COMPLAINTS AGAINST BOARD MEMBERS
We continue to receive questions regarding complaints against board members. Oregon Revised Statute 192.660(2)(b) allows executive session to review complaints filed against “a public officer, employee, staff member or individual agent.” Based on this language, it is unclear whether “public officer” includes a locally-elected school board member. Communications with the Oregon Government Ethics Commission (OGEC) indicate that they do not believe that a board member is considered a public officer under this statute. Consequently, we recommend that boards generally use open session to review complaints against board members. Depending on the specific facts of a particular situation, there may be another statutory provision to use executive session. If you have questions regarding a specific complaint, we recommend that you contact the OGEC or your district’s legal counsel.

SEXUAL HARASSMENT
The model policy GBN/JBA – Sexual Harassment and its administrative regulation has been updated to reflect House Bill 4150 (2018), and the temporary rules in OAR 581-021-0038 adopted by the State Board of Education June 21, 2018 which does the following:
1. Expands the required information to be provided for sexual harassment complaints;
2. Extends protections in district policies to a person on or immediately adjacent to district property, at any district-sponsored activities, utilizing district-provided transportation or district bus stops; and
3. Requires written notification, in plain language and easy to read, to complainant(s) to include:
   a. Rights of the complainant;
   b. Information on legal and disciplinary options, school services, outside services and privacy rights.

CRIMINAL RECORDS CHECKS AND FINGERPRINTING
The State Board of Education adopted permanent rule Oregon Administrative Rule (OAR) 581-021-0502, implementing House Bill 2992 (2017), which directs that if a district wants to fingerprint certain volunteer positions with direct, unsupervised contact with students, that those specific volunteer positions must be identified in board policy. The recommended policy revisions provide language that meets the new OAR requirements.

MODIFIED DIPLOMA
Senate Bill (SB) 1522 corrected language contained in SB 20 (2017) that prevented districts from accessing State School Fund dollars for students who received a modified diploma and wanted to continue receiving transition services until age 21. SB 1522 updates the statutes to ensure that students who have received a modified diploma can continue receiving transition services through age 21 and allows districts to continue receiving State School Funds to provide those services.
The bill also contains provisions allowing modified diploma recipients in Youth Corrections Educational Programs to be eligible for transition services and modified diploma recipients to be eligible for the Expanded Options Program. SB 1522 affects students who received a modified diploma before, on or after the passage of SB 1522.

**MEDICATIONS**
OSBA is modifying the definition of “prescription medications” in the administrative regulation (AR) to include prescription medications identified by State law; there are some medications under Oregon law that require a prescription, but do not under federal law.

Marijuana update: FDA has approved an oil for the treatment of rare seizure disorder. Until the federal government removes Marijuana from Category I of the Controlled Substance Act all use of marijuana is illegal on district property or district activities.

**INVESTIGATIONS OF CHILD ABUSE**
To comply with revisions to ORS 419B.045 resulting from passage of Senate Bill (SB) 1540 (2018), OSBA has revised the required administrative regulation (AR) and related highly recommended form for board policy JHFE – Reporting of Suspected Abuse of a Child and revised highly recommended AR for policy KN – Relations with Law Enforcement Agencies. The SB further outlines the authority and the responsibilities of the Department of Human Services (DHS) or law enforcement agencies and that of the district when an investigation related to abuse of a child is necessary on school premises. The amendments created by SB 1540 are effective now. The form JHFE-AR(2) provided has been approved by DHS for use. Please see the memo from DHS.

**REPORTING REQUIREMENTS -- SEXUAL CONDUCT WITH STUDENTS**
Every Student Succeeds Act (ESSA) added a new policy requirement very similar to the Oregon law regarding sexual conduct with students. The major difference is that ESSA also applies to contractors and agents of the district in addition to district/school employees. This policy has been revised to reflect the ESSA requirements.