

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: June 14, 2022

## **PUBLIC COMMENT FOR Rescission of the following policies:**

- 5.10.080-P Deferred Compensation
- 5.20.010-P District Employment Practices
- 5.30.030-P Education Student Training Programs
- 5.50.060-P Leaves of Absence- Voluntary
- 5.60.070-P Administrative Salaries
- 5.70.051-P Leaves of Absence
- 6.10.090-P Private Schools- Request for Funding

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

## **Last Date for Comment: July 05, 2022**

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**Summary:**                   **Rescission of the following policies:** 5.10.080-P Deferred Compensation, 5.70.051-P Leaves of Absence, 6.10.090-P Private Schools- Request for Funding, 5.30.030-P Education Student Training Programs, 5.20.010-P District Employment Practices, 5.50.060-P Leaves of Absence- Voluntary, 5.60.070-P Administrative Salaries

**1<sup>st</sup> Reading by:**       **Director Julia Brim-Edwards**  
Portland Public School Board, Policy Committee Chair

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <http://www.pps.net/draftpolicies>

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**Draft Policy Comment Form:**   <https://forms.gle/VqYbmVA36qqADj6n6>

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**PORTLAND PUBLIC SCHOOLS**  
**Office of the General Counsel**

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**Date:** June 02, 2022  
**To:** School Board  
**From:** Mary Kane, Senior Legal Counsel  
**cc:** Guadalupe Guerrero, Superintendent  
Liz Large, Contracted General Counsel  
**Subject:** Recommended policy rescissions

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The Board Policy Committee met on May 11, 2022, and June 1, 2022 and discussed continuing to review policies to determine which needed updates and which should be rescinded. Seven policies were put forward by staff with recommendations that they be rescinded. After discussion, the Policy Committee recommended that the following policies, copies attached, be forwarded to the full Board with a recommendation for First Reading en route to rescission:

**a. 5.10.080-P Deferred Compensation**

This policy was adopted in 1976 and amended in 2003. The material does not constitute a policy and is covered in regular District practice as part of employees' benefits package.

**b. 5.70.051-P Leaves of Absence**

This policy was adopted in 1971 and last amended in 1987. The material is related to classified personnel and is governed by the Collective Bargaining Agreement.

**c. 6.10.090-P Private Schools- Request for Funding**

This policy was adopted in 1975 and last amended in 2002. The material does not constitute a Board policy.

**d. 5.30.030-P Education Student Training Programs**

This policy has an unknown adoption date. The material does not constitute a Board policy. It reflects a statement of values that does not provide meaningful guidance.

**e. 5.20.010-P District Employment Practices**

This policy was adopted in 1974 and last amended in 1995. The material is redundant, has outdated language and is covered by other policies.

**f. 5.50.060-P Leaves of Absence- Voluntary**

This policy was adopted in 1971 and amended in 1978. The content is not consistent with current practice, and is otherwise covered in collective bargaining agreements and the employee handbook.

**g. 5.60.070-P Administrative Salaries**

This policy was adopted in 1971 and last amended in 1979. The content is not comprehensive, and is otherwise covered in collective bargaining agreements or other areas of Board approval.

## 5.10.080-P Deferred Compensation

- I. The following is adopted as the amended Policy of the Board of Education effective as of January 1, 2002, with respect to compensation deferred pursuant to deferred compensation agreements entered into by authority of superseded forms of this Policy. This amended Policy supersedes all prior versions of this Policy.
  - (1) Effective January 1, 1991, no deferrals shall be made pursuant to existing agreements and no deferred compensation agreements shall be entered into pursuant to the deferred compensation plan authorized by the Board of Education pursuant to superseded versions of this Policy.
  - (2) Effective October 1, 1990, the Deputy Clerk is authorized to transfer deferred amounts to an asset management company as provided for in Resolution 1513 (September 27, 1990).
  - (3) Notwithstanding the selection of a Depository pursuant to a deferred compensation agreement, the District shall have absolute and uncontrolled discretion with respect to whether the amounts described therein are invested and, if invested, the institution or institutions in which they shall be invested. This Policy does not bind the District to comply with Participants' instructions regarding the deposit of deferred compensation. The Superintendent shall recommend to the Board any changes in deposit arrangements as shall appear prudent. The District shall have no fiduciary or other obligation to maximize earnings on deferred amounts for the benefit of Participants, and the measure of the District's obligations to the Participant involved shall be solely as set forth in the Agreement.
  - (4) Effective January 1, 1999, notwithstanding any provision in this Policy or its Exhibit A to the contrary, all assets and income of the deferred compensation plan established by this Policy shall be held in trust for the exclusive benefit of Participants and their beneficiaries. For purposes of the foregoing sentence, custodial accounts and annuity contracts described in Code Section 401(f) shall be treated as trusts under rules similar to the rules under Code Section 401(f).
  - (5) Effective January 1, 2002, the following provisions regarding rollover contributions are added to this Policy:

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- II. **Rollover Contributions.** The District may in its discretion accept rollover contributions of cash or other property on behalf of a Participant, the amount of which shall be credited to the Participant's separate rollover account and which shall at times remain fully vested and non-forfeitable. A "rollover contribution" is:
- (1) An amount received by the District's deferred compensation plan (the "Plan") from a Participant who, having received an eligible rollover distribution, as defined in Code Section 402(c)(4), from an eligible retirement plan, transfers any portion of the property received in the distribution to the Plan on or before the 60th day after the day on that the Participant received the property;
  - (2) An amount received by the Plan on behalf of a Participant in a direct trustee-to-trustee transfer of an eligible rollover distribution from an eligible retirement plan in accordance with Code Section 401(a)(31); or
  - (3) An amount received by the Plan from a Participant that consists of the portion of a distribution from an individual retirement account or annuity described in Code Section 408(a) or 408(b) that is eligible to be rolled over and would otherwise be includible in gross income, provided that the Participant transfers the amount to the Plan on or before the 60th day after the day on which the Participant received the amount.
  - (4) For purposes of (1), (2), and (3) above, an "eligible retirement plan" means a qualified trust described in Code Section 401(a), a qualified annuity plan described in Code Section 403(a), an annuity contract described in Code Section 403(b), or an eligible deferred compensation plan described in Code Section 457(b) that is maintained by an eligible employer described in Code Section 457(e)(1)(A).
  - (5) Prior to accepting any rollover contributions, the District shall obtain a statement from the plan administrator of the distributing plan that the plan is intended to comply with the applicable Code provision, or such other statement or verification as may be required by the Internal Revenue Service.

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III. **Eligible Rollover Distributions.** Effective January 1, 2002, the following provisions regarding eligible rollover distributions are added to this Policy:

- (a) **General Rule.** To the extent required by law, and except as otherwise provided below, any portion of an eligible rollover distribution that would otherwise be includible in the distributee's gross income if not rolled over shall, at the election of and in lieu of distribution to the distributee, be paid directly to the eligible retirement plan specified by the distributee.
- (b) **Definition of Eligible Rollover Distribution.** Subject to the limitations in (d) below, an "eligible rollover distribution" is any distribution of Plan benefits to a Participant, a Participant's surviving spouse, or a Participant's spouse or former spouse pursuant to a qualified domestic relations order ("distributee"), except the following distributions:
  - (A) Any distribution that is one of a series of substantially equal periodic payments made at least annually over one of the following periods:
    - (i) For the life (or life expectancy) of the distributee, or the joint lives (or life expectancies) of the distributee and a designated beneficiary; or
    - (ii) For a specified period of ten years or more.
  - (B) Any distribution to the extent it is required under Code Section 401(a)(9).
  - (C) Any distribution made on account of hardship.

A distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, any such portion may be transferred only to an individual retirement account or annuity described in Code Section 408(a) or (b), or to a qualified defined contribution plan described in Code Section 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not includible in gross income. In the case of a transfer described in this

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paragraph, the amount transferred shall be treated as consisting first of the portion of the distribution that is includible in gross income (determined without regard to Code Section 402(c)(1)).

The provisions of Code Section 401(a)(31)(D) and the regulations thereunder are incorporated herein by reference for the purpose of further defining and interpreting the term "eligible rollover distribution," and those provisions shall be controlling.

(c) Definition of Eligible Retirement Plan. For purposes of the provisions of this Policy regarding eligible rollover distributions, an "eligible retirement plan" is:

- (A) An individual retirement account described in Code Section 408(a);
- (B) An individual retirement annuity described in Code Section 408(b) (other than an endowment contract);
- (C) A qualified trust under Code Section 401(a) that is a defined contribution plan and permits the acceptance of rollover contributions;
- (D) An annuity plan described in Code Section 403(a);
- (E) An eligible deferred compensation plan described in Code Section 457(b) that is maintained by an eligible governmental employer described in Code Section 457(e)(1)(A); or
- (F) An annuity contract described in Code Section 403(b).

The provisions of Code Section 401(a)(31)(E) and the regulations thereunder are incorporated herein by reference for the purpose of further defining and interpreting the term "eligible retirement plan," and those provisions shall be controlling.

(d) Limitations. The foregoing provisions are subject to the following limitations:

- (A) The distributee may not elect to have an eligible rollover distribution paid directly to more than one eligible retirement plan.



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- (B) The distributee may not elect to have an eligible rollover distribution paid directly to an eligible retirement plan if the total of all eligible rollover distributions payable to the distributee from this deferred compensation plan during the distributee's taxable year is reasonably expected to be less than \$200 (or such higher amount permitted under applicable federal law).
- IV. Effective January 1, 2002, the following provision shall apply to the distribution of a Participant's Account, notwithstanding any provision to the contrary in this Policy or its Exhibit A:
- (1) **Distributable Events.** A Participant is entitled to distribution of his or her Account, at the time and in the manner provided in this Policy, on the occurrence of one of the following events:
    - (a) The Participant's severance of employment with the District.
    - (b) The beginning of the calendar year in which the Participant reaches age 70½.
    - (c) The Participant is faced with an unforeseeable emergency.
  - (2) **Cash-Out of Small Accounts.** Notwithstanding the above, where the portion of a Participant's Account that is not attributable to rollover contributions, as defined in Code Section 411(a)(11)(D), does not exceed \$5,000, the Participant may elect to receive the Account in a single lump-sum payment, or the District may distribute the Account without the Participant's consent, provided that:
    - (a) No amount has been deferred under the Plan with respect to the Participant during the two-year period ending on the date of the distribution; and
    - (b) There has been no prior distribution to the Participant under this provision.
- V. Effective January 1, 2002, notwithstanding any provision to the contrary in this Policy or its Exhibit A, Participants may elect the date on which payments are to begin under this plan, and the form in which the payments are to be made, at any time before the selected commencement date, subject to the District's procedures for applying for benefits. The District's procedures may require, among

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other things, that a written application for benefits be submitted at least a minimum number of days before the payment commencement date.

**VI.** Effective January 1, 2002, the following provision is added to this Policy:

A Participant, or a deceased Participant's death beneficiary, may elect at any time to have part of all of the Participant's Account paid in a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in Code Section 414(d)) maintained by the state of Oregon or a political subdivision of the state of Oregon, provided that the transfer is:

- (1) For the purchase of permissive service credit (as defined in Code Section 415(n)(3)(A)) under the defined benefit governmental plan; or
- (2) A repayment to which Code Section 415 does not apply by reason of Code Section 415(k)(3).

**VII.** Effective January 1, 2002, the following provisions regarding required minimum distributions are added to this Policy:

- (1) **Required Minimum Distributions.** Effective January 1, 2002, distributions to Participants and their death beneficiaries will be made in accordance with Code Section 401(a)(9) and the regulations thereunder, including Treasury Regulation Section 1.401(a)(9)-2. Provisions in this Policy and the deferred compensation plan reflecting Code Section 401(a)(9) override any distribution options inconsistent with Code Section 401(a)(9). The requirements of this paragraph and subsections (a) through (d) below shall take precedence over any inconsistent provisions of this Policy or the deferred compensation plan. All distributions required under this section shall be determined and made in accordance with Code Section 401(a)(9) and the Treasury regulations thereunder, which are incorporated herein by this reference.
- (2) The provisions of subsections (a) through (d) below shall apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year:
  - (a) Time and Manner of Distribution.

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- (A) Required Beginning Date. The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's required beginning date.
- (B) Death of Participant before Distributions Begin. If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:
- (i) If the Participant's surviving spouse is the Participant's sole designated beneficiary, then, except as provided in (v) below, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the participant would have attained age 70½, if later.
  - (ii) If the Participant's surviving spouse is not the Participant's sole designated beneficiary, then, except as provided in (v) below, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.
  - (iii) If there is no designated beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.
  - (iv) If the Participant's surviving spouse is the Participant's sole designated beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this paragraph (B), other than (B)(i), will apply as if the surviving spouse were the Participant.
  - (v) Participants or beneficiaries may elect on an individual basis whether the five-year rule described in (iii) above or the life expectancy rule

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described in (i) and (ii) above applies to distributions after the death of a Participant who has a designated beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under (i) or (ii) above, or by September 30 of the calendar year which contains the fifth anniversary of the participant's (or, if applicable, surviving spouse's) death. If neither the Participant nor beneficiary makes an election under this subparagraph (v), distributions will be made in accordance with (i) or (ii) above, as applicable, and subsection (c)(B)(i) below.

For purposes of this paragraph (B) and subsection (c), unless (iv) above applies, distributions are considered to begin on the Participant's required beginning date. If (iv) above applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under (i) above. If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's required beginning date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under (i) above), the date distributions are considered to begin is the date distributions actually commence.

(C) Forms of Distribution. Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with subsections (b) and (c). If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Code Section 401(a)(9) and the Treasury regulations.

(b) Required Minimum Distributions during Participant's Lifetime.

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- (A) Amount of Required Minimum Distribution for Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:
- (i) The quotient obtained by dividing the Participant's Accounts by the distribution period in the Uniform Lifetime Table set forth in Treasury Regulation § 1.401(a)(9)-9, using the Participant's age as of the Participant's birthday in the distribution calendar year; or
  - (ii) If the Participant's sole designated beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's Accounts by the number in the Joint and Last Survivor Table set forth in Treasury Regulation § 1.401(a)(9)-9, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.
- (B) Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this subsection (b) beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.
- (c) **Required Minimum Distributions after Participant's Death.** If the Participant dies on or after the date distributions begin, the remainder of the Participant's Accounts shall be distributed at least as rapidly as under the distribution method being used as of the date of the Participant's death, and in accordance with the provisions of this subsection (c).
- (A) Death On or After Date Distributions Begin.
    - (i) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a designated beneficiary, the minimum amount that will be

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distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Accounts by the longer of the remaining life expectancy of the Participant or the remaining life expectancy of the Participant's designated beneficiary, determined as follows:

- (I) The Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.
  - (II) If the Participant's surviving spouse is the Participant's sole designated beneficiary, the remaining life expectancy of the surviving spouse is calculated for each distribution calendar year after the year of the Participant's death using the surviving spouse's age as of the spouse's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.
  - (III) If the Participant's surviving spouse is not the Participant's sole designated beneficiary, the designated beneficiary's remaining life expectancy is calculated using the age of the beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.
- (ii) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated beneficiary as of September 30 of the year after the year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by

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dividing the Participant's Accounts by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

### (B) Death before Date Distributions Begin.

- (i) Participant Survived by Designated Beneficiary. Unless the Participant or beneficiary elects under subsection (a)(B)(v) to have the five-year rule apply, if the Participant dies before the date distributions begin and there is a designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Accounts by the remaining life expectancy of the Participant's designated beneficiary, determined as provided in subsection (c)(A).
- (ii) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the Participant's death, or if the Participant or beneficiary elects under subsection (a)(B)(v) to have the five-year rule apply, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.
- (iii) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under subsection (a)(2)(a), this subsection (c)(B) will apply as if the surviving spouse were the Participant.

### (d) Definitions.



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- (A) Designated Beneficiary. The individual who is designated as the beneficiary under the terms of the Plan and is the designated beneficiary under Code Section 401(a)(9) and Treasury Regulation § 1.401(a)(9)-4, Q&A-1.
- (B) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year that contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under subsection (a)(B). The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's required beginning date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's required beginning date occurs, will be made on or before December 31 of that distribution calendar year.
- (C) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Treasury Regulation § 1.401(a)(9)-9.
- (D) Participant's Accounts. The Accounts as of the last Valuation Date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the Accounts as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The Accounts for the valuation calendar year includes any amounts rolled over or transferred to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.



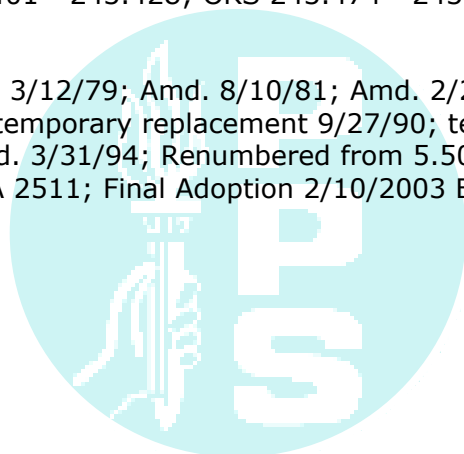
## 5.10.080-P Deferred Compensation

(E) Required Beginning Date. The required beginning date for a Participant is April 1 of the calendar year following the calendar year in which the Participant reaches age 70½ or retires, whichever occurs later.

- VIII.** This Policy may be terminated and modified by the Board in its sole discretion, provided that the termination or modification shall not affect rights acquired under deferred compensation agreements previously executed, except to the extent necessary to ensure that amounts deferred under the agreements are not includible in the Participants' taxable income before they are actually distributed.

Legal References: ORS 243.401 - 243.428; ORS 243.474 - 243.507; ORS 294.004; ORS 294.033

History: Adpt 6/14/76; Amd. 3/12/79; Amd. 8/10/81; Amd. 2/24/83; Amd 10/84; Amd 3/8/90; resolution adopting temporary replacement 9/27/90; temporary replacement repealed; Adpt 3/11/93; Amd. 3/31/94; Renumbered from 5.50.090 to 5.10.080 9/94; Emergency Amd 12/9/02, BA 2511; Final Adoption 2/10/2003 BA 2560



## 5.20.010-P District Employment Practices

- (1) The superintendent shall direct the development of a program of continuous staff recruitment and selection, the goals of which will be to hire, train, and advance the most qualified individuals in all employment categories to meet the educational and staff needs of the district regardless of race, color, religion, age national origin or sex. To implement this policy of equal opportunity and treatment:
  - (a) Inasmuch as the proportion of the district's students who are minority students substantially exceeds the proportion of the work force resident in the district who are minority workers, the percentage of minority workers in the work force of the community should not be any kind of a maximum target for the district. He shall report such goals, and the progress toward such goals, to the Board not less frequently than semiannually;
  - (b) The district shall not limit, segregate or classify its employees or applicants for employment in any way which would deprive any individual of employment, training or promotional opportunities or otherwise adversely affect any individual's status as an applicant or employee, because of the individual's race, color, religion, age (between 18 and 70), national origin, sex or physical handicap;
  - (c) The district shall not discharge or refuse to hire any individual or otherwise discriminate against any individual with respect to that person's compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, age (between 18-70), national origin, sex, or physical handicap.
- (2) The foregoing provisions shall not be construed to impose quotas for employment, retention or advancement of individuals from different groups or to prevent the district from giving appropriate consideration to those bona fide educational or occupational requirements, including length of service, appropriate tests or other criteria, recognized by Title VII of the Civil Rights Act of 1964 (42 USC S2000e et seq.) and the Oregon Civil Rights Laws ORS 659.026, 659.030, and 659.425.
- (3) The superintendent shall continue to direct staff development programs for all employees of the district further to strengthen among all employees awareness and appreciation of cultural diversity, skills of communication and sensitivity to the feelings of all persons regardless of their race, color, religion, sex, age, or national origin.

Legal References: ORS 326.051; ORS 659.037; ORS 332.505; ORS 659.150; ORS 342.934; ORS 659.230; ORS 659.015; ORS 659.270; ORS 659.029; ORS 659.340; ORS 659.030; ORS

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659.410 - 659.430; ORS 659.035; OAR 581-021-0045; Title VI of the Civil Rights Act of 1964, 42 U.S.C.A., Section 2000(d) (West 1985); Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., Section 2000(e) *et seq.* (West 1985); Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A., Section 621 (West 1985); Age Discrimination Act of 1975, as amended, 42 U.S.C.A., Section 6101 (West 1985); Equal Pay Act of 1963, as amended, 29 U.S.C.A., Section 206(d) (West 1985); Rehabilitation Act of 1973, 29 U.S.C.A., Sections 504, 791, 793 and 794 (West 1985); Title IX of the Education Amendments of 1972, 20 U.S.C.A., Sections 1681, 1682 and 1683 (West 1985)

History: Adpt. 4/29/74; Amd. 1/8/79; Amd. 3/82 ed.; Amd. 9/95 ed.



## 5.30.030-P Education Student Training Programs

The Board of Education recognizes the importance of educational personnel development programs and the cooperation of school districts in providing for prospective teachers and paraprofessionals field-centered activities in schools under the guidance of experienced personnel. The district shall, therefore, cooperate with institutions in this state, which have approved educational personnel preparation programs in providing education students with direct field-centered activities. District participation in such programs shall assure that the educational interests of the students and school programs affected determine all decisions as to the placement of personnel and the continuance of training programs. Responsibility and authority for establishing cooperative relationships with institutions with education student training programs and decisions relating to such programs operating in the district shall reside with the offices of the superintendent.

Legal References: ORS 332.107; ORS 332.505

History:



## 5.50.060-P Leaves Of Absence – Voluntary

- (1) **Board Authorization.** Sabbatical leaves, maternity leaves, study, exchange teaching, teaching in institutions of higher learning, restoration of health, military, adoption of a minor child, or association leave shall require approval of the Board of Education upon the recommendation of the superintendent. Except for military leave, such voluntary leaves shall be granted only to permanent teachers. "Maternity leaves" as used in this policy do not include use of accumulated sick leave for pregnancy disabilities or "change of status" for maternity purposes.
- (2) **Superintendent Authorization.**
  - (a) **Paid Short Leaves.** Paid leaves of absence under the provisions for sick leave, funeral leave, emergency leave, mandatory court appearances, jury duty, professional leave, religious holidays, and military leave shall be authorized within the established Board policies by the office of the superintendent.
  - (b) **Unpaid Short-Term Leaves.** Short-term unpaid leaves for personal reasons shall require authorization and approval of the office of the superintendent.
- (3) **Length of Leaves.** Long-term leaves without pay may be granted, for terms not exceeding one year but may be renewed for additional one-year periods upon recommendation of the Superintendent and approval of the Board. Successive leaves shall not exceed five years.
- (4) **Periods of Leaves.** In situations not calling for continuity for the entire year, teachers returning from a voluntary leave of absence granted for a period of one-half a year or longer ordinarily shall not be reinstated until the beginning of the term following the expiration of such leave. In the case of other situations, ordinarily reinstatement will not be made until the end of the school year. Exceptions shall depend upon needs for continuity of instruction or other staffing needs as determined by the Office of Personnel Services.
- (5) **Notification of Return.**
  - (a) Any permanent teacher whose voluntary leave of absence expires at the end of the school year shall notify the office of the superintendent on or before March 15 preceding his/her intention to return to service. Any teacher whose leave of absence expires at the end of the first semester of any school year shall give notice to the office of the superintendent on or before November 15 of his/her intention to return.
  - (b) The office of the superintendent shall notify teachers by mail of the expiration of their leave and that failure on the part of the teacher to

## 5.50.060-P Leaves Of Absence – Voluntary

notify the office of the superintendent in accordance with the above provision shall constitute evidence of insubordination against such teacher.

Legal References: ORS 332.107; Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., 29 CFR Part 1630

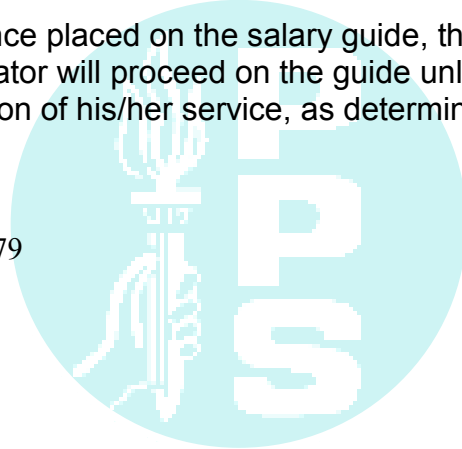
History: Adpt. 6/71; Amd. 3/73; Amd. 4/10/78



## 5.60.070-P Administrative Salaries

- (1) **Administrative Salaries and Compensation - General**. Administrative salaries and compensations shall be according to salary guides as adopted by the Board.
- (2) **New Appointees**. An appointee to a new administrative classification shall be placed on the salary guide according to evaluation of his/her training, experience, and the nature of the assignment.
- (3) **Substitutes**. An administrator authorized by the superintendent to substitute in a higher paying position will receive in addition to his/her regular salary an amount specified by the Board.
- (4) **Administrative Assistants**. Administrative assistants to the principal will work on a 190-day work year and be paid, in addition to their appropriate teaching salary, an amount specified by the Board.
- (5) **Guide Steps**. Once placed on the salary guide, the basic assumption is that an administrator will proceed on the guide unless there is substantial negative evaluation of his/her service, as determined by the office of superintendent.

History: Adpt. 6/71; Amd. 1/8/79



## 5.70.051-P Leaves Of Absence

- (1) **Funeral Leave.** Classified personnel (not including hourly maintenance workers) shall be eligible for the same funeral leaves as described for certificated employees in another section of these rules and regulations, except that classified personnel shall be eligible for three additional days (instead of two) funeral leave at two-thirds salary when absent because of a death in the immediate family.
- (2) **Sick Leave.**
  - (a) **Applicability.**
    - (A) Regular classified personnel shall be eligible for sick leave.
    - (B) Day-to-day substitutes are not entitled to any sick leave.
    - (C) Hourly employees are eligible for sick leave only after their employment exceeds one month.
  - (b) **Amount of Sick Leave.** The number of hours worked each day multiplied by the number of months employed shall equal the number of hours of sick leave granted each year.
  - (c) **Accreditation of Sick Leave.**
    - (A) Regular Classified Personnel. If an employee leaves the employ of the District before the end of a fiscal year, any remuneration for sick leave taken in excess of that actually earned at the rate of one day for each month from July 1 to the time of departure shall be withheld from his/her last payroll check.
    - (B) Hourly and Daily Rate Classified Personnel. Personnel who are paid on an hourly or daily rate shall be accredited sick leave after the term of employment; i.e., after one month's work, they shall be accredited with one day of sick leave, etc.
  - (d) **Accumulation of Sick Leave.**
    - (A) Regular classified personnel may accumulate sick leave on an unlimited basis.
    - (B) Hourly and daily-classified personnel shall be permitted to accumulate sick leave up to 125 days.
  - (e) **Notice and Commencement.**
    - (A) As soon as an employee becomes aware of a physical or mental condition, including pregnancy, which will require absence from duty for more than five days, the employee shall



## 5.70.051-P Leaves Of Absence

submit a completed form stating the period of expected absence. The employee shall submit an amended form whenever such expectations change.

- (B) The commencement date and duration of sick leave shall be based on the ability of the employee, as determined by the immediate supervisor, to carry out his or her assignment in an effective manner. A physician's recommendation, if any, will be taken into consideration in reaching such determination. The supervisor may require such physician's recommendation. Particular types of conditions, such as pregnancy, may be subject to more specific procedural steps relevant to the particular illness or condition in order to effectuate the foregoing principle.
  - (C) Requests for charge against accumulated sick leave shall be made in writing to the Personnel Department and in the case of use of sick leave for more than five days shall be accompanied by a physician's statement verifying the period of personal disability.
  - (D) The recommendation of a physician referred to in this policy ordinarily will be by the employee's own physician; but the superintendent or his/her designee may, in the exercise of discretion, determine in a particular case that it must come from a physician appointed by the district.
- (f) When Sick Leave is Depleted.
- (A) When an employee (other than classified — hourly and daily) has exhausted his/her sick leave, he/she shall be entitled to additional credits of one day for each year of service at two-thirds his/her daily rate of pay.
  - (B) An employee who has accumulated sick leave during employment in another Oregon school district, and who was so employed during the preceding year, shall, upon proper verification, be allowed the number of sick leave days so accumulated, except that: (a) no more than 75 days shall be credited to the employee; and (b) the allowance is not effective until the employee has completed 30 working days employment with this district.
- (3) **Family Illness.** Employees, other than day-to-day substitutes, working four hours or more shall receive three days per school year for family illness.

## 5.70.051-P Leaves Of Absence

- (4) **Emergency Leave**. All regular classified employees who work four hours per day or more are eligible for emergency leave of three days per school year without loss of pay. Emergencies shall be considered unanticipated circumstances beyond the employee's control and for which prior planning cannot be made.
- (5) **Jury Duty**. Classified employees, other than day-to-day substitutes, are excused without loss of pay provided the jury fee is submitted to the Business Office. If jury duty occurs during a non-school day (such as holidays, spring vacation, etc.), the employee normally not working at this time need not return the jury money received for that day. On days when the employee is excused from jury duty, he/she will report to the school to work.
- (6) **Court Witness**. Classified employees are excused without loss of pay provided the witness fee is submitted to the district, along with a copy of the subpoena.
- (7) **Military Leave**. Classified employees shall be eligible for the same military leave as described for certificated personnel in another section of these rules. (See Military Leave, Administrative Regulation 5.50.062.)
- (8) **On-the-Job-Accident**. All employees of the district are eligible for state workers' compensation benefits. An employee injured on the job shall retain his/her tax-free compensation check, which he/she receives from the state for time lost. The district will make supplemental payment in an amount equal to the difference between compensation check and the employee's regular check during the period of payment under the Workers' Compensation Act, and no charge is made against the employee's sick leave, nor shall it exceed 180 days.
- (9) **Extended Unpaid Leave of Absence**. Employees who have been continuously employed for two or more years may apply for a special leave of absence without pay. The superintendent shall exercise his/her discretion in the granting of such leaves. Such leaves shall not exceed one year without special authorization of the Board. Employees on such leaves shall not be permitted to engage in remunerative service without the approval of the superintendent.
- (10) **Maternity Leave**.
- (a) Absence due to disabilities resulting from pregnancy or childbirth shall be deemed absence due to illness for purposes of applying the sick leave policies of the district. "Maternity leave" referred to in this policy means a leave related to the employee's pregnancy or childbirth beyond the period of actual disability. Maternity leaves as

## 5.70.051-P Leaves Of Absence

so defined shall be unpaid. Regarding the period of disability, see the policies on sick leave.

- (b) Maternity leave shall be granted to any classified employee. The maximum and minimum initial planned terms of the leave shall be based on staffing needs, as determined by the Board. The superintendent shall in each case recommend such term based on such criteria. The maximum planned term ordinarily shall not exceed six months, but the superintendent may, on written request, extend such leave for additional periods of time. For employees whose work year is less than twelve months, such leave ordinarily shall not extend beyond the remainder of the fiscal year for any pregnancy; but the superintendent may, on written request, extend such leave for additional periods of time.
- (c) In the case of a request for maternity leave, as soon as any classified employee becomes aware of her pregnancy, she shall submit a completed maternity leave form or resignation stating the expected period of absence.
- (d) Unless an earlier date is approved by the employee, her immediate supervisor, and the Board, the commencement date of the unpaid leave shall correspond to the end of the period of disability or the exhaustion of accumulated sick leave, whichever first occurs, as determined by her immediate supervisor. Such determination shall have the same effect as provided in the sick leave policies of the district.
- (e) A classified employee desiring to return to regular employment prior to the expiration date of a maternity leave may so request in writing to the Personnel Department. Thereupon, or (in the absence of such request) when the maternity leave expires, the superintendent will reassign the employee as soon as a position for which the employee is qualified becomes available. Rejection of such assignment will constitute a resignation.
- (f) Upon returning to duty, a classified employee shall be paid at the next salary step on the then current salary guide above the one, which she occupied during the last continuous period of at least six months' work immediately prior to the beginning of such leave.
- (g) The recommendation of a physician referred to in this policy ordinarily will be the employee's own physician, but the superintendent or his/her designee may in the exercise of his/her discretion determine in a particular case that it must come from a physician appointed by the district.

## 5.70.051-P Leaves Of Absence

- (h) Nothing herein shall preclude the Board from discharging a classified employee on other grounds permitted by law.
- (11) **Paternity Leave**. For continuous periods during which the newly-born child will not have the care of the mother, the father shall be entitled to paternity leave and rights upon return to work on the same terms and conditions as herein provided for maternity leave.

Legal References: ORS 332.507; ORS 342.545; ORS 659.010; ORS 659.121; ORS 659.470 - 659.494; OAR 839-009-0200 to -0320; Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630; Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq. 29 CFR Part 825

History: Adpt. 6/71; Amd. 9/11/72; Amd. 12/72; Amd. 8/23/76; Amd. 4/10/78; Amd. 5/22/87



## 6.10.090-P Private Schools – Requests for Funding

The Board has received requests from private schools, which are not church schools, for resources (staffing, materials, supplies and/or funding) to assist such private schools. While the Board has complete discretion whether, and has no obligation, to respond to such requests, it is appropriate to state the governing principles and general conditions applicable to such requests.

### I. Governing Principles

- (1) The principles which guide district schools in these matters are as follows:
  - (a) It is the central and primary responsibility of the public schools to provide at public expense within the public schools a secular education, which is open on a full-time basis to all children in the community.
  - (b) Under state law, parents have the right to send their children at private expense to private schools as an alternative to accepting a full-time public school education for their children.
  - (c) Cooperation between the public schools and private schools must meet constitutional limitations, must not encourage a dual system of education at public expense, nor cause the fragmentation of the public school system, nor interfere with the administration of the public schools, nor reduce the quality and effectiveness of public education.
  - (d) The Board will continue to develop within its public schools alternative and varied educational programs at all grade levels to meet the diverse interests and needs of its students.
  - (e) The Board will not consider providing resources to a private school unless it finds the conditions stated under section II below are met.

### II. General Conditions

- (1) The staff of the school is qualified to conduct the program.
- (2) The private school has defined its goals, they are consistent with the goals of the district, and the private school seeks to integrate the students attending the school into the public school system.
- (3) The private school shall by contract agree to:
  - (a) Cooperate with the district in the provision of educational services;
  - (b) Conduct evaluations of staff, program and results, and provide this as required by OAR 581-022-1350 and the district;

## 6.10.090-P Private Schools – Requests for Funding

- (c) Provide the district with routine reports and any additional reports required by the district;
  - (d) Comply with conditions (1) through (3) above and with such other terms and provisions as the Board shall require.
- (4) This policy does not apply to religious schools, nor commit the Board to provide resources to any private school whatsoever.

Legal References: ORS 332.107; OAR 581-022-1350; ORS 345.505 (2)

History: Adpt 5/12/75; Amd 3/10/88; Amd 12/12/91; Amd 9/95; Amd 9/9/02; BA 2421

