$44.50	1068	Printed	Expense	<input type="checkbox"/>		

Total Amount: \$570.38

End of Report

Eddyville Charter School, Inc.

Student Activities Summary Report

Fiscal Year: 2020-2021

From: 7/1/2020 To: 11/30/2020

Print Detail

Page Break by Activity

Exclude Encumbrances

Reverse Signs

Subtotal By Journal

	Range Beg. Balance	Range Revenue	Range Expenditures	Balance	Encumbrances	Available Balance
703 Classroom Supplies	.00	420.00	.00	420.00	.00	420.00
704 Locker Fee	1,248.73	.00	.00	1,248.73	.00	1,248.73
716 MS/HS Field Trip (6-12)	549.85	.00	.00	549.85	.00	549.85
719 Activities Bus	145.00	.00	.00	145.00	.00	145.00
720 Elem Athletics	1,682.98	160.00	.00	1,842.98	.00	1,842.98
721 Boys BB	964.27	.00	.00	964.27	.00	964.27
722 Girls BB	828.23	.00	.00	828.23	.00	828.23
724 VB	1,500.94	.00	(306.25)	1,194.69	.00	1,194.69
725 Track	755.21	.00	.00	755.21	.00	755.21
727 Cheer	1,054.05	.00	.00	1,054.05	.00	1,054.05
728 Gate Receipts	442.00	.00	.00	442.00	.00	442.00
729 Pay to Play	1,305.00	225.00	.00	1,530.00	.00	1,530.00
730 Football	1,698.91	.00	(1,698.97)	(.06)	.00	(.06)
748 PE Locker/Towel Fee 6-12	.00	.00	.00	.00	.00	.00
749 Technology Fee	.00	1,700.00	.00	1,700.00	.00	1,700.00
750 Art	16.05	.00	.00	16.05	.00	16.05
751 Drumming	129.03	.00	.00	129.03	.00	129.03
752 Hobby Hour	128.47	.00	.00	128.47	.00	128.47
754 Yearbook/Annual	586.12	.00	.00	586.12	.00	586.12
755 Concessions	573.26	.00	.00	573.26	.00	573.26
756 Foods	409.22	.00	.00	409.22	(25.30)	383.92
757 Horticulture	2,371.10	.00	.00	2,371.10	.00	2,371.10
760 PAADA/OHANA	4,281.88	.00	(1,111.78)	3,170.10	.00	3,170.10

Eddyville Charter School, Inc.

Student Activities Summary Report

Fiscal Year: 2020-2021

From: 7/1/2020 To: 11/30/2020

Print Detail

Page Break by Activity

Exclude Encumbrances

Reverse Signs

Subtotal By Journal

	Range Beg. Balance	Range Revenue	Range Expenditures	Balance	Encumbrances	Available Balance
761 Student Incentives	2,019.40	140.50	(274.84)	1,885.06	(53.82)	1,831.24
763 BLM	1,561.61	.00	.00	1,561.61	(46.75)	1,514.86
764 Drama	391.00	.00	.00	391.00	.00	391.00
765 Leadership	1,670.28	.00	.00	1,670.28	(274.57)	1,395.71
766 EMR	70.00	.00	.00	70.00	.00	70.00
778 Sixth/Seventh/Eighth Grade	159.99	.00	.00	159.99	.00	159.99
779 Elementary General	2,720.47	.00	.00	2,720.47	.00	2,720.47
780 Kindergarten	797.93	.00	.00	797.93	.00	797.93
781 First Grade	1,216.11	.00	(105.45)	1,110.66	.00	1,110.66
782 Second Grade	1,433.69	.00	(213.15)	1,220.54	(383.00)	837.54
783 Third Grade	254.77	.00	(105.45)	149.32	.00	149.32
784 Fourth Grade	1,191.38	.00	(10.00)	1,181.38	.00	1,181.38
785 Fifth Grade	193.19	.00	.00	193.19	(92.17)	101.02
787 Class of 2022	3,704.89	.00	.00	3,704.89	.00	3,704.89
788 Class of 2021	1,080.83	15.00	.00	1,095.83	.00	1,095.83
789 Class of 2020	126.00	.00	7.59	133.59	.00	133.59
790 Class of 2019	362.34	.00	.00	362.34	.00	362.34
800 Class of 2023	106.68	.00	.00	106.68	.00	106.68
801 Class of 2024	357.16	.00	.00	357.16	.00	357.16
850 Coffee Shop	.00	.00	.00	.00	.00	.00
GRAND TOTALS	40,088.02	2,660.50	(3,818.30)	38,930.22	(875.61)	38,054.61

End of Report

Administration Report

December 2020

1. Transition to CDL model for Nov. 30-Dec.17, 2020.
 - a. Watching and analyzing weekly data metrics and meeting with Lincoln County Health and Benton County Health for guidance around on-site return for January 5, 2021.
2. Tutor sessions are being assigned or offered and delivered in the afternoons every Monday through Thursday. All certified and classified instructors are participating in this.
3. Group Google Sheet with students of concern are being contacted daily to connect, assist and keep engaged in active learning for this short phase of online learning.
4. Additional Chromebooks have been ordered to replace some older models at the end of their capabilities.
5. Contract with T-Mobile's 10 Million project to access 17 devices with unlimited use. They come with all educational filters installed and serve as a device and/or hotspot for families without sufficient or any internet access. The national and state formula allow for 17 devices for ECS this year. Each year for the next 4 years they will look at a national allocation of 2million/year. ECS could potentially receive 17devices/year. The contract is good for 5 years. These first 17 will be delivered next week.
6. Virtual zoom staff meetings are taking place weekly to connect staff virtually and address the common needs of our ECS team/community.
7. Virtual evaluations are taking place this month, as well.
8. If distance learning is to continue into January, staff and students at the high school level will discuss extending each period from 30 to 45 minutes. Students generated this request/need. This will allow our middle school kids 15 minutes of transition between periods and time to finish work before the next course begins.
9. E-rate funding is in progress and will go toward additional technology expenses and Peak internet expenses.
10. Law Conference Dec. 2-4 was extremely informative, even done via zoom.
11. Radon follow-up testing from last year's extended analysis is taking place this week. Results should be back within the month and posted to our website's 'Facilities' page.
12. HSS (M98) review team met on Dec. 2nd. Discussion/Interview created a great Q/A around our systems in place for ensuring On-Track, 100% Graduation rates, and college/career planning and drop-out prevention. Our assessment will be delivered in two weeks, but ODE reps for HSS were pleased to hear what ECS is doing with M98 money.
13. Division 22 deadline has moved to November and will be reflected in future October board meetings. ECS is in compliance with all Division 22 guidelines (we fall within division 26 anyway but still follow all guidelines) for the 2020-2021 school year.
14. Facilities is working hard through this CDL time to deep clean all rooms, cubies, desks for our return.
 - a. Continued work with Gerding Construction for Gym Column – TBD
 - b. Daktronics scoreboard and visual display board install for sports marketing - Dec. 14-15
 - c. Elementary girls' restroom stalls/doors installed
 - d. Gym and MP room painting projects planned for next three months' breaks.



December Board Report | Athletics

With the latest Oregon metrics and opening decisions, the OSAA has announced updated sports seasons. Nothing has been officially cancelled yet, which is a positive. We could see these change again but for now here is the latest from the newest OSAA press release:

- New sports order: fall sports in February through March, spring sports April 5 through mid-May, and winter sports in May/late June.
- Football appears to be in a tough position, as it is still prohibited, scheduled for February, and they have not considered pushing it back due to it being closer to the Fall 2021 season.
- Traditional winter sports were moved to the end of the year to give as much chance as possible for the contact/indoor sports to occur (basketball and wrestling).

Right now contact sports (football, basketball) are not allowed which is the major hold up. Additionally, all indoor sports present their own issues. I will forward the news to all of you as I get it. Thank you for being patient! Attached is the latest high school sports schedule. We will follow the OSAA schedule for middle school sports and have the match/game schedules ready.

Go Eagles!

Mike Ulstad, Athletic Director

Revised 2020-21 OSAA Activities Calendar
Adopted December 7, 2020

8/17 - 12/27	12/28-1/3	1/4-10	1/11-17	1/18-24	1/25-31	2/1-7	2/8-14	2/15-21	2/22-28	3/1-7	3/8-14	3/15-21	3/22-28	3/29-4/4	4/5-11	4/12-18	4/19-25	4/26-5/2	5/3-9	5/10-16	5/17-23	5/24-30	5/31-6/6	6/7-13	6/14-20	6/21-27
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Season 1

Sports/Activities permitted will not be designated by the OSAA but rather will be at the discretion of the local school district, provided they are allowed by the Governor's Office, OHA, ODE, and the school adheres to the directives from those entities.

OSAA policies regarding out-of-season coaching limitations have been waived during Season 1 with the caveat that student participation in these sports cannot be required. All other OSAA rules and policies remain in effect at this time.

Season 2: 6 Weeks (Includes Opt-In Culminating Week)		
Practice	Cross Country	OSAA
Practice	Soccer	OSAA
Practice	Volleyball	OSAA
Practice	Football	OSAA

Season 3: 6 Weeks (Includes Opt-In Culminating Week)		
Pitchers/Catchers	Baseball	OSAA
Pitchers/Catchers	Softball	OSAA
Practice	Golf	OSAA
Practice	Tennis	OSAA
Practice	Track and Field	OSAA

Season 4: 6 Weeks (Includes Opt-In Culminating Week)		
Practice	Swimming	OSAA
Practice	Wrestling	OSAA
Practice	Basketball	OSAA

OSAA Activities (No Defined Season)		
Speech	OSAA	
	Solo Music	OSAA
	Dance/Drill	OSAA
	Cheerleading	OSAA
	Choir	OSAA
	Band/Orchestra	OSAA

Eddyville Charter School

Code: GBEB-AR

Revised/Reviewed: 12/16/20

Communicable Diseases – Staff

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

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

Restrictable Diseases

1. An employee of the public charter school will not attend or work at a public charter school facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. An administrator shall exclude an employee if the administrator has reason to suspect that an employee has been exposed to, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department.
7. The public charter school's emergency plan shall address the school's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the public charter school and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. Public charter school staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance³.
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate education interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

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

³ Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.

Eddyville Charter School

Code: GBEB
Adopted: 12-16-20

Communicable Diseases - Staff

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 338.115\(1\)\(z\)](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

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

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

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

Eddyville Charter School

Code: GBN/JBA-AR(1)
Revised/Reviewed: 12/16/20

Sexual Harassment Complaint Procedure

(Required if the employer is the public charter school)

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

Name	Position	Phone	Email
<u>Stacy Knudson</u>	Superintendent	541-875-2942	stacy.knudson@lincoln.k12.or.us
<u>Michael Ulstad</u>	Title IX Coordinator	541-875-2942	michael.ulstad@lincoln.k12.or.us

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

Step 1 The public charter school official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within [30] days of receipt of the report or complaint.

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

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the public charter school Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the administrator in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the administrator's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the administrator's decision in Step 1 is final.

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

Complaints against the administrator or a Board member (other than the Board chair) may start at step 2 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 2 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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

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

Additional information regarding filing of a complaint may be obtained through the public charter school administrator or compliance officer.

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

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

Eddyville Charter School
1 Eddyville School Road, Eddyville, OR 97343 | 541-875-2942

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

Eddyville Charter School
1 Eddyville School Road, Eddyville, OR 97343 | 541-875-2942

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

Eddyville Charter School

Code: GBN/JBA-AR(2)

Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

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

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

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

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment.⁴ The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the public charter school will provide the parties⁵ written notice of the following:

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

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

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

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

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

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

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

Investigation

The Title IX Coordinator will coordinate the public charter school’s investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the public charter school and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

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

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

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

the advisor of their choice.⁹ The public charter school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

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

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

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

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

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

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

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

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

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

Determination of Responsibility

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

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

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

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

The public charter school must provide the written determination to the parties simultaneously.

¹² A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

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

Remedies

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

The disciplinary sanctions¹³ may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹⁴

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the public charter school's education program or activity¹⁵; or
3. Did not occur against a person in the United States.

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

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;

¹³ Public charter schools should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

¹⁴ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁵ Includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

2. The respondent is no longer enrolled or employed by the public charter school; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

Consolidation of Complaints

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

Informal Resolution

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

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

Appeals

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

1. Procedural irregularity that affected the outcome of the matter;

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

When an appeal is filed, the public charter school must:

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

Timelines

The public charter school will complete the following portions of the grievance process within the specified timelines:

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

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁶ with written notice to the parties.

¹⁶ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁷

Training

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

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

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

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the public charter school's website.^{18}

¹⁷ This includes creating a record for each investigation. This record must include:

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

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

^{18} If a public charter school does not have a website, the public charter school must make these materials available upon request for inspection by members of the public.

Eddyville Charter School

Code: GCBDA/GDBDA-AR(1)

Revised/Reviewed: December 16, 2020

Oregon Family Medical Leave (OFLA) *

(For employers that offer OFLA or employers with 25 to 49 eligible employees)

Coverage

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) covers public charter schools that employ 25 or more part-time or full-time employees in Oregon based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken or in the calendar year immediately preceding the year in which the leave is to be taken.

Eligibility

An eligible employee is an employee employed in the state of Oregon on the date OFLA leave begins. OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of Parental Leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason, unless the reason is no longer qualifying.

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

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g. paid or unpaid, an employee is maintained on payroll for any part of a workweek. Full-time public school teachers who have been maintained on payroll by a public charter school for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example the employee was on a nonpaid sabbatical.

¹ The requirements of OFLA do not apply to an employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by Section 125 of the Internal Revenue Code of 1986, which provides as one of its options, employee leave at least as generous as leave required by OFLA.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

Qualifying Reasons

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee's child. Sick child leave includes absence to care for an employee's child whose school or child care provider has been closed² in conjunction with a statewide public health emergency declared by a public health official.³
4. Bereavement Leave: leave related to the death of a covered family member.⁴

Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty or who has been deployed during a period of military conflict.

The eligibility of an employee who takes multiple leaves for different qualified reasons during the same designated leave period may be reconfirm at the start of each qualified leave requested.

² "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

³ The public charter school may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable; and
3. A statement from the employee that no other family member of the child is willing and able to care for the child. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁴ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

Definitions

1. Family member:

For the purposes of OFLA, “family member” means:

- a. Spouse⁵;
- b. Same-gender domestic partner;
- c. Parent;
- d. Parent-in-law;
- e. Parent of employee’s same-gender domestic partner;
- f. Child;
- g. Child of employee’s same-gender domestic partner;
- h. Grandchild;
- i. Grandparent;
- j. Persons who are “in loco parentis”.

2. Child:

- a. For the purposes of OFLA, “child” means a biological, adopted, foster child or stepchild of the employee, the child of the employee’s same-gender domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis”.
- b. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

For the purposes of OFLA, “in loco parentis” means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

Leave Period

For the purposes of calculating an employee’s leave period, the public charter school will use any fixed 12-month “leave year”. The same method for calculating the 12-month period for OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA shall be dependent on the start of any such regardless of the designated 12-month leave period described above.

Leave Duration

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the designated leave period. However, a woman is entitled to an additional, full 12 weeks of parental leave during the designated leave period following the birth of a child, regardless of how much OFLA qualified leave she has taken prior to the birth of such child during the designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁶ OFLA does not combine the leave entitlement for spouses working for the public charter school. However,

⁵ “Spouse” means individuals in a marriage, including “common law” marriage, same-sex marriage or same sex individuals with a Certificate of Registered Domestic Partnership.

⁶ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

under OFLA, family members who work for the public charter school may be restricted from taking concurrent OFLA qualified leave.⁷

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Except as otherwise noted above, qualified leave under OFLA for an eligible employee will run concurrently during the designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12⁸. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek⁹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

With the exception of parental leave, which must be taken in one continuous block of time, an eligible employee is permitted under OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an employee is eligible for OFLA leave, the employer:

1. May allow an exempt employee, as defined by state law, with accrued paid time off to take OFLA leave in one-hour blocks or less than a full day, but;
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

An employee's OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

⁷ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family members want to take bereavement leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

⁸ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

⁹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

Holidays or days in which the public charter school is not in operation are not counted against the eligible employee's intermittent leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The public charter school may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in OFLA; and
5. The transfer is not used to discourage the employee from taking OFLA leave for a serious health condition or to create a hardship for the employee.

The public charter school may transfer an eligible employee who is on a foreseeable intermittent OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state law, including but not limited to, the protections provided for in OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family members with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the public charter school may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

2. Limitation on Leave near the End of the School Year

When an eligible school employee requests leave near the end of the school year, the public charter school may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
 - (1) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the public charter school requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

Paid/Unpaid Leave

OFLA does not require the public charter school to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, The public charter school requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies)) in the order specified by the public charter school and before taking OFLA leave without pay during the leave period.

The public charter school will notify the eligible employee that the requested leave has been designated as OFLA leave and, if required by the public charter school, that available accrued paid leave shall be used during the OFLA leave period. In the event the public charter school is aware of an OFLA qualifying exigency, the public charter school shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the public charter school does not have sufficient information to make a determination of whether the leave qualifies as OFLA leave, the public charter school will provide the required notice promptly when the information is available but no later than two working days after the public charter school has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working. The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the public charter school's policies provides otherwise.

For the purposes of OFLA, the public charter school will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Certification

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the public charter school may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the public charter school is going to require a fitness-for-duty certification upon return to work, the public charter school must notify the employee of such requirement when the leave is designated as an OFLA leave. Failure to provide the fitness-for-duty certification may result in a delay or denial of reinstatement.

For the purposes of OFLA qualified leave, any out of pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the public charter school.

If the leave is qualified under OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the public charter school.

Application

An eligible employee requesting OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the public charter school.

The public charter school may request additional information to determine that the requested leave qualifies as OFLA leave. The public charter school may designate the employee as provisionally on OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the public charter school during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the public charter school deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the public charter school's notice procedures.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

Medical Certification

The public charter school shall require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for the leave. The public charter school will provide written notification to employees of this requirement within three working days of employee's request for leave. If the employee's need for OFLA leave precludes giving 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the public charter school's notification that medical certification is required.

Second and Third Opinions

For the purposes of OFLA and except for leave related to sick child leave under OFLA, the public charter school may require the employee to obtain a second opinion from a health care provider designated by the public charter school. If the first and second verifications conflict, the employer may require the two health

care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

Notification

Any notice required by state laws explaining employee rights and responsibilities will be posted in all staff rooms and the public charter school office. Additional information may be obtained by contacting the administrator.

Record Keeping/Posted Notice

The public charter school will maintain all records as required by state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The public charter school will post notice of Oregon Family Leave Act requirements.

Eddyville Charter School

Code: GCBDA/GDBDA-AR(2)
Revised/Reviewed: 12/16/2020

Employee Request for OFLA Leave

(For employers that offer OFLA or employers with 25 to 49 eligible employees.)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for OFLA leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to provide timely notice could result in the public charter school reducing the available OFLA leave by up to three weeks.

Name _____ Effective Date of the Leave _____

Department _____ Title _____

Status: Full-time Part-time Temporary Hire Date _____ Length of Service _____

I request OFLA leave for one or more of the following reasons:¹

1. Because of the birth of my child and to care for him or her.

Expected date of birth _____ Actual date of birth _____
Leave to start _____ Expected return date _____

2. Because of the placement of a child with me for adoption or foster care.

Age of child _____ Date of placement _____
Leave to start _____ Expected return date _____

3. To care for a family member² with a serious health condition.

Leave to start _____ Expected return date _____

Please check one: spouse³ parent (biological parent of an employee or an individual who stood “in loco parentis” to an employee when the employee was a child child (including the biological, grandchild, adopted, foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of “in loco parentis” parent-in-law or the parent of the employee’s registered domestic partner custodial parent noncustodial parent adoptive parent stepparent foster parent grandparent grandchild

¹ A physician’s certification may be required to support a request for OFLA leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

² “Family member,” means the spouse, custodial parent, noncustodial parent, adoptive parent, foster parent, biological parent, stepparent, parents-in-law or parents of the employee’s registered domestic partner, grandparent, grandchild or a person who was “in loco parentis” to the employee when the employee was a child. It also includes the child of the employee (biological, adopted, foster, stepchild, legal ward or the child of an employee’s registered domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”

³ “Spouse” means individuals in a marriage including “common law” marriage, same-sex marriage or same-sex individuals with a Certificate of Registered Domestic Partnership.

Please state name and address of relation:

Name _____ Address _____

Describe serious health condition _____

- 4. For a serious health condition which prevents me from performing my job functions.

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer’s approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

- 5. To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal. Yes No

Have you taken OFLA leave in the past 12 months? Yes No
If yes, how many workdays? _____

- 6. Leave for the spouse of a military personnel when they have been notified of an impending call to active duty, ordered to active duty, has been deployed or is on leave from deployment.

- 7. For the death of a family member.

I understand that the public charter school requires me to use any available accrued sick leave, vacation, personal leave days or other available paid time established by Board policy(ies) in the order specified by the public charter school, and before taking leave without pay, for the leave period.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the public charter school may terminate my employment. (A Fitness-for-Duty Certification may be required.)

I authorize the public charter school to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

I have been provided a copy of the public charter school’s family and medical leave policy with this OFLA leave request form.

Signature of Employee: _____ Date: _____

Eddyville Charter School

Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 12/16/2020

OFLA Eligibility Notice to Employee

(For employers that offer OFLA or employers with 25 to 49 eligible employees)

Date: _____

To: _____
(Employee's name)

From: _____
(Name of appropriate employer representative)

Subject: Request for OFLA Leave

On _____ (date) you notified us of your need to take Oregon Family Leave (OFLA) due to:

1. _____ The birth of your child or the placement of a child with you for adoption or foster care.
2. _____ A serious health condition that makes you unable to perform the essential functions of your job.
3. _____ A serious health condition of your spouse¹, child (including the biological, grandchild, adopted, foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), grandparent, parent-in-law or the parent of an employee's registered domestic partner, custodial parent, stepparent, noncustodial parent, adoptive parent, foster parent for which you are needed to provide care.
4. _____ A sick child leave due to the closure of a child's school or child care provider;
5. _____ An illness or injury to your child which requires home care but is not a serious health condition.
6. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment.
7. _____ For the death of a family member².

You notified us that you need this leave beginning on _____ (date) and that you expect leave to continue until on or about _____ (date).

Except as explained below, you have a right under the OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.

¹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

² Must be completed within 60 days of the date on which the eligible employee receives notice of the death of the family member.

OFLA requires that you be reinstated to the same position, or in some cases under state law, to an equivalent position. The public charter school is not required to maintain benefits if you qualify for OFLA leave, unless provided otherwise by Board policy; all such benefits will be restored to full upon your return to the public charter school.

If you do not return to work following OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to OFLA leave; or (2) other circumstances beyond your control, you may be required to reimburse the school for health insurance premiums paid on your behalf during your OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are eligible not eligible for leave under OFLA.
2. The requested leave will will not be counted against your annual OFLA leave entitlements.
3. You will will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____ (date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid OFLA leave. We will will not require that you substitute accrued paid leave for unpaid OFLA leave. If paid leave will be used, the following conditions will apply: (*Explain*)
5. a. If you choose to pay the premiums for your health insurance, these payments will continue during the period of leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (*Set forth dates, e.g., the 10th of each month or pay periods, etc., that specifically cover the agreement with the employee.*)
5. b. You have a minimum 30-day Other: _____ (*indicate longer period, if applicable*) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be canceled, **provided** we notify you in writing at least 15 days before the date your health coverage will lapse. At our option, we may also pay your share of the premiums during your OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on OFLA leave.
5. c. We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on OFLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.
5. d. In the event you do not return to work for the school after your OFLA leave, and the school has paid your share of benefit premiums, you will will not be responsible for reimbursing the school the amount paid on your behalf.
6. You will will not be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition.

7. While on FMLA and/or OFLA leave you will will not be required to furnish us with periodic reports every _____ (*indicate interval of periodic reports, as appropriate for the particular leave situation*) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you will will not be required to notify us at least two workdays prior to the date you intend to report for work.

8. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

Eddyville Charter School

Code: IKFB
Adopted: 12-16-20

Graduation Exercises

(For public charter schools that provide services to grades 9-12)

The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma or an alternative certificate from the public charter school is an achievement that improves the community as well as the individual, the Board wishes to recognize this achievement in a publicly, celebrated graduation exercise.

The graduation ceremony will be planned by the administrator and senior advisor with input from students and parents and held on a date, place and time selected by the Board.

The public charter school's valedictorian(s), salutatorian(s) or others, at the discretion of the public charter school administrator, may be permitted to speak as part of the public charter school's planned graduation program. All speeches will be reviewed and approved in advance by the administrator.

All students in good standing¹ who have successfully completed the requirements for a high school diploma, or qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate, including a student with disabilities receiving a document certifying successful completion of program requirements, shall have the option to participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an alternative certificate; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

Graduating students will be allowed to wear items of cultural significance, in accordance with consistently enforced rules established by the administrator.²

END OF POLICY

Legal Reference(s):

[ORS 329.451](#)
[ORS 338.115\(2\)](#)

[ORS 339.505](#)
[OAR 581-021-0050](#)

[OAR 581-021-0055](#)
[OAR 581-021-0060](#)

¹ A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.

² See [letter from ODE regarding Graduation Ceremonies](#) (click on [Year] Graduation Ceremonies).

[OAR 581-022-2000](#)
[OAR 581-022-2010](#)

[OAR 581-022-2015](#)
[OAR 581-022-2020](#)

31 OR. ATTY. GEN. OP. 428 (1964)

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).

Kay v. David Douglas Sch. Dist. No. 40, 1987); *cert. den.*, 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Eddyville Charter School

Code: JB
Adopted: 12/16/2020

Equal Educational Opportunity[**]

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation¹, race, religion, color, national origin, disability, parental status, familial status, marital status, linguistic background, culture, socioeconomic status, capability or geographic location.

A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, income level, proficiency in English language or athletic ability, but may limit admission to students within a given age group or grade level.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the public charter school or denied access to facilities in the school

A student or parent may also access and use the public charter school's general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

The public charter school will communicate the availability of policy and available complaint procedures to students and their parents through available school's communication systems, handbooks and will be published to the school website and made available at the school office during regular business hours.

A student of the public charter school may not be subjected to retaliation by the public charter school for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659.850	ORS 659A.403
ORS 192.630	ORS 659.852	ORS 659A.406
ORS 326.051	ORS 659A.003	OAR 581-021-0045
ORS 329.025	ORS 659A.006	OAR 581-021-0046
ORS 336.086	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 338.125(3)	ORS 659A.400	OAR 839-003

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018) ; 34 C.F.R. Part 104 (2019).

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual's sex at birth.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020). Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (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. §§ 12101-12333 (2018).

Eddyville Charter School

Code: JBA/GBN
Adopted: 12-16-20

Sexual Harassment

(Required if the employer is the public charter school)

The public charter school is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the public charter school. 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 public charter school processes complaints¹ 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 public charter school, the public charter school will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The public charter school may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures².

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;

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

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

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

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 public charter school staff member’s ability to perform their job; or
 - 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.
4. Sexual harassment does not include conduct that is necessary because of a job duty of a public charter school 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, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

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

Name	Position	Phone	Email
<u>Stacy Knudson</u>	<u>Superintendent</u>	<u>541-875-2942</u>	<u>stacy.knudson@lincoln.k12.or.us</u>
<u>Michael Ulstad</u>	<u>Title IX Coordinator</u>	<u>541-875-2942</u>	<u>michael.ulstad@lincoln.k12.or.us</u>

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

Response

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

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

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

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to public charter school 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 public charter school official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The public charter school 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 public charter school will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The public charter school 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 public charter school electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding public charter school procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the public charter school, or be present on public charter school property;
2. If the third party works for an entity that contracts with the public charter school, communicating with the third party's employer;

3. If the third party is a student of another public charter school or school, communicate information related to the incident to the other public charter school, school or school district;
4. Limiting attendance at public charter school events; and
5. Providing for additional supervision, including law enforcement if necessary, at public charter school 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 public charter school 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 public charter school'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 person⁴ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the public charter school 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 include⁵:

1. Name and contact information for all person designated by the public charter school 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 public charter school that the student, student's parents, staff member, person or person's parent who filed the complaint may pursue, including the person designated for the public charter school for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the public charter school 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 public charter school, 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 public charter school;
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 public charter school's

⁴ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the public charter school should consider when to contact the person's parent.

⁵ Remember confidentiality laws when providing any information.

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 public charter school office and on the website of the public charter school.

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 public charter school conditioning the provision of an aid, benefit, or service of the public charter school 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 public charter school’s education program or activity⁶;
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

⁶ “Education program or activity” includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.” Title 34 C.F.R. § 106.44(a).

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

Reporting

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

Michael Ulstad is designated as the Title IX Coordinator and can be contacted at 541-875-2942. The Title IX Coordinator will coordinate the public charter school's efforts to comply with its responsibilities related to this AR. The public charter school prominently will display the contact information for the Title IX Coordinator on the public charter school website and in each handbook.

Response

The public charter school 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.⁷ The public charter school shall treat complainants and respondents equitably by providing supportive measures⁸ to the complainant and by following a grievance procedure⁹ prior to imposing any

⁷ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A public charter school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁸ (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 public charter school's educational environment, or deter sexual harassment.⁸ The public charter school 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))

⁹ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

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.¹⁰

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.¹¹ The public charter school 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 public charter school 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 public charter school 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 public charter school 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 public charter school will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator.

No Retaliation

Neither the public charter school or any person may retaliate¹² 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 public charter school 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.

¹⁰ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹¹ The public charter school 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))

¹² 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 public charter school student handbook and on the school website. This policy shall also be made available at the school office and in each building central office, if applicable. The public charter school shall post this policy on a sign in all buildings housing grades 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 staff member, or third party upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 338.115](#)
[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).

Eddyville Charter School

Code: JBA/GBN-AR(1)
Revised/Reviewed: 12/16/2020

Sexual Harassment Complaint Procedure

(Required if the employer is the public charter school)

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

Name	Position	Phone	Email
<u>Stacy Knudson</u>	Superintendent_____	541-875-2942_____	stacy.knudson@lincoln.k12.or.us_
Michael Ulstad_____	Title IX Coordinator_____	541-875-2942_____	michael.ulstad@lincoln.k12.or.us_

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

Step 1 The public charter school official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy JBA/GBN - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

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

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the public charter school Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the administrator in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the administrator's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the administrator's decision in Step 1 is final.

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

Complaints against the administrator or a Board member (other than the Board chair) may start at step 2 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 2 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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

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

Additional information regarding filing of a complaint may be obtained through the public charter school administrator or compliance officer.

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

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

Eddyville Charter School
1 Eddyville School Road, Eddyville, OR 97343 | 541-875-2942

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

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1 Eddyville School Road, Eddyville, OR 97343 | 541-875-2942

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

Eddyville Charter School

Code: JBA/GBN-AR(2)
Adopted: 12-16-20

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

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

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

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

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment.⁴ The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the public charter school will provide the parties⁵ written notice of the following:

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

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

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

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

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

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

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

Investigation

The Title IX Coordinator will coordinate the public charter school’s investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the public charter school and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

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

⁷ The public charter school cannot access, consider, disclose, or otherwise use a party’s records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s capacity, and which are maintained in connection with the provision of treatment to the party, unless the public charter school obtains the party’s (or eligible student’s parent’s) voluntary, written consent to do so.

the advisor of their choice.⁸ The public charter school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the public charter school must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the public charter school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

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

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

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

⁹ This includes the evidence upon which the public charter school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The public charter school must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

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

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

Determination of Responsibility

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

The standard to be used for formal complaints in determining whether a violation has occurred is the clear and convincing evidence¹¹ standard.

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

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

The public charter school must provide the written determination to the parties simultaneously.

¹¹ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

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

Remedies

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

The disciplinary sanctions¹² may include:

15. Discipline up to and including suspension and expulsion;
16. Removal from various activities, committees, extra-curricular, positions, etc.
17. Disqualification for awards and honors;
18. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

19. Educational programming.

Dismissal of a Formal Complaint

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

20. Would not constitute sexual harassment, even if proved;
21. Did not occur in the public charter school's education program or activity¹⁴; or
22. Did not occur against a person in the United States.

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

23. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;

¹² Public charter schools should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁴ Includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

24. The respondent is no longer enrolled or employed by the public charter school; or
25. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

Consolidation of Complaints

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

Informal Resolution

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

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

Appeals

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

29. Procedural irregularity that affected the outcome of the matter;

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

When an appeal is filed, the public charter school must:

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

Timelines

The public charter school will complete the following portions of the grievance process within the specified timelines:

40. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;
41. Appeals (from receipt of appeal): 60 days;
42. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁶

Training

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

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

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

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

¹⁶ This includes creating a record for each investigation. This record must include:

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

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

Eddyville Charter School

Code: JHCC-AR
Adopted: 12-16-20

Communicable Diseases – Student**

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

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

Restrictable Diseases

1. A student of the public charter school will not attend school or a facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law.
2. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

4. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
5. The public charter school may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local public health administrator states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.
6. More stringent exclusion standards for students from school may be adopted by the local health department.
7. The public charter school's emergency preparedness plan shall address the school's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the public charter school and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.
3. An administrator shall determine other persons who may be informed of a student's communicable disease when a legitimate educational interest exists or for health and safety reasons in accordance with law.

Education

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

Equipment and Training

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

Eddyville Charter School

Code: JHCC
Adopted: 12-26-20

Communicable Diseases - Student

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

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Student. 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 public charter school 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 public charter school will include, as a part of its emergency plan, a description of the actions to be taken by school personnel in the case of a declared public health emergency or other catastrophe that disrupts public charter school operations.

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

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

END OF POLICY

Legal Reference(s):

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

[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).

Eddyville Charter School

Code: GCBDAAGDBDAA-AR(1)

Revised/Reviewed: 12/16/20

COVID-19 Related Leave *

Emergency Paid Sick Leave Act

The public charter school shall provide paid sick time to employees who are unable to work due to the effects of coronavirus disease 2019 (COVID-19). Full-time employees are entitled to 80 hours of paid sick time, which is available immediately for use if the employee:

1. Is subject to a governmental quarantine or isolation order;
2. Has been advised by a health-care provider to self-quarantine;
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Is caring for an individual who is subject to quarantine or isolation by governmental order or health care provider advisement;
5. Is caring for their son or daughter whose school or child-care provider is closed; or
6. Is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

Paid sick time may be used before other paid leave that may be available to the employee. A part-time employee is entitled to such paid sick time for the average number of hours the part-time employee works during an average two-week period. Paid sick time shall not carry over from one year to the next.

The public charter school shall pay the regular rate of pay up to \$511 per day, and \$5,110 in the aggregate, for paid sick time used by an employee who experiences symptoms of COVID-19, or is required or advised to self-quarantine due to concerns related to COVID-19.

The public charter school shall pay two-thirds of the regular rate of pay up to \$200 per day, and \$2,000 in aggregate, for paid sick time used by an employee:

1. To care for an individual subject to quarantine or isolation by governmental order or health care provider advisement;
2. To care for their child because the child's school or child-care provider is closed due to COVID-19 related reasons; or
3. Who is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

Emergency Family and Medical Leave Expansion Act

A public charter school employee may take public health emergency leave to care for the employee's child during a COVID-19 public health emergency.

The public charter school is not required to pay an employee for the first 10 days of such public health emergency leave. However, an employee may use accrued paid leave during such time. After the 10 days, the public charter school must pay not less than two-thirds of an employee's regular rate of pay for the number of hours per week the employee normally works. The maximum amount of compensation for such leave is \$200 per day and \$10,000 in aggregate.

The public charter school shall restore the employee's former position following the use of public health emergency leave unless, the public charter school:

1. Has fewer than 25 employees;
2. Has made reasonable efforts to retain the employee's position but such position no longer exists due to economic or operating conditions caused by the public health emergency; and
3. Has made reasonable efforts to restore the employee to an equivalent position.

Eddyville Charter School

Code: GCPC/GDPC
Adopted: 12-26-20

Retirement of Staff *

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

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

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

{Regarding PERS-workback, there are three main options for public charter schools, please choose one of the following:}

Public charter school employees will be allowed to retire under PERS and return to their position in the public charter school only for the remainder of the school year.

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS Chapter 238A](#)
[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).
OR. CONST., art. IX, §§ 10-13.

Eddyville Charter School

Code: GCBDD/GDBDD

Adopted: 12/16/2020

Sick Time

“Employee” means an individual who is employed by the public charter school and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the public charter school.

A public charter school employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. ¹An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in minimum increments not to exceed four hours and may be used for the employee’s or a family member’s²³ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The public charter school reserves the right after three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the public charter school. An employee refusing to submit to such an examination or to provide other evidence as required by the public charter school, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

¹ If the public charter school chooses to limit the accrual or usage, the public charter school must choose language in the bracketed sentence and keep this sentence in policy.

² “Family member” is defined by the Oregon Family Leave Act (OFLA).

If the reason for sick time is a foreseeable absence, the public charter school may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the public charter school (e.g., grading deadlines, inservice training, mandatory meetings).

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the public charter school at least 24 hours in advance or as soon as practicable.

The public charter school shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 to -653.661](#)

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2016); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Medical Leave