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**70th Annual
Convention**
November 10-13 –
Portland

VETERANS' PREFERENCE

Summary

The Oregon School Boards Association's (OSBA) policy service department worked collaboratively with OSBA's legal team to create and provide an administrative regulation for public charter schools, to aid their hiring process when that hiring process includes a veteran. Any related questions about the process may be directed to OSBA's Labor Services department.

Legal Reference

None

Collective Bargaining Impact

None

Local Public Charter School Responsibility

The sample policy GBA - Equal Employment Opportunity has been included for convenience, no changes have been made. The new accompanying administrative regulation, GBA-AR, is highly recommended due to its content, and is recommended for review by the Board.

Policy Implications

GBA - Equal Employment Opportunity (Conditionally Required – if the public charter school is the employer, this is required)
GBA-AR - Veterans' Preference (*New* Highly Recommended)

Policy Update is a quarterly subscription publication of the Oregon School Boards Association.

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If you have questions regarding this publication or OSBA, please call our offices:
503-588-2800 or 800-578-6722

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 public charter school's legal counsel.

ABOUT *POLICY UPDATE*

Policy Update is a quarterly subscription newsletter providing a brief discussion of current policy issues of concern to Oregon charter schools.

Sample policies reflecting these issues and changes in state and federal law, if applicable, are part of this newsletter. These samples are offered as a starting point for drafting local policy and may be modified to meet particular local needs. They do not replace legal counsel advice.

To make the best use of *Policy Update*, we suggest you discuss the various issues it presents and use the sample policies to determine which policies your public charter school should develop or revise, get ideas for what a policy should contain, and as a starting point for editing, modifying and discussing your public charter school's policy position.

If you have questions about *Policy Update*, sample policies or policy in general, call OSBA and Policy Services, 800-578-6722.

TRY OUR ONLINE POLICY DEMO

OSBA's [online policy service](#) has a demo site for charter schools interested in a public online policy manual. This service saves time, resources and reams of paper. With one centrally-located policy manual updated electronically, you have instant access to current policies.

Go to policy.osba.org and select "Policy Online Demo." The online manual includes a subscription to [Policy Update and policy manual maintenance service](#) to help keep policies current.

OSBA offers several options. Contact Policy Services to determine the best option for you, 800-578-6722 or 503-588-2800.

2016-17 STAFF/STUDENT HANDBOOKS

OSBA's Model Staff and Student Handbooks are revised annually to reflect recent legislation and other changes.

Samples and online ordering of these tools for purchase can be found on the OSBA website through My OSBA in the Online Store.

Oregon School Boards Association Sample Charter School Policy

Code: **GBA**
Adopted:

Equal Employment Opportunity (Required if public charter school is the employer)

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veterans' status², genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The public charter school administrator will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The public charter school administrator will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the public charter school alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The public charter school administrator will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

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

²The public charter school grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 243.672](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 338.115](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 659.850](#)
[ORS 659.870](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)
[ORS 659A.805](#)

[OAR 581-021-0045](#)
[OAR 581-022-1720](#)
[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0445](#)
[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Oregon School Boards Association Sample Charter School Policy

Code: **GBA-AR**
Revised/Reviewed:

Veterans' Preference

Oregon's Veterans' Preference Law requires the public charter school to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law¹.

The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The public charter school is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if he or she is equal to or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.² The public charter school shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the public charter school's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.³

Selection Procedures⁴

- Step 1: Before the review of any applications the [human resource director] will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The [human resource director] will review the application materials using the above evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [human resource director] shall evaluate whether the skill experience obtained in the military are transferable to the posted position. In this step the public charter school **does not**

¹Oregon Revised Statute (ORS) 408.225: definition of veteran.

²Oregon Revised Statute (ORS) 408.230(5)

³**Verification of Veteran's Preference**

A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.

⁴OSBA recommends use of a scored system. If the public charter school chooses not to use a scored system the law requires that the public charter school give special consideration in the public charter school's hiring decision to veterans and disabled veterans and the public charter school will need to be able to demonstrate the method used for providing special consideration." ORS 408.230(2)(c).

apply a veterans' preference. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

- Step 3: Based on Step 2, the [human resource director] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the [human resource director] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference points must be applied by adding 5 points to an eligible veteran and 10 points to an eligible disabled veteran.⁵
- Step 6: The [human resource director] makes the offer to the applicant with the highest final score. The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

The public charter school is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.⁶ The public charter school shall provide the reasons for not selecting the candidate when requested.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the [human resource office] if they have any concerns or questions concerning the application of or the process used for veterans' preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

HR9/16/16|PH

⁵The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the public charter school must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.

⁶ Oregon Revised Statute (ORS) 408.230(5)

Section D Board Policy Review

Policy	AR	R; HR; CR*	Title	Date First reading or Last Review	2nd Reading/ Adopt	Status
DBDB		HR	Fund Balance	12/6/2016		
DE/DEB/DEC		HR	Revenues from Private, State and Federal Sources	12/6/2016		
DFA		R	Investment of Funds	12/6/2016		

*R = Required; HR - Highly Recommended; CR - Conditionally Required

The Community Roots School

Code: **DBDB**
Adopted: Unknown
Readopted: 5/05/15

Fund Balance

1. GASB 54, a ruling by the Government Accounting and Standards Board effective for the fiscal year ending June 30, 2012, requires fund balances to be reported in classifications that “comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.” The school strives to maintain a minimum general fund ending fund balance of seven percent of general fund revenues.
2. The ending balance for all funds must be designated per the following categories set forth by GASB 54:
 - a. “Nonspendable”: funds which cannot be spent.
 - b. “Restricted”: amounts subject to externally enforceable legal restrictions (imposed by grantors, contributors, governmental regulations, etc.).
 - c. “Committed”: amounts whose use is constrained by limitations that a government imposes upon itself.
 - d. “Assigned”: intended use of resources established by the governing body itself, or by an official or officers to which authority is delegated by the governing body.
 - e. “Unassigned”: available for any purpose. (Reported only in the General Fund)
3. Assignments. Authority to classify portions of ending fund balance as assigned is hereby granted to the superintendent and the director of finance and operations.

Spending as it Relates to Ending Fund Balance Policy

The Board considers the spending of restricted fund balances on purposes for which such funds can be used to occur first when funds are spent for restricted and unrestricted purposes. When unrestricted classifications of fund balance are spent, the Board will consider that committed amounts will be reduced first, followed by assigned amounts and then unassigned amounts.

END OF POLICY

Legal Reference(s):

[ORS 294.311\(18\)](#)
[ORS 294.371](#)
[ORS 338.115](#)

The Community Roots School

Code: **DE/DEB/DEC**
Adopted: Unknown
Readopted: 5/05/15

Revenues from Private, State and Federal Sources

1. For grants under \$1,000, and not requiring matching dollars, administrative work or program changes, approval by the director is required prior to grant submission.
2. For grants over \$1,000, or requiring matching dollars, program changes, reports from staff or other administrative duties, approval from the Board is necessary prior to grant submission.
3. Criteria for grant approval include, but are not limited to: scope of grant requirements; alignment with the mission of the Community Roots School; and the Montessori program.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)
[ORS 332.107](#)

The Community Roots School

Code: **DFA**
Adopted: 5/05/15

Investment of Funds

The public charter school board may authorize the investment or reinvestment of funds which are not immediately needed for operation of the public charter school. Such investments will comply with state law and Oregon Administrative Rules.

The public charter school director or designee will develop criteria for the appropriate investments of public charter school funds. A progress report of investments will be made to the public charter school board on a regular basis.

END OF POLICY

Legal Reference(s):

[ORS 294.033](#)

[ORS 294.035](#)

[ORS 294.135\(1\)\(a\)](#)

[ORS 294.155](#)

[ORS 338.115](#)