

**Memorandum of Agreement
Between
Eugene School District 4J
And
Oregon School Employees Association Eugene Chapter 1**

This Memorandum of Agreement ("MOA") is entered into by and between the Eugene School District 4J ("District") and the Oregon School Employees Association Eugene Chapter 1 ("Association"). The District and Association are parties to a collective bargaining agreement ("CBA") with effective dates of July 1, 2022 – June 30, 2025.

RECITALS

The parties' intention with this MOA is for the purpose of implementing the requirements of Oregon Senate Bill (SB) 756 (2023) which became effective on Sept. 24, 2023.

TERMS OF MEMORANDUM OF AGREEMENT

Classified employees represented by OSEA assigned by the District to work with a student with specialized needs to assist the student with the educational, behavioral, medical, health or disability-related support needs of the student must:

1. Be granted access to the student's individualized education program (IEP), 504 Plan, behavior/safety intervention plan, medical support protocols and/or any other documentation that relates to the classified school employee's responsibilities to assist with the student's educational, behavioral, medical, health or disability-related needs.
2. Pursuant to District protocols, be consulted with when the education plan for the student is being developed, reviewed or revised, including being invited to and compensated for attending meetings regarding the student's IEP, 504 Plan, medical support protocol, behavior/safety intervention plan or any other meetings to discuss issues or make decisions related to the responsibilities of the classified employee to assist the student.
3. Pursuant to District protocols, be provided by the District with adequate training to safely conduct each of the job duties assigned to the classified school employee related to the implementation of an IEP, 504 Plan, behavior/safety intervention plan or medical support protocol. Specialized training must occur before the employee is assigned to carry out any job duty that requires specialized medical support.

4. During the pre-service periods at the beginning of each school year, the district will provide employees who assist any students with the educational, behavioral, medical, health or disability-related support needs with up to four (4) hours of paid time to review all of the students' individualized education programs (IEP), 504 Plans, behavior/safety intervention plans, medical support protocols or any other documentation that relates to the classified school employee's responsibilities to assist with the student's educational, behavioral, medical, health or disability-related needs. Employees hired after the pre-service periods or who are unable to attend the pre-service periods shall be provided up to four (4) hours of paid time during non-student supervision time for reviewing this information. Employees are responsible for tracking their time spent reviewing this information. With respect to students who have an education program (IEP), 504 Plan, or behavior/safety intervention plan, the District will strive to provide the opportunity to review the documentation described in this paragraph before the employee is required to assist such students with educational, behavioral, or disability-related support needs. With respect to students who have medical support protocols, the District will allow employees to review the documentation described in this paragraph during the training described in paragraph 3 and before the employee is required to assist with the medical support needs.

5. Employees shall be provided up to 30 minutes of scheduled non-student supervision time each week to review IEP, 504 Plans, or behavior/safety intervention plans, provide input for an upcoming meeting regarding the student, or check-in with other support staff regarding the care of a student with specialized needs. This provision is not meant as replacement for preparation time as outlined in Appendix E – Education Assistant Preparation Time, in the Collective Bargaining Agreement.

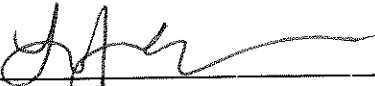
6. Within forty five (45) calendar days after execution of this Agreement, the district will provide a current list of classified employees assigned to assist students with specialized needs, as outlined in this agreement. If any classified employee not included on that list believes that they should be included on the list, OSEA may make a written request for review and/or inclusion on the list to the District's Human Resources Director or designee, who shall have authority to grant or deny that request. If the Human Resources Director or designee denies the employee's request for inclusion on the list, and OSEA and/or the employee believe the decision violates the requirements of SB 756, as codified in Oregon law, then OSEA and/or the employee may submit the dispute through the grievance process. The list developed by the District shall be updated to add newly hired employees and reflect any changes and a copy of the updated list shall be shared with OSEA on November 1, February 1, and May 1 of each year.

7. Any provisions of the parties' CBA not expressly modified by this MOA shall remain in full force and effect.

8. Any disputes regarding an alleged violation or the interpretation or application of this Agreement shall be resolved pursuant to the grievance procedure in the CBA between the parties. Alleged violations of District protocols are not subject to the parties' grievance procedure. Nothing in this Agreement restricts an employee and/or OSEA from pursuing legal action against the District for an alleged violation of law.

9. This MOA shall become effective upon signature of the parties.

For OSEA



Chapter 1 President
Lisa Jenkins-Easton

10/16/2024

Date

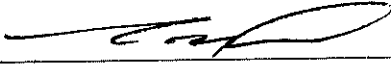


OSEA Field Representative
Sarah Pishineri

10/16/2024

Date

For Eugene School District 4J



Colt Gill
Interim Superintendent

10-9-24

Date



Jenny Jonak
Board Chair

10/16/24

Date

Protocol for Employees who Support Students With Specialized Needs

Dated: 10-09-2024

This protocol applies to all employees assigned to work with a student with specialized needs to assist the student with the educational, behavioral, medical, health or disability-related support needs of the student (hereinafter referred to as "employees").

The purpose of this protocol is to provide procedures for employees and supervisors in the following areas:

1. Providing access to Individualized education programs, 504 plans, behavior support plans ("BSP"), medical support protocols or other similar documents.
2. Consultation on the development, review and revision of specialized records,
3. Invitations to meetings regarding Individual Education Plans ("IEP"), 504 Plans, behavioral, medical, health or disability-related support and other similar meetings.
4. Training employees on carrying out duties related to this protocol.

Any employee authorized to access any FERPA-protected documentation addressed in this protocol must have a legitimate educational or work-related interest, and any further disclosure or sharing of any such documentation should be shared with others only as permitted under FERPA.

Definitions, Roles and Responsibilities

"Specialized Education Plan" is used in this protocol to refer to IEPs, 504 plans, BSPs, medical support protocols or other similar documents.

"Licensed Employee" includes all employees in the public schools or employed by an education service district who are required to have a license and who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds.

"Classified Employee" includes all employees of a public school district except those for whom a teaching or administrative, or other license is required as a basis for employment in a public school.

"Administrator" includes but is not limited to all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services from public funds.

"Case Manager" refers to a licensed educator responsible for managing the documents and services associated with a specialized education plan which is defined below.

"Licensed Specialists" are licensed educators who serve as educational or service provider for a specialization that requires a special license beyond a teaching license. Examples include speech language pathologists, occupational therapists, etc.

"Service providers" include individuals or agencies providing specialized services under the guidance of a licensed specialist. For example, a Certified Occupational Therapy Assistant (COTA) would provide OT services under the license and guidance of a fully licensed Occupational Therapist.

Access to Specialized Education Plans:

Each case manager must maintain a binder in their classroom that contains up-to-date copies of each specialized education plan that exists for a student, such as IEP, BSP, Health Plan, Feeding Protocol, etc. The binders must be kept in a secure location, but must be accessible to employees assigned to work with a student with specialized needs to assist the student with the educational, behavioral, medical, health or disability-related support needs of the student. Substitute eligible employees create "sub-plans," which will include a reference to the binder location and direction to use the student specific information contained within.

After employees complete FERPA training, they will have access to the district's student information system where they may access specialized plans only for students they support directly. Employees who knowingly and intentionally access electronic records beyond those in which they have a legitimate educational interest may be subject to disciplinary action.

The District will deliver FERPA training during the back to school period before students return. Beginning September 1, 2024, all newly hired employees will be required to complete FERPA training during new employee orientation. If any employee that is subject to this protocol does not receive FERPA training by the start of an academic year, the District will make arrangements for that employee to receive FERPA training as soon as practicable under the circumstances.

Please refer to this draft guidance document for further information regarding access to specialized records:

SB 756 Access to Specialized Records 4J DRAFT guidance

Consultation on Specialized Education Plans:

Employees assigned to work with a student with specialized needs to assist the student with the educational, behavioral, medical, health or disability-related support needs of the student may provide input to be used when the student's specialized education plan is developed, reviewed or revised. To facilitate the effective collection of data, employees may provide input to case managers via a Google Form.

Notifications of any meeting to develop, review or revise a specialized education plan must be provided to employees in advance. Where possible, input should be submitted seven calendar days prior to the meeting and can be submitted on an ongoing basis using the google form below. In the event of an urgent meeting or emerging situation related to the plan, input should be provided as soon as possible. Classified employees will be compensated for time spent providing input that extends beyond their normal work hours upon approval from an administrator pursuant to 11.1.3 of the District/OSEA Collective Bargaining Agreement. The responsible licensed employee (*e.g.* case manager, administrator, counselor, social worker) is responsible to compile, review and summarize input received prior to such meetings. Here is the link to the Google Form: https://docs.google.com/forms/d/e/1FAIpQLSdGTZEFk6eliL6g5ZzVsQuxdEF_72DgQyMCDRSzc2msVUleVg/viewform?usp=sharing

Classified Employees Attending Meetings:

When specialized education plans are being developed, reviewed or revised, the District will invite employees to participate in the portion of the meeting that relates to their job responsibilities if the employee is assigned to work with the student with specialized needs to assist the student with their educational, behavioral, medical, health or disability-related support needs.

Notifications of any meeting to develop, review or revise a specialized education plan must be provided to employees in advance. Classified employees who wish to attend such meetings are responsible for notifying the responsible licensed employee that they plan to attend. The District will release the employee from their regular job duties to attend the meeting on paid work time, and provide coverage necessary to enable that employee to attend the meeting. Classified employees will be compensated for time spent in meetings that extends beyond their normal work hours upon approval from an administrator pursuant to 11.1.3 of the District/OSEA collective bargaining agreement.

The District is not obligated to reschedule the meeting if the employee cannot attend due to a personal conflict, illness, or absence. However, in that event, the employee that is unable to attend the meeting will be permitted to provide input using the procedures described above, and upon request will receive an update following the meeting.

In the event that the student's parent or guardian objects to an employee's attendance at a meeting, the responsible licensed employee will inform the employee that the parent or guardian has objected to their attendance and the employee will not be permitted to attend. In such case, the employee will be permitted to provide input for the meeting using the procedures described above. If an employee has been excluded from a meeting due to a parent objection, the employee and/or their union representative may request a meeting with the responsible licensed employee and District administrator to review the reason for the parent objection. While District employees may inform parents of their rights, no District employee may induce a parent or guardian to object to the attendance of any other employee for the sole purpose of excluding the employee from the meeting.

Specialized Training

On at least an annual basis, the district will provide employees with specific and generalized trainings to safely conduct job duties assigned to the employee related to the implementation of a student's specialized educational plan(s).

Specific trainings related to the specialized education plan will be delivered by the district or responsible licensed employee or specialist (e.g. case manager, administrator, counselor, social worker, physical therapist, nurse, speech language pathologists, occupational therapists, etc.).

The district will continue to offer a wide array of generalized trainings that will apply to employees who work with students with specialized educational plans including Mandt trainings, behavior trainings, trauma informed trainings, medical trainings, FERPA, sensory, lift and transfer, prompting and fading techniques, mandatory reporting, instructional delivery and small group management, supervision trainings, student discipline procedures, etc. The availability of such trainings will depend on the employee's role. The district will offer an annual series of "Classified Pathways" trainings where staff can self-select a pathway that goes deep into a topic over several linked trainings throughout the year.

When a student's specialized plan is developed, revised or updated, the District will, with reasonable promptness, determine whether the new plan makes it necessary or appropriate to provide additional training to the employees that will be charged with carrying out that plan, and promptly provide any additional training that is necessary or appropriate.

If any incident occurs where a staff member is injured due to behavior that relates to a student's specialized plan, the District will investigate the injury incident and determine

whether additional training is necessary or appropriate to prevent or mitigate repeat incidents and provide such training at the earliest possible opportunity.

Additional Provisions:

Should an employee be physically assaulted or be threatened with physical harm by a student they support, the employee may request a reassignment.

Should any employee require additional supports, including but not limited to training, staffing, PPE, or any other tools to safely and adequately support students with specialized needs, the employee may make that request with the appropriate administrator.

If: (a) an employee believes they have not received adequate training or supports to safely perform job duties assigned to the employee related to the implementation of a student's specialized educational plan(s), or (b) the employee and/or their union representative believes the District has violated the protocols set forth in this document, the employee and/or the union can file a request for review with the Human Resources Director. The decision of the Human Resources Director is appealable to the District Superintendent. The decision of the Superintendent is not subject to appeal. This process is intended to resolve labor disputes and avoid litigation, but it does not waive the rights of either party to file legal claims over perceived violations of law.