

EDDYVILLE CHARTER SCHOOL

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The following symbol is used on some policies:

- \*\* As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.



**Eddyville Charter School**

Code: **EB**  
Adopted: 9/21/17

**Safety Program**

Safe buildings, grounds and equipment will be maintained in order to prevent accidents or injury to students, employees and others from fire, natural disasters, mechanical and electrical malfunction and other hazards.

Buildings will be planned, constructed, equipped and maintained in accordance with appropriate local, state and federal safety regulations.

Buildings will be provided with alarm systems, fire extinguishers and other safety devices required by state and federal laws and regulations.

The public charter school superintendent will develop and implement a safety program which will include, but not be limited to, compliance with and enforcement of all state and federal laws, rules and regulations.

**END OF POLICY**

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**Legal Reference(s):**

<u>ORS 338.115(1)(y)</u>	<u>OAR 437-002-0140</u>	<u>OAR 437-002-0368</u>
<u>ORS 654.003 to -654.022</u>	<u>OAR 437-002-0144</u>	<u>OAR 437-002-0377</u>
	<u>OAR 437-002-0145</u>	<u>OAR 437-002-0390</u>
<u>OAR 437-001-0760</u>	<u>OAR 437-002-0180 to -0182</u>	<u>OAR 437-002-0391</u>
<u>OAR 437-002-0020 to -0081</u>	<u>OAR 437-002-0260 to -0268</u>	<u>OAR 581-022-1210</u>
<u>OAR 437-002-0100</u>	<u>OAR 437-002-0360</u>	<u>OAR 581-022-1420</u>

Fazzolari v. Portland Sch. Dist. No. 1J, 303 Or. 1 (1987).  
Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2006); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2006).

**Cross Reference(s):**

EBB - Integrated Pest Management



## Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the public charter school shall adopt an integrated pest management plan (IPM)<sup>1</sup> which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
  - a. Protect the health and safety of students and staff;
  - b. Protect the integrity of public charter school buildings and grounds;
  - c. Maintain a productive learning environment; and
  - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;

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<sup>1</sup>See Model Integrated Pest Management Plan for Oregon Schools at [http://www.ipmnet.org/tim/IPM\\_in\\_Schools/IPM\\_Materials.html](http://www.ipmnet.org/tim/IPM_in_Schools/IPM_Materials.html) (See *Model Plan for Large School Districts* or *Model Plan for Small School Districts*)

9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The public charter school shall designate the superintendent as the Integrated Pest Management Plan Coordinator give them the authority for overall implementation and evaluation of the IPM plan.

### **Integrated Pest Management Plan Coordinator**

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results; and
8. Keep for at least four years following the application date, records of applied pesticides that include:
  - a. A copy of the label;
  - b. A copy of the Safety Data Sheet (SDS);
  - c. The brand name and USEPA<sup>2</sup> registration number of the product;
  - d. The approximate amount and concentration of pesticide applied;
  - e. The location of where the pesticide was applied;
  - f. The type of application and whether the application was effective;
  - g. The name(s) of the person(s) applying the pesticide;
  - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
  - i. The dates and times for the placement and removal of warning signs; and

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<sup>2</sup>U.S. Environmental Protection Agency

- j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.
9. Respond to inquiries about the IPM plan and refer complainants to public charter Board policy KL - Public Complaints;
10. Conduct outreach to public charter school staff about the public charter school's IPM plan.

END OF POLICY

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**Legal Reference(s):**

ORS 634.116  
ORS 634.700 to -750

**Cross Reference(s):**

EB - Safety Program





## Injury/Illness Reports

All injuries/illnesses, sustained by the employee while in the actual performance of the duty of the employee, occurring on public charter school premises, in public charter school vehicles, at a public charter school-sponsored activity or involving staff members who may be elsewhere on public charter school business will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related<sup>1</sup> illness or injury to an employee resulting in overnight hospitalization for medical treatment<sup>2</sup> other than first aid, the safety officer shall inform the Oregon Occupational Safety and Health Division (OR-OSHA). A report will be made within 24 hours after notification to the public charter school of an illness or injury. Fatalities or catastrophes<sup>3</sup> shall be reported within eight hours.

**ALL** injuries/illnesses sustained by the employee while in the actual performance of the duty of the employee will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

Monthly records will be maintained. An analysis of the data and trends will be made at least annually.

The Board will receive reports on serious injuries/illnesses, including accidents involving public charter school property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the public charter school, as well as on the measures being taken to prevent such injuries/illnesses in the future.

END OF POLICY

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<sup>1</sup>An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

<sup>2</sup>Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

<sup>3</sup>A catastrophe is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

**Legal Reference(s):**

ORS 338.115(1)(y)  
ORS 339.309

OAR 437-001-0015  
OAR 437-001-0700  
OAR 437-001-0760  
OAR 581-022-2225

## Emergency Drills and Instruction

The administrator will conduct emergency drills in accordance with the provisions of Oregon Revised Statutes.

The public charter school is required to instruct and drill students on emergency procedures so that students can respond to emergencies without confusion and panic. The emergency procedures shall include instruction and drills on fires, earthquakes, which shall include tsunami procedures in a tsunami hazard zone and safety threats. Instruction and drills on fires, earthquakes and safety threats for students, shall be conducted for at least 30 minutes each school month.

### Fire Emergencies

The public charter school will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year. Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

### Earthquake Emergencies

At least two drills on earthquakes shall be conducted each year.

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the public charter school may include additional response procedures for earthquake emergencies.

### Safety Threats

At least two drills on safety threats shall be conducted each year.

Drills and instruction on safety threats shall include procedures related to lockdown, lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to student safety.

The Board may use Oregon Revised Statute (ORS 192.660(2)(k) to conduct an executive session to consider matters relating to school safety or a plan that responds to safety threats made toward the school.

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the school with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

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**Legal Reference(s):**

ORS 192.660(2)(k)

ORS 336.071

ORS 338.115(1)(y)

ORS 476.030(1)

OAR 581-022-1420

OREGON STATE FIRE MARSHAL, OREGON FIRE CODE (2014).

# Eddyville Charter School

Code: **EDC/KGF**  
Adopted: 9/21/17

## **Authorized Use of Public Charter School Equipment and Materials**

Public charter school materials and equipment will be used only for school purposes by public charter school personnel on public charter school properties.

Exceptions to this policy must be approved by the superintendent and authorized use shall be consistent with ORS Chapter 244.

END OF POLICY

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

ORS Chapter 244  
ORS 338.115(2)

OAR 584-020-0040

OR.ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

### **Cross Reference(s):**

KGF/EDC - Authorized Use of Public Charter School Equipment and Materials



## **Student Transportation Services** (Required if public charter school has its own transportation.)

Public charter school transportation services will be provided for students to and from public charter school, to and from curricular and extracurricular activities sponsored by the public charter school, from one public charter school or public charter school facility to another and public charter school-sponsored field trips that are extensions of classroom learning experiences. Transportation will be provided for homeless students to and from the student's school of origin<sup>1</sup> as required by the No Child Left Behind Act of 2001 (NCLBA). These services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the public charter school board.

Elementary students grades K-8 who live more than one mile from public charter school will be transported. Secondary students grades 9-12 who live more than one and one-half miles from public charter school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the public charter school's approved supplemental plan.

Miles from public charter school will be determined by the superintendent in accordance with OAR 581-023-0040 (1)(c).

The public charter school may use Type 10 School Activity Vehicles to transport students from home to school, school to home and from public charter school-sponsored activities.

A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until he/she is four feet nine inches tall or age eight and the adult belt properly fits.<sup>2</sup> A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using public charter school transportation will abide by the code of conduct posted in each school bus or school activity vehicle. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus or vehicle driver to the transportation

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<sup>1</sup>"School of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

<sup>2</sup>"Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

contractor. The transportation contractor will, as soon as possible, inform the appropriate public charter school superintendent of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the public charter school superintendent and/or the transportation contractor.

Preschool students with disabilities who have transportation as a related service and children from birth to age three who are enrolled in an eligible program shall be provided home to school transportation.

The public charter school superintendent or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

Aides or assistants that ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The public charter school bus or vehicle driver will be responsible for the school bus or vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

The public charter school will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

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**Legal Reference(s):**

<u>ORS 327.006</u>	<u>ORS 815.055</u>	<u>OAR 581-053-0010</u>
<u>ORS 327.033</u>	<u>ORS 815.080</u>	<u>OAR 581-053-0031</u>
<u>ORS 327.043</u>	<u>ORS 820.100 to -820.190</u>	<u>OAR 581-053-0040</u>
<u>ORS 332.405</u>		<u>OAR 581-053-0060</u>
<u>ORS 332.415</u>	<u>OAR 581-021-0050 to -0075</u>	<u>OAR 581-053-0070</u>
<u>ORS 338.145</u>	<u>OAR 581-022-1530</u>	<u>OAR 581-053-0210</u>
<u>ORS 343.155 to -343.246</u>	<u>OAR 581-023-0040</u>	<u>OAR 581-053-0220</u>
<u>ORS 343.533</u>	<u>OAR 581-053-0002</u>	<u>OAR 581-053-0230</u>
<u>ORS 811.210</u>	<u>OAR 581-053-0003</u>	<u>OAR 581-053-0240</u>
<u>ORS 811.215</u>	<u>OAR 581-053-0004</u>	<u>OAR 735-102-0010</u>

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6315, 7912 (2015).

McKinney-Vento Homeless Assistance Act of 2001, 42 U.S.C. §§ 11431-11435 (2015).

**Cross Reference(s):**

EEACC - Student Conduct on School Buses



## **Student Conduct on School Buses**

(Required if public charter school has its own transportation.)

The following regulations will govern student conduct on public charter school buses and Type 10 School Activity Vehicles if used for transporting students from home to school, school to home and from public charter school-sponsored activities and will be posted in a conspicuous place in all buses:

1. Students being transported are under authority of the bus driver;
2. Fighting, wrestling or boisterous activity is prohibited on the bus;
3. Students will use the emergency door only in case of emergency;
4. Students will be on time for the bus, both morning and evening;
5. Students will not bring firearms, weapons or other potentially hazardous material on the bus;
6. Students will not bring animals, except approved assistance guide animals, on the bus;
7. Students will remain seated while bus is in motion;
8. Students may be assigned seats by the bus driver;
9. When necessary to cross the road, students will cross in front of the bus or as instructed by the bus driver;
10. Students will not extend their hands, arms or heads through bus windows;
11. Students will have written permission to leave the bus other than for home or school;
12. Students will converse in normal tones; loud or vulgar language is prohibited;
13. Students will not open or close windows without permission of the driver;
14. Students will keep the bus clean and must refrain from damaging it;
15. Students will be courteous to the driver, fellow students and passersby;
16. Students who refuse to promptly obey the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the buses.

The public charter school superintendent will establish other regulations as necessary for the safe conduct of students riding school buses or other forms of public charter school transportation and for disciplinary procedures. Such regulations will be available to all parents and students and posted in each school bus or other public charter school vehicle.

Students who violate bus rules of conduct may be denied the use of public charter school transportation.

END OF POLICY

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**Legal Reference(s):**

ORS 338.115(1)(w)  
ORS 339.240  
ORS 339.250  
ORS 820.100 to -820.190

OAR 581-021-0050 to -0075  
OAR 581-023-0040  
OAR 581-053-0002  
OAR 581-053-0003

OAR 581-053-0004  
OAR 581-053-0010  
OAR 581-053-0210

Letter Opinion, Office of the OR Attorney General (Nov. 22, 1988).

**Cross Reference(s):**

EEA - Student Transportation Services\*

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## **Discipline Procedures for Public Charter School -Approved Student Transportation**

(Required if public charter school has its own transportation)

All students eligible for public charter school-approved student transportation shall receive safety instruction and a code of conduct.

Violation of the code of conduct or conduct which jeopardizes the health/safety of self and/or others may result in the loss of public charter school-approved transportation services.

### 1. Safety Instructions

- a. Within the first six weeks of each half of the school year the [transportation supervisor] will direct all bus drivers to conduct a safety review with all students who are regularly transported by the public charter school that includes:
  - (1) Safe school bus riding procedures, including but not limited to loading, unloading, crossing, etc.;
  - (2) Use of emergency exits; and
  - (3) Planned and orderly evacuation of the school bus in case of an emergency, including participation in actual evacuation drills.
- b. At least once in the first half of each school year the [transportation supervisor] will direct all bus drivers to conduct a safety review with all other students.
  - (1) The drivers shall review safe bus riding procedures.
  - (2) The drivers shall review use of emergency exits.
- c. The transportation contractor will record dates and content of safety instructions by each driver. Such information shall be kept as a part of the public charter school's records.

### 2. Code of Conduct

Each year the public charter school will include the following transportation rules in the student/parent handbook.

# PUBLIC CHARTER SCHOOL BUS INCIDENT REPORT

Date: \_\_\_\_\_ Route: \_\_\_\_\_ AM \_\_\_\_\_ PM

Dear Parents:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and well-being of all students on the bus. We urge you to support this corrective action by impressing upon your student the need for safety on our school buses.

\_\_\_\_\_ has been cited for an infraction of the rules listed below:

	Description of incident:
<input type="checkbox"/>	*Failed to obey the driver.
<input type="checkbox"/>	*Threw an object(s).
<input type="checkbox"/>	*Possessed a weapon or other dangerous object(s).
<input type="checkbox"/>	*Fought, wrestled, scuffled.
<input type="checkbox"/>	*Stood/Changed seat with bus moving.
<input type="checkbox"/>	*Extended from bus door/window.
<input type="checkbox"/>	*Possessed matches, incendiaries, etc.
<input type="checkbox"/>	*Used emergency exit.
<input type="checkbox"/>	*Vandalism of property.
<input type="checkbox"/>	*Threatened/Harmed driver/rider.
<input type="checkbox"/>	*Disruption: Driver stopped bus.
<input type="checkbox"/>	*Disrespectful and/or obscene statements.
<input type="checkbox"/>	*Possessed alcohol, tobacco, unlawful drugs.
<input type="checkbox"/>	Eating or chewing gum.
<input type="checkbox"/>	Possessed glass container or object.
<input type="checkbox"/>	Impeded movement of bus.

**\* An asterisk may result in loss of transportation service with no warning citation.**

- ( ) Warning
- ( ) Second Citation:                      may suspend until conference
- ( ) Third Citation:                         5-10 day suspension
- ( ) SEVERE INFRACTION:                10-day suspension to 1-year expulsion

Route Number: \_\_\_\_\_ Driver Signature: \_\_\_\_\_

Student Phone Number: \_\_\_\_\_ Parent Signature: \_\_\_\_\_

Public Charter School Representative: \_\_\_\_\_

**CITATIONS MUST BE SIGNED BY PARENT**

### 3. Violations

Each year the public charter school will include the following procedures for violations in the student/parent handbook.

The public charter school will provide interpretation to those students/parents whose primary language is not English.

#### DISCIPLINARY PROCEDURES FOR VIOLATIONS

1. **First Citation - Warning:** The driver verbally restates behavior expectations and issues a warning citation. The driver may assign the student to a particular seat.
2. **Second Citation:** The student is suspended from the bus until a conference, arranged by the transportation contractor, has been held with the student, the parent, the bus driver, transportation contractor and the public charter school superintendent.
3. **Third Citation of the year:** The student receives a 5- to 10-day suspension<sup>1</sup> and will not be able to ride the bus until a conference, arranged by the transportation contractor, has been held with the student, the parent, the bus driver, the transportation contractor and the public charter school superintendent. Further violations of bus regulations will be considered a severe violation.
4. **Severe Violations:** Any severe violation may result in the immediate suspension of the student for a minimum of 10 days, and up to a 1-year expulsion<sup>2</sup>. There will be a hearing at this time, arranged by the transportation contractor, involving the student, the bus driver, the transportation contractor, the parent and the public charter school superintendent.
5. In all instances, the appeal process may be used if the student and/or parent desires.

All citations must be signed by the parents, the transportation contractor, the bus driver and the public charter school superintendent before the student will be allowed to ride the bus again.

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<sup>1</sup>“Suspension” means any disciplinary removal, other than expulsion, for up to 10 school days.

<sup>2</sup>“Expulsion” means any disciplinary removal beyond 10 school days up to one calendar year.

#### 4. Suspension Procedures

The suspension process shall be in accordance with the following procedures:

- a. Suspension hearings shall be conducted in private, and will be more informal than is the case of an expulsion hearing. The hearing will be conducted by the public charter school superintendent or designated representative. The procedure should be more of a conversation between the two parties than a formal hearing;
- b. The student will be informed of the violation(s) and given the opportunity to be heard and present his/her view of the occurrence;
- c. If a suspension follows, the student will be given the reason(s) for the action, the duration of the suspension and the tentative procedures for reinstatement;
- d. If possible, parents will be notified immediately by telephone of the suspension and given reasons for the action. The parents will be encouraged to conference with the superintendent or designee. Arrangement should be made for the student's transportation to and from school and to other public charter school activities;
- e. A written communication will be mailed to the student and parents within one workday restating the reasons for the action(s), the duration of the suspension and procedure for arranging a mutually satisfactory time for a conference for possible readmittance;
- f. The written communication shall state that the parent may appeal the reason for suspension and the duration of suspension to the director;
- g. In special or emergency circumstances, a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, incarceration by court action or if there is a serious risk that substantial harm will occur if the suspension is terminated pending an intended expulsion.

#### 5. Expulsion Procedures

- a. Students will not be expelled without a hearing unless the student's parents waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

- (1) Notice will be given to the student and the parent by personal service or by certified mail at least five school days prior to the scheduled hearing. The notice will include:
  - (a) The specific charge or charges;
  - (b) The conduct constituting the alleged violation, including the nature of the evidence of the violation;
  - (c) A recommendation for expulsion;
  - (d) The student's right to a hearing;
  - (e) When and where the hearing will take place; and
  - (f) The right to representation.
- (2) The public charter school superintendent or designee will act as hearings officer. The public charter school may contract with an individual who is not employed by the public charter school to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the superintendents;

- (3) In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the public charter school will provide a translator;
- (4) The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney and/or parent. The public charter school's attorney may be present;
- (5) The student will be afforded the right to present his/her version of the charge(s) and to introduce evidence by testimony, writings or other exhibits;
- (6) The student will be permitted to be present and to hear the evidence presented by the public charter school;
- (7) The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the hearings officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the public charter school board, the student and the student's parents at the same time;
- (8) The hearings officer or the student may make a record of the hearing;
- (9) The hearings officer's decision is final. However, this decision may be appealed to the public charter school board. At its next regular meeting, the public charter school board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents or students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the public charter school board reviews the decision;
- (10) Expulsion hearings will be conducted in private and public charter school board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the public charter school board or a private hearing by the hearings officer, the following will not be made public:
  - (a) The name of the minor student;
  - (b) The issues involved;
  - (c) The discussion;
  - (d) The vote of Board members, which may be taken in executive session.

## 6. Right of Appeal

- a. At each step of the discipline procedures used in public charter school-approved transportation services, parents, students and/or a representative have a right to appeal.
- b. All appeals must be in writing.
- c. Appeals are to be made to the responsible person at the level of appeal.
- d. Final appeal may be made to the public charter school board.
- e. Board decisions are final.

## APPEAL PROCEDURE

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used.

- STEP 1: The student or his/her representative will discuss the issue with the transportation contractor and the public charter school superintendent. Within five school days, the public charter school superintendent is to communicate, in writing, the decision to the student and the student's parents.
- STEP 2: If the issue is still unresolved, the student/parent may appeal to the public charter school board. The Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing.

### 7. Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

- a. When deemed necessary, parent(s) and student shall be present at the conference;
- b. The public charter school superintendent shall fully explain matters and permit the parties involved to fully explain their positions;
- c. The public charter school superintendent shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

### 8. Education

- a. Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to public charter school-approved transportation services. Therefore, students who have lost public charter school-approved transportation services through a disciplinary action shall be expected to continue with the public charter school's educational requirements.
- b. Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the public charter school attendance and educational requirements.
- c. Makeup work may be provided. If makeup work is needed, the public charter school's policy and procedures will be followed.
- d. Alternative education may be provided. If alternative education is needed, the public charter school's policy and procedures will be followed.



# Eddyville Charter School

Code: **EEACD**  
Adopted: 9/21/17

## **Use of Public Charter School Activity Vehicles for Student Transportation** (Required if public charter school has its own transportation.)

The public charter school may provide for the use of vehicles, commonly designated as Types 10, 20 or 21 pupil transportation vehicles, which do not meet the requirements of a “school bus” for the purpose of transporting students, licensed, nonlicensed or other supervisory personnel to and from curricular and extracurricular activities sponsored by the public charter school.

The vehicle shall be insured for bodily injury, property damage, uninsured motorist coverage and personal injury protection. The public charter school superintendent will recommend amounts to adequately protect the public charter school against loss.

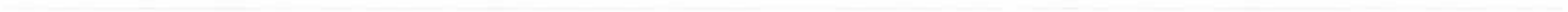
The public charter school will meet or exceed minimum driver requirements and procedures as set forth in Oregon Administrative Rules, Section 53. The public charter school will require in-class instruction as part of its driver training approval process. The public charter school shall meet child safety system requirements and minimum standards and specifications as set forth in state law.

END OF POLICY

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**Legal Reference(s):**

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|----------------------------------|-------------------------|-------------------------|
| <u>ORS 811.210</u>               | <u>OAR 581-053-0310</u> | <u>OAR 581-053-0521</u> |
| <u>ORS 815.055</u>               | <u>OAR 581-053-0320</u> | <u>OAR 581-053-0531</u> |
| <u>ORS 815.080</u>               | <u>OAR 581-053-0330</u> | <u>OAR 581-053-0540</u> |
| <u>ORS 820.110</u>               | <u>OAR 581-053-0340</u> | <u>OAR 581-053-0610</u> |
| <u>ORS 820.190</u>               | <u>OAR 581-053-0410</u> | <u>OAR 581-053-0620</u> |
|                                  | <u>OAR 581-053-0420</u> | <u>OAR 581-053-0630</u> |
| <u>OAR 437-002-0220 to -0227</u> | <u>OAR 581-053-0430</u> | <u>OAR 581-053-0640</u> |
| <u>OAR 581-053-0010</u>          | <u>OAR 581-053-0440</u> | <u>OAR 735-102-0010</u> |
| <u>OAR 581-053-0220</u>          | <u>OAR 581-053-0511</u> |                         |



## Student Transportation in Private Vehicle

Transportation of students will be by the public charter school transportation system or by a public charter school employee's vehicle, properly insured, except as provided below.

Parents, employees and other designated adults may be permitted to use private vehicles to transport public charter school students other than their own on field trips or other charter school activities if the following conditions have been met prior to the activity:

1. The public charter school superintendent has approved the activity;
2. A permission slip signed by the student's parent(s) has been received by the superintendent or his/her designee, granting permission for the student to participate in a field trip or activity and to ride in a privately-owned vehicle;
3. The parents, employee or other adult driving the vehicle is properly licensed to drive and has provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Oregon and as set by the public charter school;
4. The vehicle contains an adequate number of seat restraints, including when applicable, a child safety system for a child who weighs less than 40 pounds, regardless of age, and the adult driver requires their use. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until he or she is four feet nine inches tall or age eight and the adult belt properly fits.<sup>1</sup> A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. Training in the proper installation and use of child safety system may be required.

The public charter school superintendent will develop procedures to implement this policy.

END OF POLICY

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<sup>1</sup>"Proper fit" means the lap belt of the safety belt or harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

**Legal Reference(s):**

ORS 338.115(2)

ORS 801.455

ORS 811.210

ORS 815.055

ORS 815.080

OAR 735-102-0010

## Use of Private Vehicles for Public Charter School Business

The superintendent will develop regulations for staff use of private vehicles that will safeguard the public charter school, its employees and students in matters of safety, insurance and liability.

No staff member will use a private vehicle for public charter school business, including the transportation of students, without approval in accordance with established public charter school procedures. Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a private vehicle on public charter school business will be reimbursed in an amount established by the Board.

A student will be allowed to perform public charter school business with his or her own vehicle or a staff member's vehicle. Any student so authorized must obtain prior written approval from the designated public charter school official.

END OF POLICY

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### Legal Reference(s):

ORS 30.260 to - 30.265

ORS 338.115(2)

ORS 801.455

ORS 811.210

ORS 815.055

ORS 815.080

OAR 735-102-0010

### Cross Reference(s):

DLC - Expense Reimbursements



### **Health Insurance Portability And Accountability Act**

(For public charter schools that self-insure a health plan and/or self-administer an Internal Revenue Service Section 125 plan)

The Board has determined that it meets the definition of a hybrid of covered entities<sup>1</sup> under the Health Insurance Portability and Accountability Act (HIPAA). As the public charter school self-administers an Internal Revenue Service Section 125 plan it meets the health plan definition under HIPAA. As a covered entity, the public charter school will meet the requirements of federal law.

Accordingly, the public charter school will safeguard the protected health information<sup>2</sup> of employees from use or disclosure that may violate standards and implementation specifications to the extent required by law. The electronic exchange of financial and administrative transactions related to an employee's protected health information will meet the requirements of HIPAA, including national standards for electronic transactions designed to ensure the security of health information created or received by the public charter school.

The superintendent will designate an individual responsible for responding to HIPAA inquiries, complaints and for providing adequate notice of employee rights and public charter school duties under the health plan provisions of the Act. Notice will include the privacy provisions of the law, and uses of employee protected health information and disclosures that may be made by the public charter school.

Training will be provided to all current staff and new employees determined by the public charter school to have access to the protected health information of employees. Training will be provided within a reasonable period of time after the individual's hiring, and to those employees when their duties may be impacted by a change in the public charter school's policy and/or procedures.

Employees who believe their privacy rights have been violated may file a complaint in accordance with established public charter school procedures. Complaints may also be filed directly with the U.S. Secretary of Health and Human Services. There shall be no retaliation by the public charter school against any person who files a complaint or otherwise participates in an investigation or inquiry into an alleged violation of an individual's protected privacy rights. All complaints received will be promptly investigated and documented, including their final disposition.

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<sup>1</sup>A "covered entity" is an entity subject to HIPAA. These include those entities defined under the Act as a health plan, health-care clearinghouse, health care provider or a hybrid entity. A hybrid of covered entities is a single legal entity that is a covered entity and whose covered functions are not its primary function. Self-insured health plans and Internal Revenue Service Section 125 plans with 50 or more participants operated or maintained by public schools entities are covered health plans for HIPAA privacy rule purposes. Similarly, any provider of services, a provider of medical or health services as defined in section 1861 of the Act, 42 U.S.C. § 1395X(s)(5), and any person or organization who furnishes, bills or is paid for health care in the normal course as defined by 45 C.F.R. § 160.103 is also subject to HIPAA requirements as a health-care provider. Public charter school's should review their programs and services with their legal counsel in determining HIPAA applicability.

<sup>2</sup>Protected health information" means individually identifiable health information that is: (1) transmitted by electronic media; (2) maintained in electronic media; (3) transmitted or maintained in any other form or medium. Protected health information excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and employment records held by a covered entity in its role as employer.

The superintendent will ensure that satisfactory assurance has been obtained from any business associate<sup>3</sup> performing HIPAA-covered activities or functions on behalf of the public charter school that the protected health information it receives from the public charter school will be protected. Such assurance will be in the form of a written agreement, or may be included as a part of the public charter school's contract with the business associate.

Employees in violation of this policy or procedures established to safeguard the protected health information of employees will be subject to discipline up to and including dismissal.

The superintendent is directed to ensure an assessment of public charter school operations is conducted to determine the extent of the public charter school's responsibilities as a covered entity under HIPAA and to develop internal controls and procedures necessary to implement this policy and meet the requirements of law. The procedures shall include provisions for record keeping, documentation of the public charter school's compliance efforts and appropriate administrative, technical and physical safeguards to protect employee protected health information and to ensure that any request is limited to information reasonably necessary to accomplish the purpose for which the request is made.

In the event of a change in the law that may impact this policy or established public charter school procedures, the superintendent shall ensure appropriate revisions are recommended for Board approval, necessary changes are implemented and notification is made to staff and others, as appropriate.

END OF POLICY

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**Legal Reference(s):**

ORS 332.107

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-d-8 (2006); 45 C.F.R. Parts 160, 164 (2006).  
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

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<sup>3</sup>A "business associate" means a person who on behalf of such covered entity or of an organized health-care arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs or assists in the performance of: (1) a function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management and repricing; or (2) any other function or activity regulated by HIPAA.