

Forest Grove Community School

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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Forest Grove Community School

Code: GBA
Adopted:

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by Forest Grove Community School regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The principal will serve as, or appoint an employee to serve, as the officer in charge of compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The principal will also serve as or designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the public charter school alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The principal or designee will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659.850	ORS 659A.147
ORS 243.317 - 243.323	ORS 659A.003	ORS 659A.233
ORS 326.051	ORS 659A.006	ORS 659A.236
ORS 332.505	ORS 659A.009	ORS 659A.309
ORS 338.115	ORS 659A.029	ORS 659A.321
ORS 342.934	ORS 659A.030	ORS 659A.409
ORS 408.225	ORS 659A.040	ORS 659A.820
ORS 408.230	ORS 659A.082	
ORS 408.235	ORS 659A.109	OAR 581-021-0045
ORS 652.210 - 652.220	ORS 659A.112	OAR 581-022-2405

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

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

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

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)

[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)

[OAR 839-006-0465](#)

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, et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (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).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Corrected 8/10/23

Forest Grove Community School

Code: GBC
Adopted:

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

No Forest Grove Community School employee will attempt to use their school position to obtain financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the school employee's employment with the school.

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the school employee.

The employee may receive school logo apparel as part of the employee's compensation package.

School employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regards to their duties and responsibilities as school employees. This would also apply to any personal financial benefit for the school employee's relative or member of household of the employee, or any business with which the school employee or a relative or member of the household of the school employee is associated.

This means that:

1. Employees, relatives or members of the school employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be school property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No school employee may serve as a Board or budget committee member for the sponsoring district;
5. An employee will not perform any duties related to an outside job during regular working hours or during the additional time needed to fulfill the position's responsibilities; nor will an employee use any school facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If a school employee has a potential or actual conflict of interest, the school employee must notify their supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. This must be done on each occasion the school employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by a school employee that could result in a financial benefit or detriment for self or relatives or for any business with which the school employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest means any action or any decision or recommendation by a school employee that would result in a financial benefit or detriment for self or relatives or for any business with which the school employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions and school policy, school employees must abide by the following rules when an employee’s relative or member of the household of the school employee, is seeking and/or holds a position with the school:

1. A school employee may not appoint, employ, promote, discharge, fire or demote or advocate for such an employment decision for a relative or a member of the household, unless they comply with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A school employee may not participate as a public official in any interview, discussion or debate regarding the appointment, employment, promotion, discharge, firing or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee’s family may be hired as a regular school employee. In accordance with Oregon law, however, the school may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

“Member of the household” means any person who resides with the employee.

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling or child-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling or child-in-law of the spouse of the employee.

Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee’s public employment.

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

II. Gifts

School employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the school employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the school employee from, but not limited to, another school employee, a student or parent of a student or a vendor. Except for exclusions in ORS 244.040(2), an item received by an employee from the school is prohibited.

“Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

“Relative” means: the spouse³, parent, step-parent, child, sibling, step-sibling or child-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling or child-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁴ to the employee, or who receives any benefit from the employee's public employment.

“Member of the household” means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the school employee. If the giver does not have a legislative or administrative interest, the \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A “legislative or administrative interest” means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A “decision” means an act that commits the school to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a

³ Ibid. p. 3

⁴ Ibid. p. 3

subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from relatives and members of the household to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions.

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the school; AND
 - (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
 - (2) The employee is representing the school:
 - (a) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (b) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the administrator.

The purpose of the exception in a. above is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the school.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. An item received by the employee as part of the usual or customary practice of the employee’s private business, employment or position as a volunteer that bears no relationship to the employee’s charter school position;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corrected 8/10/23

Forest Grove Community School

Code: GBC-AR

Revised/Reviewed:

Staff Ethics

Forest Grove Community School employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. School employees are prohibited from using or attempting to use their position to obtain a financial gain or to avoid a financial detriment for the school employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the school. Specifically, this means that:

1. Employees will not use school equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the school's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. School vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the school's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the school's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official school business, any gift given because of this travel must be either declined or passed on to the school for use for future school travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the school for future school travel. The frequent flyer miles earned when traveling on official school business can only be used for school travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for school travel or other school business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office

¹ The school could establish a fee schedule that would allow only school employees to pay for the personal use of the school fax machines. If the school established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for school use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to school extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the school may include free passes in employees' official compensation packages or employees may be reimbursed by the school for the cost of admission.
6. The employee's school position is not to be used to take official action that could have a financial impact on a private business with which the employee, a relative or member of the employee's household are associated. For example, if the employee's sibling owns a pest-control business which is seeking a contract with the school, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest, in writing, describing the nature of the conflict, and provide this to the employee's supervisor.
7. Confidential information gained as a school employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in their class is falling behind in math to provide the parents a referral to the employee's sibling's tutoring business.
8. School employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the school, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. School employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the school employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, school employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use school facilities for this purpose only if they comply with the school's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

Corrected 8/10/23

Forest Grove Community School

Code: **GBDA**

Adopted:

Expression of Milk or Breast-feeding in the Workplace

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to principal or designee. Forest Grove Community School shall provide the employee a reasonable rest period to express milk or breast-feed each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the school.

The school will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the school may not include the time taken to travel to and from the location as part of the break period.

The school must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container. If the school allows employees access to refrigeration for personal use, the school may allow, but cannot require, an employee who expresses milk during work hours to use the available refrigeration to store the expressed milk.

This policy including the list of designated locations will be published in the employee handbook. A list of designated locations must be readily available upon request in the school's central office.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 338.115](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

Corrected 8/10/23

Forest Grove Community School

Code: GBEA

Adopted:

Workplace Harassment

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between Forest Grove Community School employees or between the school employee and the school in the workplace or at a work-related event that is off school premises and coordinated by or through the school, or that occurred between the school and a school employee off the school premises. Board members, volunteers and interns are subject to this policy.

Any school employee who believes they have been a victim of workplace harassment may file a report with the school employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The school employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The school, upon receipt of a report from a school employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The school employee receiving the report, whether a supervisor of the employer or the school employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The school may not require or coerce a school employee to enter into a nondisclosure² or nondisparagement³ agreement.

The school may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between school employees or between a school employee and the school, in the workplace or at a work-

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

related event that is off school premises and coordinated by or through the school, or between a school employee and the school off school premises.

The school may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a school employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the school as a term or condition of the agreement. The agreement must provide the school employee at least seven days after signing the agreement to revoke it.

If the school determines in good faith that an employee has engaged in workplace harassment, the school may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the school to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members and volunteers and interns) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the administrator or the Board.

The school shall make this policy available to all school employees and shall be made a part of school orientation materials provided and copied to new school employees at the time of hire.

The principal or designee will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 338.115](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.370](#)
[ORS 659A.375](#)

[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Corrected 8/10/23

Forest Grove Community School

Code: GBEA-AR

Revised/Reviewed:

Workplace Harassment Reporting and Procedure

Any Forest Grove Community School employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administration regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the principal or designee.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, 659A.112 or ORS 659A.370 must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the public charter school as a separate confidential file and stored in the school office.

Investigation Procedure

The principal or designee responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the principal, the employee may report to the Board chair. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include school-provided assistance services available to the school employee;
3. Provide a copy of the school's Board policy GBEA - Workplace Harassment and this administrative regulation to the school employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant 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.

If the initial investigator is not the principal, a copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the principal.

Step 2 If the initial investigator is not the principal, and the complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the principal. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The principal shall review the investigators report and findings. The principal may arrange such meetings with the complainant and other affected parties as deemed necessary by the principal to discuss the appeal. The principal shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

Step 3 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The Board will review the findings and conclusion in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the administrator’s decision as the school’s final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 30 days following receipt of the appeal by the Board.

If the Board chooses not to hear the appeal, the decision reached in a previous step is final.

Reports involving the principal should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. 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. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Follow-up Procedures

The principal or designee will follow up with the public charter school employee of the alleged harassment once every three months for the calendar year following the date on which the principal or designee

¹ Provide information about legal resources and counseling and support services, which may include public charter school-provided assistance services available to the public charter school employee, and a copy the public charter school’s Board policy GBEA - Workplace Harassment and this administrative regulation to the public charter school employee.

received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The principal or designee will document the record of this follow-up. The principal or designee will continue follow-up in this manner until and unless the employee directs the principal or designee in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Forest Grove Community School
1914 Pacific Ave, Forest Grove, OR 97116 | (503) 359-4600

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace 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: _____

Forest Grove Community School
1914 Pacific Ave, Forest Grove, OR 97116 | (503) 359-4600

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: _____

Corrected 8/10/23

Forest Grove Community School

Code: GBEC

Adopted:

Drug-Free Workplace

Forest Grove Community School shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The school shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No school employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's school duties; or knowingly endorse or suggest the use of such drugs. An employee shall, as a condition of employment, abide by the provisions of this policy.

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. "Criminal drug statute" means a federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
5. "Drug-free workplace" means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

Sanctions and Remedies¹

The school, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol, or upon having reasonable suspicion (under the section below), of an employee's unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee's criminal drug statute conviction for a violation occurring in the workplace, the school shall:

1. Take appropriate action, which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech, difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

The school shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

¹ Public charter school's directly receiving grants or contracts from the federal government are required to meet this obligation.

Establishment of Drug-Free Awareness Program

The school shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of, and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction²

An employee shall, as a condition of employment, notify the school in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by the School of an Employee Conviction

The school shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 calendar days after receiving notice of such conviction.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 338.115](#)

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659A.127](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corrected 8/10/23

² Ibid. p. 1

Forest Grove Community School

Code: GBH/JECAC

Adopted:

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the school will adhere to all conditions specified and ordered by the court.

Forest Grove Community School will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)

[ORS 107.102](#)

[ORS 107.106](#)

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 - 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Corrected 8/10/23

Forest Grove Community School

Code: GBJ
Adopted:

Weapons in Schools - Staff

Employees, school contractors and/or their employees and school volunteers shall not possess a dangerous or deadly weapon or firearm on school property or at school-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, as defined by state and federal law, weapon includes:

1. “Dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The principal will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the school and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)

[ORS 166.210 - 166.370](#)

[ORS 338.115\(1\)\(a\)](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

Corrected 8/10/23

Forest Grove Community School

Code: GBK/KGC

Adopted:

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems**

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on school premises, in any building or facility, on school grounds, including parking lots, in any vehicle owned, rented or chartered by the school or school district and at all school-sponsored activities.

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Violation of this policy by staff will result in discipline up to and including dismissal. Violation of this policy by the public may result in the individual’s removal from Forest Grove Community School property. The school reserves the right to restrict access to school property by individuals who are repeat offenders.

This policy shall be enforced at all times.

END OF POLICY

Legal Reference(s):

[ORS 336.227](#)

[ORS 338.115\(1\)\(x\)](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

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

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 8/10/23

Forest Grove Community School

Code: GBL

Adopted:

Personnel Records

An official personnel file will be established for each person employed by Forest Grove Community School. Personnel files will be maintained in a central location.

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

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

Except as provided below, or required by law, school employees'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the school office to inspect the contents of their personnel file on any day the school office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The principal and other staff designated by the principal;
6. School administrators and supervisors who currently or prospectively supervise the employee;
7. Attorneys for the school or the school's designated representative on matters of school business;
8. Upon receiving a request from a prospective employer issued under ORS 339.374(1)(b), the school, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the school pursuant to Oregon Revised Statute (ORS)

¹ Includes former employees.

339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The school may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

9. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
10. Upon request from a prospective employer or a former employee, authorized school officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.

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

Release of personnel records to parties other than those listed above, will be in line with Board policy KBA - Public Records.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 338.115](#)
[ORS 339.370 – 339.374](#)
[ORS 339.378](#)

[ORS 339.388](#)
[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)
[OAR 581-026-0600](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Corrected 8/10/23

Forest Grove Community School

Code: GBM

Adopted:

Staff Complaints

The principal or designee will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of Forest Grove Community School personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority; or believe there is evidence the public charter school created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of school personnel policies.

Disputes concerning an employee's dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

[ORS 659A.199 to -659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 8/10/23

Forest Grove Community School

Code: GBMA

Adopted:

Whistleblower

When an employee has good faith and reasonable belief Forest Grove Community School has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for the school to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the public charter school prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

The school shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

[ORS 192.501 - 192.505](#)

[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 8/10/23

Forest Grove Community School

Code: GBN/JBA

Adopted:

Sexual Harassment

Forest Grove Community School is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the 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 school processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the school, the 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* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The school may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures¹.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties² shall include:

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

¹ 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)

² “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 school property; 2) at a school-sponsored activity or program; or 3) off school grounds or school property if a student or a school staff member acts toward the person in a manner that creates a hostile environment for the person while on school property, or at a school-sponsored activity.

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a 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>Vanessa Gray</u>	<u>Principal</u>	<u>503-359-4600</u>	<u>v.gray@fgcshool.org</u>

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

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a school official so the 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 school official.

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The 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 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 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 school electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding school procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the school, or be present on school property;
2. If the third party works for an entity that contracts with the school, communicating with the third party's employer;
3. If the third party is a student of another school, communicate information related to the incident to the other school or school district;
4. Limiting attendance at school events; and
5. Providing for additional supervision, including law enforcement if necessary, at 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 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 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 person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the 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 include⁴:

1. Name and contact information for all person designated by the 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 school that the person who filed the complaint may pursue, including the person designated for the school for receiving complaints and any timelines.

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

⁴ Remember confidentiality laws when providing any information.

4. Notice that civil and criminal remedies that are not provided by the 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 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 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 school's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand; and
2. Use print that is of a color, size and font that allows the notification to be easily read.

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.

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 school conditioning the provision of an aid, benefit, or service of the 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 school’s education program or activity⁵;
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic Violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A 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 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* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

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

The principal is designated as the Title IX Coordinator and can be contacted at 503-359-4600 or v.gray@fgeshool.org. The Title IX Coordinator will coordinate the school’s efforts to comply with its responsibilities related to this AR. The school prominently will display the contact information for the Title IX Coordinator on the school website and in each handbook.

⁵ “Education program or activity” includes locations, events, or circumstances over which the 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).

Response

The 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.⁶ The school shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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.¹⁰ The 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 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 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 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

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

⁷ (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 school's educational environment, or deter sexual harassment.⁷ The 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))

⁸ 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).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The 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))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the school will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No Retaliation

Neither the 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 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.

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the school website. This policy shall also be made available at the school office. The 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 person 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).

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

Corrected 8/10/23

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Forest Grove Community School

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

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
<u>Vanessa Gray</u>	<u>Principal</u>	<u>503-359-4600</u>	<u>v.gray@fgschool.org</u>

The Forest Grove Community 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 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 10 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 principal, if applicable.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision 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 principal'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 principal's decision in Step 1 is final.

The principal is authorized to amend these procedures (including timelines) when the principal 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 principal 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 school principal 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 school office.

The principal 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.

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: _____

Forest Grove Community School
1914 Pacific Avenue, Forest Grove, OR 97116 | 503-359-4600

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: _____

Forest Grove Community 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 Forest Grove Community School’s Title IX Coordinator or any official of the school who has authority to institute corrective measures on behalf of the 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 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 school’s educational environment, or deter sexual harassment.⁴ The 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 school will provide the parties⁵ written notice of the following:

1. Notice of the school’s grievance process, including any informal resolution process.

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 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.

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 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 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 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 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 school obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

the advisor of their choice.⁸ The 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 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 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 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.

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

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 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 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.

At no point in the process will the school, or anyone participating on behalf of the 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 preponderance of the 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:

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 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 school imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the school’s education program or activity will be provided by the school to the complainant; and
6. The school’s procedures and permissible bases for the complainant and respondent to appeal.

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

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.

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

The disciplinary sanctions¹² 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.¹³

Other remedies may include, but is not limited to:

5. Educational programming .

Dismissal of a Formal Complaint

The 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 school's education program or activity¹⁴; or
3. Did not occur against a person in the United States.

The 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;
2. The respondent is no longer enrolled or employed by the 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 school must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

¹² 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 school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. §106.44(a))

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

Consolidation of Complaints

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

When an appeal is filed, the school must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;

3. Ensure the decision-maker(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 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 cause¹⁵ with written notice to the parties.

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 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.

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))

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 school's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the 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.

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 school's website.

Forest Grove Community School

Code: GBNA

Adopted:

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by students, staff, or third parties are strictly prohibited and shall not be tolerated in the Forest Grove Community School.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is also strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the principal or the Board. Students found in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

The principal is directed to develop administrative regulations to implement this policy. The regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure notice of this policy is provided to students, staff, and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)

[ORS 163.197](#)

[ORS 166.065](#)

[ORS 166.155](#) - 166.165

[ORS 174.100](#)

[ORS 338.115](#)

[ORS 339.250](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.103](#) - 659A.143

[ORS 659A.199](#) - 659A.224

[OAR 839-003-0000](#)

[OAR 839-005-0021](#)

[OAR 839-005-0030](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2012).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).

HR2/28/19 | PH

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

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Corrected 8/14/23

Forest Grove Community School

Code: GBNA-AR

Revised/Reviewed:

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties at Forest Grove Community School.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in school business, such as employees of businesses or organizations participating in cooperative work programs with the school and others not directly subject to school control at interschool and intraschool athletic competitions or other school events.
2. “School” includes school facilities, school premises, and nonschool property if the employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips, athletic events or where the employee is engaged in school business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any school-sponsored work activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to [convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying.] [harass, intimidate, or bully.] Staff will

refrain from using personal electronic devices or school equipment to harass or stalk another person or people.

8. “Menacing” includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The principal or designee has responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, acts of cyberbullying, or menacing. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF –Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report concerns to the designated school official.

Any employee or third party who has knowledge of conduct in violation of Board policy or feels they have been hazed, harassed, intimidated, bullied, menaced, or cyberbullied in violation of Board policy or this administrative regulation shall immediately report concerns to the designated school official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to school principal. Reports against the school principal shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The school official receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The school official will arrange such meetings as may be necessary with all concerned parties within 10 working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The school official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, and parents as appropriate in writing when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the principal should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. 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.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. 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 in open session what action if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. 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 in open session what action, if any, is warranted.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file.

Corrected 8/14/23

Forest Grove Community School

Code: GBNAA/JHFF

Adopted:

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by Forest Grove Community School employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All school employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

⁴“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the school or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the school that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The school will post in the school building the names and contact information of the employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any school employee, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another school employee, contractor, agent or volunteer, or that

¹ “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

⁴ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

another school employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator, or the alternate designated licensed administrator in the event the designated administrator is the alleged perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

A report of suspected sexual conduct about the principal will be reported to the director of school operations who shall also report same to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated administrator receives a report of suspected sexual conduct by a school employee, contractor, agent or volunteer, the administrator will follow procedures established by the school and set forth in administrative regulation GBNA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Forms. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a school employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the school will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a school contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the school and the school will take necessary actions to ensure the student's safety.

The school will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the school as a result of the report.

A school employee, contractor or agent will not assist another school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the school employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a school employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the school or any school employee, contractor, agent or volunteer.

The school will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the school, the following:

1. A description of conduct that may constitute sexual conduct;

2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on school employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All school employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the school will be appropriate and only when directed by school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use school e-mail using mailing lists and/or other internet messaging approved by the school to a group of students rather than individual students or as directed by school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the school is prohibited.

The principal shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)
[ORS 338.135\(7\)\(a\)](#)

[ORS 339.370 - 339.400](#)
[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).
House Bill 2136 (2021).
Senate Bill 51 (2021).

Corrected 8/14/23

Forest Grove Community School

Code: GBNAA/JHFF-AR

Revised/Reviewed:

Suspected Sexual Conduct Report Procedures and Forms

Forest Grove Community School posts in each school building the names and contact information of the school employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator receives a report of suspected sexual conduct that may have been committed by a commission licensee¹, the designee shall notify the Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the administrator is the alleged perpetrator the report shall be submitted to the director of school operations, who shall also report to the Board chair.

When the designee receives a report of suspected sexual conduct by a school employee, and there is reasonable cause to support the report, the school shall place the school employee on paid administrative leave² and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC³ or ODE⁴ determines that the report is substantiated and the school takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the school determines either: 1) an employment policy was violated and the school will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the school shall prohibit the contractor, agent or volunteer from providing services to the school. The school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the school will provide requested documents or materials to the extent allowed by state and federal law.

¹ "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

² The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

³ TSPC investigates reports on commission licensees.

⁴ ODE investigates reports on persons who are not commission licensees.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Nothing prevents the school from conducting its own investigation, unless another agency requests to lead the investigation or requests the school to suspend their investigation, or taking an employment action based on information available to the school before an investigation conducted by another agency is completed. The school will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the school decides to take an employment action, the school will inform the school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the school shall create a record of the findings of the substantiated report and the employment action taken by the school will be placed in the records on the school employee maintained by the school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the school may use the record as a basis for providing information required to be disclosed about a school employee under ORS 339.378(1). The school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The school shall provide information and training each school year to school employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of school employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The school shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending school-operated schools, and will be made available separately from the training provided to school employees.

The school shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of school employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The school shall make available each school year training that is designed to prevent sexual conduct to students attending school-operated schools.

Forest Grove Community School

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., 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: _____

Forest Grove Community School

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: _____

Corrected 8/14/23

Forest Grove Community School

Code: GBNAB/JHFE

Adopted:

Suspected Abuse of a Child Reporting Requirements**

Any Forest Grove Community School who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any public charter school employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by school employees, contractors³, agents⁴, volunteers⁵, or students is prohibited and will not be tolerated. All school employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any school employee who has reasonable cause to believe that another school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another school employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The school will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building, to receive reports of suspected abuse of a child by school employees, contractors, agents, volunteers or students.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

³ "Contractor" means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁴ "Agent" means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

⁵ "Volunteer" means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

If the principal is the alleged abuser the report shall be submitted to the director of school operations who shall also report to the Board chair.

The school will post the names and contact information of the designees for each school building, in the respective school if applicable, designated to receive reports of suspected abuse and the procedures in GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to the designated licensed administrator. This information will be posted in the respective school building.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the school and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a school employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the school will take necessary actions to ensure the student’s safety. When there is reasonable cause to support a report, a school contractor, agent or volunteer suspected of abuse shall be removed from providing services to the school and the school will take necessary actions to ensure the student’s safety.

The school will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse of any actions taken by the public charter school as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a school employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the school or any school employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The school shall provide information and training each school year to school employees on the prevention and identification of abuse, the obligations of school employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The school shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending school-operated schools, and will be made available separately from the training provided to school employees. The school shall provide each school year information on the prevention and identification of abuse, the obligations of school employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The school shall make available each school year training that is designed to prevent abuse to students attending school-operated schools.

The school shall provide to a school employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the school, the following:

1. A description of conduct that may constitute abuse;

2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on school employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A school employee, contractor or agent will not assist another school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the school employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The school shall make available to students, school employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the school will be appropriate and only when directed by school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use school e-mail, using mailing lists and/or other internet messaging approved by the school to a group of students; communicating with individual students must directly relate to coursework. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the school is prohibited.

The principal shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 338.125](#)

[ORS 339.370 - 339.400](#)

[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
Senate Bill 51 (2021).

Corrected 8/14/23

Forest Grove Community School

Code: GBNAB/JHFE-AR(1)

Adopted:

Reporting Suspected Abuse of a Child

Reporting

Any Forest Grove Community School employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any school employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any school employee who has reasonable cause to believe that another school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another school employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the administrator is the alleged abuser the report shall be submitted to the director of school operations who shall also make a report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of the school administrator who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

When the designee receives a report of suspected abuse of a child by a school employee, and there is reasonable cause to support the report, the school shall place the school employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the school takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the school determines that either 1) an employment policy was violated and the school will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the school against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the school shall prohibit the contractor, agent or volunteer from providing services to the school. The school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁴ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the school and any findings as a result of the report shall be maintained by the school.

If, following the investigation, the school decides to take an employment action, the school will inform the school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the school will be placed in the records on the school employee maintained by the school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the school may use the record as a basis for providing information required to be disclosed about a school employee under ORS 339.378(1). The school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

1. Oregon law recognizes these and other types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;
 - d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. "Child" means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.

³ The school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ The school will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the school shall immediately provide requested documents or materials to the extent allowed by state and federal law.

Failure to Comply

Any school employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A school employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

The school staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator will request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on School Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the student out in accordance with school procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, school employees shall not notify parents or anyone else other than DHS or law enforcement agency, and any school employee necessary to enable the investigation;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. School employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student’s education

records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the school from conducting its own investigation, unless another agency requests to lead the investigation or requests the school to suspend the investigation, or taking an employment action based on information available to the school before an investigation conducted by another agency is completed. The school will cooperate with agencies assigned to conduct such investigations.

Corrected 8/14/23

Forest Grove Community School

Code: GBNAB/JHFE-AR(2)
Revised/Reviewed:

Abuse of a Child Investigations Conducted on School Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

Investigator refused to sign. School staff should not deny entry based on refusal to sign.

FOR COMPLETION BY SCHOOL STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

Forest Grove Community School

Code: GCA

Adopted:

License Requirements

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The public charter school must be able to verify the current license of applicants offered employment.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The public charter school will complete a review of the applicant's employment history prior to beginning employment.

The public charter school will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the public charter school.

The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)
[ORS 339.374](#)

[ORS 342.120 - 342.203](#)
[OAR 584-050-0035](#)

[OAR 584-200-0020](#)

Corrected 8/14/23

Forest Grove Community School

Code: GCAB

Adopted:

Personal Electronic Devices and Social Media - Staff**

Staff possession or use of personal electronic devices on Forest Grove Community School (FGCS) property, in FGCS school facilities during the work day and while the staff is on duty in attendance at FGCS school-sponsored activities, may be permitted subject to the limitations set forth in this policy and consistent with any additional school guidelines as may be established by the principal. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device not issued by the school and is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on school property or while a staff member is on duty in public charter school-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The school will not be liable for loss or damage to personal communication devices brought to school property and school-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or public charter school business.¹ Staff may not post images of school facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically, staff should use school e-mail using mailing lists to a group of students; communicating with individual students must directly relate to coursework. Texting students during work hours is prohibited. Texting students while off duty is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with principal or designee approval.

¹ Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Staff is subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal.

The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

The principal shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

[ORS 167.057](#)
[ORS 163.432](#)
[ORS 163.433](#)
[ORS 163.684](#)
[ORS 163.686](#)

[ORS 163.687](#)
[ORS 163.688](#)
[ORS 163.689](#)
[ORS 163.693](#)
[ORS 163.700](#)

[ORS 326.011](#)
[ORS 326.051](#)
[ORS 336.840](#)
[ORS 338.115\(2\)](#)

Copyrights, Title 17, as amended, United States Code; 19 C.F.R. Part 133 (2014).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

Corrected 8/14/23

Forest Grove Community School

Code: GCBDA/GDBDA

Adopted:

Family Medical Leave

When applicable, Forest Grove Community School will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

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

OFLA and OMFLA apply to 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 work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the school for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar 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.

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

Federal and state leave entitlements generally run concurrently.

The principal will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law, if applicable.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 338.115](#)
[ORS 342.545](#)

[ORS 659A.090](#)
[ORS 659A.093](#)
[ORS 659A.096](#)

[ORS 659A.099](#)
[ORS 659A.150 to -659A.186](#)
[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Corrected 8/14/23

Forest Grove Community School

Code: GCBDC/GDBDC

Adopted:

Domestic Violence, Harassment, Sexual Assault, or Stalking Leave

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by Oregon Revised Statutes (ORS) 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or an individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A public charter school (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The public charter school may limit the amount of leave, if the employee's leave creates an undue hardship on the public charter school.

The public charter school shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the public charter school reasonable advanced notice of the employee's intent to take leave unless giving advance notice is not feasible.

The public charter school may require the employee to provide certification that:

1. The employee or minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a report from law enforcement indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking;

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy or a victim services provider that the employee, employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the public charter school regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use accrued paid leave that is offered by the public charter school, including personal, sick, and vacation leave.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

Corrected 8/14/23

Forest Grove Community School

Code: GCBDC/GDBDC-AR
Revised/Reviewed:

Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

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

The requested leave is for:

- Myself
- My minor child or dependent

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
- To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
- To obtain or assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

- A copy of a report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.
- A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative

agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750.

- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee's minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave.

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. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

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.

Signature of Employee: _____ Date: _____

Corrected 8/14/23

Forest Grove Community School

Code: GCBDD/GDBDD

Adopted:

Sick Time

“Employee” means an individual who is employed by the 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 Forest Grove Community School.

Hourly Staff and Substitutes: Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

Salaried Staff: 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. An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments, except for substitutes who must take sick time in increments of four hours, and may be used for the employee’s or a family member’s¹ 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. Sick time is not vested, meaning employees are not entitled to cash payment for unused sick time when employment ends.

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

If the reason for sick time is a foreseeable absence, the 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 school (e.g., grading deadlines, inservice training, mandatory meetings).

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

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

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

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)

[ORS 653.601 to -653.661](#)

[ORS 342.610](#)

[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 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 8/21/23

Forest Grove Community School

Code: GCBDF/GDBDF

Adopted:

Paid Family Medical Leave Insurance

Forest Grove Community School participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon (PLO)¹. This includes submitting employee and employer contributions to the Employment Department (“Department”) as required by state law.² The school does not administer PFMLI or PLO. All applications and related questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. To care for a family member with a serious health condition.

2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159 (1)(d) (non-serious health condition of child or school or child care provider closure due to public health emergency);
 - b. Leave described in ORS 659A.159 (1)(e) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).

3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child of a covered individual or the child’s spouse or domestic partner;
 - c. A parent of a covered individual or the parent’s spouse or domestic partner;
 - d. A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;
 - e. A grandparent of a covered individual or the grandparent’s spouse or domestic partner;
 - f. A grandchild of a covered individual or the grandchild’s spouse or domestic partner;
 - g. The domestic partner of a covered individual; or
 - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

¹ Paid Leave Oregon is the program developed by the Oregon Department of Employment to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). The employee contribution is 60 percent of this amount and the employer contribution is waived. The amount will be set annually by November 15. See ORS 657B.150.

4. “Medical Leave” means leave from work taken by a covered individual that is made necessary by the individual’s own serious health condition.
5. “Safe leave” means leave related to domestic violence, harassment, sexual assault, stalking and relocation for health and safety reasons as provided in ORS 659A.272.
6. “Serious health condition” means an illness, injury, impairment, or physical or mental condition of a claimant or their family member that:
 - a. Requires inpatient care in a medical care facility such as, but not limited to, a hospital, hospice, or residential facility such as, but not limited to, a nursing home or inpatient substance abuse treatment center;
 - b. In the medical judgment of the treating health care provider poses an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
 - c. Requires constant or continuing care, including home care administered by a health care professional;
 - d. Involves a period of incapacity. “Incapacity” is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days. A period of incapacity includes any subsequent required treatment or recovery period relating to the same condition. The incapacity must involve one of the following:
 - (1) Two or more treatments by a health care provider; or
 - (2) One treatment plus a regimen of continuing care.
 - e. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as, but not limited to, asthma, diabetes, or epilepsy;
 - f. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as, but not limited to, Alzheimer’s Disease, a severe stroke, or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
 - g. Involves multiple treatments for restorative surgery or for a condition such as, but not limited to, chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three calendar days;
 - h. Involves any period of disability due to pregnancy, childbirth, miscarriage or stillbirth, or period of absence for prenatal care; or
 - i. Involves any period of absence from work for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

Eligibility

1. To be eligible for PLO benefits, an individual must:

- a. Be an employee of the public charter school³;
- b. Earn at least \$1,000 in the base or alternate base year⁴;
- c. Contribute to the PLO in accordance with state law;
- d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
- e. Submit an application to Department;
- f. Have not exceeded maximum paid leave for the year; and
- g. Have no current disqualifications⁵.

Leave

Paid Leave Oregon can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁶ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under PLO must be taken concurrently with any leave taken by an eligible employee under ORS 659A.150 - 659A.186 (OFLA) or under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes.

The school will maintain an employee’s existing health benefits while the employee is using leave. The employee will be required to pay the employee’s contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[OAR 471-070](#)

Corrected 8/14/23

³ PFMLI is a state-wide benefit, and not unique to the public charter school. An eligible individual does not need to be an employee of the public charter school in order to be eligible for PFMLI, but this policy only applies to employees of the public charter school.

⁴ Pay could come from another Oregon employer.

⁵ Disqualifications may include eligibility for Workers’ Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

⁶ In some pregnancy-related situations, employees may be able to take two additional weeks, for a total for 14 weeks.

Forest Grove Community School

Code: GCBDF/GDBDF-AR

Revised/Reviewed:

Paid Family Medical Leave Insurance (PFMLI)

Application

Employees may submit applications for Paid Leave Oregon (PLO) to the Oregon Employment Department (“Department”).¹ Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.² The Department may require verification from the employee.³ The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁴ Forest Grove Community School cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.010 and Oregon Administrative Rule (OAR) 471-070-2220.

Employee Notice to School

If the leave is foreseeable⁵, the employee must provide the school with written notice⁶ at least 30 calendar days prior to the leave. If the leave is not foreseeable⁷ the employee must give oral notice to the school within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁸ The school requests as much advanced notice as possible.

The notice must include:

1. The employee’s first and last name;

¹ For application requirements see ORS 657B.060 and Oregon Administrative Regulation (OAR) 471-070-1100. [Paid Leave Oregon](#)

² Exceptions may be granted when the applicant can demonstrate good cause for late submission.

³ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁴ The benefit may be less than the employee’s salary. See ORS 657B.050.

⁵ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310(1).

⁶ Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁷ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

⁸ If other leave also applies (OFLA, FMLA, etc.), notice requirements for those types of leave may also apply.

2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the school as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or PLO to satisfy the notice requirements.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(9)-(10).

Concurrent Use of School-Provided Paid Leave

The school allows employees to use employer-provided paid leave in addition to receiving PLO benefits to replace an employee's wages up to 100 percent of the eligible employee's average weekly wage. Example:

An employee applies and is approved for PLO for a personal serious medical condition. The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available school-provided paid leave (sick, vacation or otherwise) for days that PLO is received, but is limited to only utilizing an amount that increases the employee paid leave to 100 percent of regular payment. In this example, the amount would be 25 percent.

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the school prior to the leave, if that position still exists and if the employee had been employed in the school for 90 days prior to taking leave.⁹ If the position no longer exists, the employee may be placed in a different position with similar job duties and benefits and pay equal to the previous position.

Communications Between the School and the Department

Upon receipt of an application or update in information from a school employee for PLO, the Department will notify the public charter school. The school may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the school or verification of the employee's continued employment with the school. If the school does not report such information to the Department, the Department will proceed using available information. The school can provide additional information to the Department as it becomes available.

If the Department requests additional information from the school, the school will respond within 10 calendar days.

⁹ If the employee's leave also qualifies for OFLA/FMLA protection, see also Board policy GCBDA/GDBDA - Family Medical Leave and its accompanying administrative regulations.

Once the Department has issued a decision regarding an application submitted by an employee of the school, the Department will notify the school regarding the approval or denial and any applicable dates and periods of leave. The school cannot appeal a Department decision.

School Notice to Employees

At the time of hire and each time the policy or procedure changes, the school must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the school before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or PLO, taking leave under the program or claiming PFMLI or PLO benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to an employer by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹⁰

The school will display this notice in an area that is accessible to and regularly frequented by employees in each building or worksite. The school will provide this notice to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

School Filings

The school will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the school fails to submit required filings or report, or fails to pay all required contributions, the school may be penalized in accordance with OAR 471-070-8520.

The school may apply for an assistance grant.¹¹

¹⁰ Paid Leave Oregon will provide a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>. This policy can also be used as the notice.

¹¹ See OAR 471-070-3705 - 3710 for eligibility requirements and application.

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or PLO, giving notification of leave under PLO, taking PLO leave or claiming PLO benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

Any health information related to family leave, medical leave or safe leave provided to the school by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

Corrected 8/24/23

Forest Grove Community School

Code: GCDA/GDDA

Adopted:

Criminal Records Checks and Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, Forest Grove Community School shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the school, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, criminal records checks or fingerprint-based criminal records checks shall be required of the following individuals²:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, considered by the school to have direct, unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
3. Any individual considered for volunteer service with the school who is allowed to have direct, unsupervised contact with students.

The school will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information, only after the offer of employment or contract from the school and may be charged a fee by the school. A subject individual may request the fee be withheld from the amount otherwise due the individual.

When the school is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the school is notified of a subject individual who knowingly made a false statement as to

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² Subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting.

the conviction of any crime, the individual may be employed or contracted with by the school, or if employed by the school may be terminated. A subject individual who failed to disclose the presence of convictions that would not otherwise prohibit employment or contract with the school as provided by law may be employed or contracted with by the school.

The school's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The school shall begin the employment of a subject individual or terms of a school contractor on a probationary basis pending the return and disposition of the required criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the school.

The principal shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 336.631](#)

[ORS 338.115\(1\)\(h\)](#)
[ORS 342.127](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 - 0030](#)
[OAR 581-021-0510 – 021-0512](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

Corrected 8/14/23

Forest Grove Community School

Code: GCDA/GDDA-AR

Revised/Reviewed:

Criminal Records Checks and Fingerprinting

Requirements

1. An individual who is an employee¹ of a public charter school, full-time or part-time, shall be required to submit to a criminal records check and fingerprinting.
2. Any individual newly hired, whether full-time or part-time employee² and not requiring licensure under ORS 342.223 as a teacher, administrator, personnel specialist or school nurse, shall be required to submit to a criminal records check and fingerprinting.
3. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
5. Any individual hired as or by a contractor and³, whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the public charter school shall submit to a criminal records check and fingerprinting.

The public charter school administrator will identify contractors who are subject to such requirements.

6. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
7. A volunteer allowed by the public charter school into a position that has direct, unsupervised contact with students shall submit to a criminal records check.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the public charter school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² Ibid. 1 p. 1

³ A contractor's employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the public charter school.

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if the public charter school has evidence on file that the employee successfully completed a state and national criminal records check for a previous employer that was a public charter school, ESD or school district, and has not resided outside the state between the two periods of employment.

Notification

1. The public charter school will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the Oregon Department of Education (ODE) that impact employment or contract may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the public charter school;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer with the public charter school. The public charter school will remove the volunteer from the position allowing direct, unsupervised contact with students.
2. The public charter school will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the public charter school. The public charter school shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
 - a. Employing public charter school staff;
 - b. Contracted agent of employing public charter school; or

⁴ Any individual hired within the last three months.

- c. Local or state law enforcement agency.
- 3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
- 4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the public charter school of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
- 5. A copy of the fingerprinting results will be kept by the public charter school.

Fees

- 1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the public charter school including persons hired as or by contractors, shall be paid by the public charter school.
- 2. An individual offered a contract or employment by the public charter school may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
- 3. Fees associated with required criminal records checks for volunteers shall be paid by the public charter school.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

- 1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the public charter school upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁵ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
- 2. A subject individual may be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.

⁵ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

3. Employment termination shall remove the individual from any public charter school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the public charter school.
5. If the public charter school has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the public charter school, on a public charter school volunteer application form may be denied the ability to volunteer in the public charter school.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the public charter school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

Corrected 8/14/23

Forest Grove Community School

Code: GCN/GDN

Adopted:

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's¹ performance of the teaching responsibilities. It is also an important assessment of all other employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, continued employment, dismissal and discipline.

Licensed or Registered Teachers

The evaluation of teachers that are licensed or registered with the Teacher Standards and Practices Commission shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of this group of staff, if applicable.

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

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

¹ See ORS 342.815 for definition.

6. Customized by each school, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

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

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

Other Staff

All other employees will be formally evaluated by their supervisor at least once each year for the first three years, then every other year thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 338.115](#)

[ORS 342.815](#)
[ORS 342.856](#)

[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Corrected 8/14/23; Corrected 8/22/23

Forest Grove Community School

Code: GCPC/GDPC

Adopted:

Retirement of Staff

To assist Forest Grove Community School in its planning efforts, staff members considering retirement are encouraged to notify the 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 principal or designee will develop requirements, limitations and procedures for employment as a PERS-retiree.

When an employee of the school retires under PERS, that employee's employment with the school will terminate. PERS-retired individuals may apply for open positions with the school.¹ School employees will be allowed to retire under PERS and return to their position in the school.²

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.

Corrected 8/14/23

¹ There must be a break in service for retired employees returning to work.

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