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# Policy Update

October 2021

Vol. 64 No. 1 sch

Join OSBA Policy  
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Tuesday, October 26,  
2021 for the *Policy  
Update* Webinar at 9  
a.m.

Watch for news  
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*Policy Update* is a  
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This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district's legal counsel.

*Policy Update* – October 2021

# OSBA Model Sample Policy

Code: BDDH  
Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Public Comment at Board Meetings

*{HB 2560 (2021) goes into effect on January 1, 2022, and requires that districts provide the same opportunity for public comment to those attending virtually as is provided to those attending in person. We recommend that districts review current public comment practices and adopt policy language that meets the law and the desired district practice.}*

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

### Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will sign in on the public comment sheet provided ~~complete and submit the Intent to Speak card to the Board secretary~~ and, if available, submit their name electronically as directed ~~do so as directed~~ prior to the Board meeting.<sup>1</sup> A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may **comment on a topic not on the published agenda.** ~~may comment only on agenda items.~~
4. A person speaking during the public comment portion of the meeting should state their name, **whether they are a resident of the district,** and, if speaking for an organization, the name of the organization. **Priority may be given by Board chair for residents of the district. Non-residents may be directed to provide comments in writing.** A spokesperson should be designated to represent a group with a common purpose.

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<sup>1</sup> When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

5. A person giving public comment is limited to an established time limit of **three** minutes. Statements should be brief and concise. ~~The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. Time limits will be determined based on the number of commenters and the amount of time available for public comment.~~ If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.
6. **Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.**

**The Board will not generally hear public comment at Board work sessions.**

~~Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.~~

### **Procedures for Written Comment**

~~Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by the link provided on the agenda posted on the website. email to insert email address. Materials or comments submitted at least 24 hours 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but will not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.~~

**Jefferson County School District 509-J will accept public comment in writing prior to the meeting. Written comments must be received online (via the comment link on the agenda) by **1:00 pm the date of the board meeting** and may be read during the public comment section of the meeting. Comments or complaints regarding specific people or personnel WILL NOT be accepted, please refer to the district complaint policy.**

### **Comments Regarding Staff Members**

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the ~~procedures in Board policy KL – Public Complaints~~ **published complaint procedures** for consideration of a legitimate complaint involving a staff member. ~~Any association contract governing the employee’s rights will be followed.~~ A commendation involving a staff member should be sent to the superintendent, **who will forward it to the employee, a supervisor and the Board.**

**END OF POLICY**

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

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)  
[ORS 332.057](#)

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).  
*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).  
*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).  
Oregon House Bill 2560 (2021).

# OSBA Model Sample Policy

Code: IB  
Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Freedom of Expression

Students have a general right to freedom of expression within the school system. The district requires that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

### Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

### Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability, geographic location, sex, ~~or~~ sexual orientation or gender identity. Each student organization must have a staff adviser to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures ~~and a current list of officers~~. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

### Publications K-8, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by the administrator or may be restricted or prohibited pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;

5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, e.g., if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

### **High School Student Journalists**

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists; that are distributed or generally made available, either free of charge or for a fee, to members of the student body; and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law or regulation; or
6. So incites students as to create a clear and present danger of:
  - a. The commission of unlawful acts on or off school premises;
  - b. The violation of district or school policies; or
  - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make his/her decision within three school days of the meeting. The superintendent's decision shall be final and binding on all parties.

[If the complainant is not satisfied with the decision of the superintendent, ~~he/she~~ the complainant may appeal to the Board under established district procedures.]

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#)

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.477](#)

[ORS 339.880](#)

[ORS 339.885](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (~~2012~~2018).  
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).  
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).  
U.S. CONST. amend. I; U.S. CONST. amend. XIV.  
OR. CONST., art. I, § 8.  
House Bill 3041 (2021).



# OSBA Model Sample Policy

Code: IGBHA  
Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Alternative Education Programs\*\*

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for Board approval, and in the development of related Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-2505. The superintendent will develop administrative regulations as necessary to evaluate the district’s alternative education programs.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. A private alternative education program shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in state law and rules, and federal law, as applicable. ~~[A qualified district may contract with a qualified private alternative education program to provide services to a qualified home schooled child.]~~

Students, ~~upon approval from~~ after consultation with a parent or guardian, may be placed in an alternative education program if the district determines that the placement serves the student’s educational needs and interests, and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual cost of an alternative education program or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. ~~The district will enter into a written contract for a district approved private alternative education programs, as required by~~ When contracting with a private alternative education program, the district’s contract will meet the requirements of law.

END OF POLICY

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### Legal Reference(s):

[ORS 329.485](#)  
[ORS 332.072](#)  
[ORS 336.014](#)

[ORS 336.175](#)  
[ORS 336.615 - 336.665](#)  
[ORS 339.030](#)

[ORS 339.250](#)  
[OAR 581-021-0045](#)

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Alternative Education Programs\*\* – IGBHA  
1-2

[OAR 581-021-0065](#)  
[OAR 581-021-0070](#)  
[OAR 581-021-0071](#)

[OAR 581-022-2320](#)  
[OAR 581-022-2505](#)  
[OAR 581-023-0006](#)

[OAR 581-023-0008](#)

# OSBA Model Sample Policy

Code: IGBI  
Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Bilingual Education\*\*

Students whose primary language is ~~a language~~ other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction and other educational activities.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

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### Legal Reference(s):

~~ORS 336.074~~ [OAR 581-021-0046](#)  
[ORS 336.079](#) [OAR 581-022-2310](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).  
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6801-7014 (~~2012~~2018).

# OSBA Model Sample Policy

Code: **IGDJ**  
Adopted: **PROPOSED ON 12/13//2021 - 2nd & FINAL Reading**

## Interscholastic Activities

The Board recognizes the integral role interscholastic activities play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, student participants, and others associated with the district's high school activities programs and events<sup>1</sup> shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

The district shall allow homeschooled students that reside in the district, students eligible to attend school and enrolled in a district- or ESD-provided General Education Development (GED) program that reside in the district, and students attending a public charter school that reside in the district to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the district will comply with Title IX. ~~{and other nondiscrimination laws}.~~

District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, and coaches are each responsible for ensuring student participants meet all district and OSAA eligibility requirements. The principal is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or OSAA rules and regulations. The principal shall notify the superintendent of conduct that violates the terms of this policy and report to the OSAA as required.

An employee determined to have violated rules and regulations of the OSAA **may** be subject to discipline, up to and including, dismissal. A student in violation of the OSAA rules and regulations will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of the OSAA rules and regulations shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the district.

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<sup>1</sup> This applies to only OSAA-sanctioned activities and events.

Employees, volunteers, or students in violation of OSAA rules and/or regulations **may** be required to remunerate the district in the event of fines assessed by OSAA as a result of their actions.

The superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

END OF POLICY

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**Legal Reference(s):**

[ORS 326.051](#)

[ORS 332.075\(1\)\(e\)](#)

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

[OAR 581-021-0045 - 0049](#)

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

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

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).

# OSBA Model Sample Policy

Code: IKF

Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Graduation Requirements\*\*

~~(This version does not require an administrative regulation.)~~ (If the district has additional credit or graduation requirements above the state requirements, the district is required to include those additional credits and graduation requirements in the following lists.)

(Version 1)

The Board ~~will~~ establishes graduation requirements for ~~the~~ awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child<sup>1</sup>;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that district or public charter school.

### Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits<sup>2</sup> which include at least:

<sup>1</sup> As defined in ORS 30.297.

<sup>2</sup> {If the district has additional credit or graduation requirements, the district is required to include those additional credits and graduation requirements in the following lists.}

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in ~~English~~ language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (~~including~~ **which may include** history, civics<sup>3</sup>, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world languages (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must<sup>4</sup>:

- ~~1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;~~
1. Develop an education plan and build an education profile;
2. Demonstrate extended application through a collection of evidence; **and**
3. Participate in career-related learning experiences.

### **Essential Skills**

~~The district [will] -[will not] allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills in the student's language of origin.~~

~~[<sup>5</sup>] The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin, and will develop procedures to~~

<sup>3</sup> Civics becomes a half-credit requirement beginning on January 1, 2026 (Senate Bill 513, 2021).

<sup>4</sup> The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).

<sup>5</sup> ~~{ This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skills in their language of origin. }~~

~~ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.]~~

### **[Essential Skills Appeal**

~~The district will [establish an appeal process] [follow Board policy KL—Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.]~~

### **Modified Diploma**

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in ~~English~~ language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.



~~A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.~~

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

### **Extended Diploma**

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
  - a. Two credits in mathematics;
  - b. Two credits in ~~English~~ language arts;
  - c. Two credits in science;
  - d. Three credits in history, geography, economics or civics;
  - e. One credit in health;
  - f. One credit in physical education; and

- g. One credit in the arts or a world language.
2. Have a documented history of:
- a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
  - b. A medical condition that creates a barrier to achievement; or
  - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

### **Alternative Certificates**

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

### **Other District Responsibilities**

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma, or an alternative certificate at each high school. The district will provide ~~[age appropriate and developmentally appropriate]~~ literacy instruction to all students until graduation.

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history listed under the above modified diploma or extended diploma requirements.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is emancipated or who has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in ~~either~~ the later of 4 years after starting the ninth grade, or until the student reaches the age of 21 if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which

clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or an alternative certificate shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and when added together provide a total number of hours of instruction and services that equals at least the total number of instructional hours that are required to be provided to students who are attending a public high school.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

~~[The district will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]~~

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. ~~Students who opt out will need to meet the Essential Skills graduation requirement using another approved assessment option.~~ Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form<sup>6</sup> and submitting the form to the district.

The district will issue a high school diploma pursuant to Oregon law (ORS 332.114) to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

~~The district shall establish conduct and discipline consequences for student-initiated test impropriety.~~ The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-

<sup>6</sup> [www.ode.state.or.us: Educator Resources > Student Assessment > Test Administration > Forms > 2018-2019 30-day notice and opt-out form](http://www.ode.state.or.us/EducatorResources/StudentAssessment/TestAdministration/Forms/2018-2019-30-day-notice-and-opt-out-form) Oregon Department of Education page for: [30-day notice and opt-out form](#)

initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

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**Legal Reference(s):**

[ORS 329.007](#)

[ORS 329.045](#)

[ORS 329.451](#)

[ORS 329.479](#)

[ORS 332.107](#)

[ORS 332.114](#)

[ORS 339.115](#)

[ORS 339.505](#)

[ORS 343.295](#)

[OAR 581-021-0009](#)

[OAR 581-022-2000](#)

[OAR 581-022-2005](#)

[OAR 581-022-2010](#)

[OAR 581-022-2015](#)

[OAR 581-022-2020](#)

[OAR 581-022-2025](#)

[OAR 581-022-2030](#)

[OAR 581-022-2115](#)

[OAR 581-022-2120](#)

[OAR 581-022-2505](#)

*Test Administration Manual*, published by the OREGON DEPARTMENT OF EDUCATION.

House Bill 2056 (2021).

Senate Bill 744 (2021).

# OSBA Model Sample Policy

Code:

IKF-AR

Adopted:

**DELETE**

## Graduation Requirements

### Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Four credits of English language arts (shall include the equivalent of one unit in written composition);
2. Three credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
3. Three credits of science;
4. Three credits of social sciences (including history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career technical education, the arts or world languages (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements as outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and Applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences outlined in the education plan.

### [Essential Skills Appeal]

The district will [establish an appeal process] [follow Board policy KL - Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district

will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.]

## **Modified Diploma**

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a high school diploma even with reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in English language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finances));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or a world languages (units may be earned in any one or a combination).

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for

approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.

2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working towards a modified diploma should work towards one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

### **Extended Diploma**

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
  - a. Two credits of mathematics;
  - b. Two credits of English;
  - c. Two credits of science;
  - d. Three credits of history, geography, economics or civics;
  - e. One credit of health;
  - f. One credit of physical education;
  - g. One credit of the arts or a world language.
2. Have a documented history of:
  - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
  - b. A medical condition that creates a barrier to achievement; or
  - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

## Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students meet minimum credit requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

## Assessment

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form<sup>1</sup> and submitting the form to the district.

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<sup>1</sup> [www.ode.state.or.us](http://www.ode.state.or.us): Educator Resources > Student Assessment > Test administration > Forms > 2018-2019 30-day notice and opt-out form



# OSBA Model Sample Policy

Code: IL

Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Assessment Program\*\*

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards ~~and Essential Skills~~ and to identify students who meet or exceed the performance standards ~~and Essential Skills~~ adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;

~~2. — Assessment of Essential Skills;~~

~~3.2.~~ Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;

~~4.3.~~ Assessments by individual teachers;

~~5.4.~~ ~~Optional~~ Other schoolwide and grade levelwide assessments, ~~as recommended by the superintendent and as approved by the Board.~~

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards and Essential Skills. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title I moneys that have been identified by the Oregon Department of Education (ODE), will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, **gender identity**, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A parent on behalf of their student or an adult student may annually opt-out of taking a statewide summative assessment by completing and submitting ODE's opt-out form<sup>1</sup> to the school. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices<sup>2</sup> and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student's or parent's right to request an exemption from taking the statewide summative assessments.

~~A student may opt out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices<sup>3</sup> and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student's or parent's right to request an exemption from taking the statewide summative assessments.~~

~~The district shall establish conduct and discipline consequences for student-initiated test impropriety.~~ The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

The superintendent shall ensure a periodic review and evaluation of the district's assessment program is conducted.

END OF POLICY

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#### Legal Reference(s):

<a href="#">ORS 40.245</a>	<a href="#">ORS 659.870</a>	<a href="#">OAR 581-022-2110</a>
<a href="#">ORS 326.565</a>	<a href="#">OAR 581-021-0009</a>	<a href="#">OAR 581-022-2115</a>
<a href="#">ORS 326.575</a>	<a href="#">OAR 581-021-0030</a>	<a href="#">OAR 581-022-2250</a>
<a href="#">ORS 329.479</a>	<a href="#">OAR 581-022-1910</a>	<a href="#">OAR 581-022-2270</a>
<a href="#">ORS 329.485</a>	<a href="#">OAR 581-022-2030</a>	<a href="#">OAR 581-022-2310</a>
<a href="#">ORS 336.187</a>	<a href="#">OAR 581-022-2060</a>	House Bill 3041 (2021)
<a href="#">ORS 659.850</a>	<a href="#">OAR 581-022-2100</a>	Senate Bill 602 (2021)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (20122018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (20172021).

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<sup>1</sup> Oregon Department of Education page for: [30-day notice and opt-out form](#)

<sup>2</sup> Districts are required to provide notice twice each year: once at the beginning of the year and second time at least 30 days prior to the administration of the test.

<sup>3</sup> ~~Districts are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test.~~

Protection of Pupil Rights, 20 U.S.C. § 1232h (~~2012~~2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (~~2017~~2021).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (~~2012~~2018).

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (~~2012~~2018).

# OSBA Model Sample Policy

Code: JFC  
Adopted: PROPOSED ON 12/13//2021 - 2nd & FINAL Reading

## Student Conduct\*\* (Version 1)

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the district's written rules, pursue the prescribed course of study, submit to the lawful authority of district staff and conduct themselves in an orderly manner at school during the school day or during district-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one's actions and to maintain a productive learning environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A student handbook, code of conduct or other document shall be developed by district administration~~[, in cooperation with staff,]~~ and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct. In addition, each school in the district shall publish a student/parent handbook detailing additional rules specific to that school.~~[All rules applying to student conduct shall be posted in a prominent place in each school building.]~~

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. **Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the district and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others.** Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

Students are prohibited from making knowingly false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct.<sup>1</sup>

The district will annually record and report expulsion data for conduct violations as required by the Oregon Department of Education.

END OF POLICY

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<sup>1</sup> The district is prohibited from retaliating against any student "for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation." ORS 659.852.

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**Legal Reference(s):**

[ORS 339.240](#)

[ORS 659.850](#)

[OAR 581-021-0050 - 0075](#)

[ORS 339.250](#)

Nondiscrimination on the Bases of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

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

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).

C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).