## EDDYVILLE CHARTER SCHOOL

### TABLE OF CONTENTS

#### SECTION J: STUDENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Educational Opportunity</td>
<td>JB</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>JBA/GBN</td>
</tr>
<tr>
<td>Sexual Harassment Complaint Procedure</td>
<td>JBA/GBN-AR</td>
</tr>
<tr>
<td>Section 504 – Students</td>
<td>JBAA</td>
</tr>
<tr>
<td>Section 504 – Students</td>
<td>JBAA-AR</td>
</tr>
<tr>
<td>Compulsory Attendance**</td>
<td>JEA</td>
</tr>
<tr>
<td>Early Entrance**</td>
<td>JEBA</td>
</tr>
<tr>
<td>Student Absences and Excuses**</td>
<td>JED</td>
</tr>
<tr>
<td>Truancy</td>
<td>JEDA</td>
</tr>
<tr>
<td>Student Rights and Responsibilities**</td>
<td>JF/JFA</td>
</tr>
<tr>
<td>Student Conduct**</td>
<td>JFC</td>
</tr>
<tr>
<td>Personal Electronic Devices and Social Media**</td>
<td>JFCEB</td>
</tr>
<tr>
<td>Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/</td>
<td></td>
</tr>
<tr>
<td>Teen Dating Violence/Domestic Violence – Student**</td>
<td>JFCF</td>
</tr>
<tr>
<td>Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/</td>
<td></td>
</tr>
<tr>
<td>Teen Dating Violence Complaint Procedures – Student</td>
<td>JFCF-AR</td>
</tr>
<tr>
<td>Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**</td>
<td>JFCG/JFCH/JFCI</td>
</tr>
<tr>
<td>Prohibited Use, Possession, Distribution or Sale of Tobacco Products</td>
<td></td>
</tr>
<tr>
<td>and Inhalant Delivery Systems**</td>
<td>JFCG/KGC/GBK</td>
</tr>
<tr>
<td>Weapons in the Schools**</td>
<td>JFCJ</td>
</tr>
<tr>
<td>Threats of Violence**</td>
<td>JFCM</td>
</tr>
<tr>
<td>Student Searches**</td>
<td>JFG</td>
</tr>
<tr>
<td>Student Searches**</td>
<td>JFG-AR</td>
</tr>
<tr>
<td>Corporal Punishment**</td>
<td>JGA</td>
</tr>
<tr>
<td>Use of Restraint and Seclusion</td>
<td>JGAB</td>
</tr>
<tr>
<td>Use of Restraint and Seclusion</td>
<td>JGAB-AR</td>
</tr>
<tr>
<td>Suspension**</td>
<td>JGD</td>
</tr>
<tr>
<td>Discipline of Students with Disabilities**</td>
<td>JGDA/JGFA</td>
</tr>
<tr>
<td>Discipline of Students with Disabilities**</td>
<td>JGDA/JGFA-AR</td>
</tr>
<tr>
<td>Expulsion**</td>
<td>JGF</td>
</tr>
<tr>
<td>Students - HIV, HBV and AIDS**</td>
<td>JHCCA</td>
</tr>
<tr>
<td>Nonprescription Medication**</td>
<td>JHCD</td>
</tr>
<tr>
<td>Prescription/Nonprescription Medication**</td>
<td>JHCD/JHCD-AAR</td>
</tr>
<tr>
<td>Prescription Medication**</td>
<td>JHCDA</td>
</tr>
<tr>
<td>Suspension of Driving Privileges</td>
<td>JHFDAR</td>
</tr>
<tr>
<td>Request for a Suspended Driving Privilege - Conduct</td>
<td>JHFDAR-AR(1)</td>
</tr>
<tr>
<td>Notice of Withdrawal</td>
<td>JHFDAR-AR(2)</td>
</tr>
<tr>
<td>Reporting of Suspected Abuse of a Child</td>
<td>JHFE</td>
</tr>
</tbody>
</table>
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.
Equal Educational Opportunity

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation¹, race, religion, color, national origin, disability and marital status.

A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, income level, proficiency in English language or athletic ability, but may limit admission to students within a given age group or grade level.

Further, no student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the public charter school. The public charter school will treat its students without discrimination on the basis of sex as this pertains to course offerings, athletics, counseling, employment assistance and extracurricular activities.

The public charter school superintendent will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. 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 board will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX.

END OF POLICY

¹"Sexual 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 behaviors differs from that traditionally associated with the individual's sex at birth.
Legal Reference(s):

ORS 326.051  
ORS 329.025  
ORS 329.035  
ORS 336.067  
ORS 336.082  
ORS 336.086  
ORS 338.125(3)  
ORS 342.123  
ORS 659.850(1)  
ORS Chapter 659  
ORS Chapter 659A  
OAR 581-021-0045  
OAR 581-021-0046  
OAR 581-022-1140  


Cross Reference(s):  

AC - Nondiscrimination
Sexual Harassment

The public charter school board is committed to the elimination of sexual harassment in public charter schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, public charter board members or third parties. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school’s control at interschool athletic competitions or other public charter school events. “Public charter school” includes public charter school facilities; public charter school premises and nonpublic charter school property if the student or employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school; or where the employee is engaged in public charter school business. The prohibition also includes off duty conduct which is incompatible with public charter school job responsibilities.

Sexual harassment of students, staff or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;

2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;

3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance or with an employee’s ability to perform his/her job; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings, pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.
All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the public charter school superintendent or compliance officer who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school superintendent. The student and the student’s parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the public charter school against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the public charter school board that appropriate corrective action will be taken by the public charter school to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the public charter school superintendent or public charter school board.

Additionally, the public charter school may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The public charter school superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of public charter school officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff in student/parent and staff handbooks. The public charter school’s policy shall be posted in the public charter school. Such posting shall be by a sign of at least 8 1/2" by 11".

The public charter school superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY
Legal Reference(s):

ORS 243.706
ORS 338.115
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041


Cross Reference(s):

GBN/JBA - Sexual Harassment
JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/
Teen Dating Violence/Domestic Violence – Student
Sexual Harassment Complaint Procedure
(Required if the employer is the public charter school)

The public charter school superintendent or compliance officer has responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be presented to the public charter school superintendent or compliance officer. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the compliance officer is the subject of the complaint, the complaint will be submitted to the public charter school superintendent. If the superintendent is the subject of the complaint, the complaint will be submitted to the public charter school board.

Step 2 The public charter school official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

Step 3 If a complainant is not satisfied with the decision at Step 2, he or she may submit a written appeal to the public charter school board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The public charter school board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The public charter school board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the public charter school superintendent or compliance officer.

All documentation related to sexual harassment complaints may become part of the student’s education record or employee’s personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the public charter school office.
The public charter school superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible abuse of a child. In the event the public charter school superintendent is the subject of the investigation, reports, when required, shall be made by the public charter school board chair.
SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: ____________________________________________

Position of complainant: _________________________________________

Date of complaint: _____________________________________________

Name of alleged harasser: _______________________________________

Date and place of incident or incidents: ______________________________

Description of misconduct: ______________________________________

________________________________________________________________

Name of witnesses (if any): ______________________________________

________________________________________________________________

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): ________________________________

________________________________________________________________

Any other information: _________________________________________

________________________________________________________________

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: ___________________________ Date: ____________________
WITNESS DISCLOSURE FORM

Name of Witness: __________________________________________________________

Position of Witness: ______________________________________________________

Date of Testimony/Interview: ______________________________________________

Description of Instance Witnessed: __________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Any Other Information: ______________________________________________________

________________________________________________________________________

________________________________________________________________________

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: ___________________________ Date: ____________________________

Sexual Harassment Complaint Procedure - JBA/GBN-AR 4-4
Section 504 – Students

The public charter school recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public charter school program or activity or those provided by the public charter school through contractual or other arrangements. Public charter school aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student’s needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment¹ that substantially limits one or more major life activities²; has a record of such an impairment; or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the public charter school will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the public charter school receives federal money;

2. Designate an employee to coordinate compliance with Section 504;

3. Provide procedures to resolve complaints of discrimination under Section 504;

4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the public charter school’s policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in public charter school programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;

¹Impairments which may substantially limit major life activities, and without regard for the ameliorative effects of medication or aids/devices include, but are not limited to, chronic asthma and severe allergies, blindness or visual impairment, cancer, diabetes, deafness or hearing impairment, heart disease, mental illness and conditions which may be episodic or in remission.

²“Major life activities,” as defined by the Americans with Disabilities Act Amendments Act of 2008, include caring for one’s self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
5. Annually identify and locate all Section 504 qualified students with disabilities in the public charter school who are not receiving a free appropriate\(^3\), public education;

6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure.

7. Provide nonacademic and extracurricular services\(^4\) and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;

8. Annually notify students with disabilities and their parents or guardians of the public charter school’s responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;

9. Provide parents or guardians with procedural safeguards, including notification of their right:

   a. To be notified in writing of any decisions made by the public charter school concerning the identification, evaluation or educational placement of their student pursuant to Section 504[. The public charter school will request parental consent prior to conducting an evaluation of the student];

   b. To examine, copy and request amendments of the student’s educational records;

   c. To request an impartial hearing, with opportunity for participation by the student’s parents or guardian and representation by counsel regarding public charter school decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the public charter school that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the superintendent, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the public charter school shall

\(^3\)"Appropriate education" means the provision of regular or special education and related aids and services that are designed to meet the student’s individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 C.F.R. §§ 104.34 - 104.36 concerning educational setting, evaluation and placement and procedural safeguards.

\(^4\)Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by the public charter school and assistance by the public charter school in making available outside employment.
conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student’s disability and, if so, whether the student’s current educational placement is appropriate.

If it is determined that the misconduct of the student is caused by the disability, the district’s team, in which the public charter school is located, will continue the evaluation following the requirements of Section 504 and the Americans with Disabilities Act of 1990, and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student’s current educational placement is appropriate. Due process procedures that meet the requirements of the IDEA may be used to meet the procedural safeguards of law. If it is determined that the misconduct is not caused by the student’s disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with Board policy JGDA/JGEA - Discipline of Students with Disabilities and accompanying administrative regulation.

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, graduation from high school, significantly changing the composition of the student’s class schedule, such as from regular education to the resource room, etc.).

END OF POLICY

Legal Reference(s):

ORS 192.630  ORS 659A.103  OAR 581-021-0045
ORS 326.051(1)(e) ORS 659A.109  OAR 581-021-0046
ORS 659.850  OAR 581-015-2030  OAR 581-021-0049
ORS 659.865  OAR 581-022-1140

Section 504 – Students

In order to meet the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures have been established:

Definitions

1. A student is considered a “qualified individual with disabilities” under Section 504 if he/she:

   a. Has a physical or mental impairment which substantially limits one or more major life activities, even when mitigating measures, such as medication, prosthetics, hearing aids, etc., ameliorate the effects of the disability (e.g., any student receiving services under the Individuals with Disabilities Education Act (IDEA), students with diabetes). The term does not cover students disadvantaged by cultural, environmental or economic factors;

   b. Has a record or history of such an impairment (e.g., a student with learning disabilities who has been decertified as eligible to receive special education under IDEA, a student who had cancer, a student in recovery from chemical dependencies);

   c. Is regarded as having such an impairment. A person can be found eligible under this provision if he/she:

      (1) Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the district as having such a limitation;

      (2) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment (e.g., a student who is obese);

      (3) Has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV virus but has no physical effects from it).

   d. Has a qualifying disability that is episodic or in remission.

2. “Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities;

3. “Major life activities,” as defined by the ADA, means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions including but not limited to functions of the immune system, normal cell growth,
digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions;

4. “Program or activity” includes all district programs and activities. The district will also ensure that contracts with those who provide services to the district, such as alternative programs, also provide students with disabilities an equal opportunity to participate in the program or activity;

5. “Potentially disabling conditions” under Section 504, if they substantially limit a major life activity, may include, but are not limited to:

a. Attention deficit disorder (ADD);

b. Behavior disorders;

c. Chronic asthma and severe allergies;

d. Physical disabilities such as spina bifida, hemophilia and conditions requiring students to use crutches;

e. Diabetes.

**District Responsibilities**

The superintendent or his/her designee will:

1. Provide written assurance of nondiscrimination whenever the district receives federal money in accordance with application guidelines;

2. Designate an employee to coordinate the district’s compliance efforts with Section 504;

3. Provide procedures to resolve student, parent and employee complaints of discrimination;

4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district’s policy of compliance with Section 504 prohibiting nondiscrimination in admission or access to or treatment or employment in district programs or activities. District aids, benefits and services will afford students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities, in the most integrated setting appropriate to the student’s needs. Notice will specify the employee designated by the district to coordinate the district’s Section 504 compliance efforts;

5. Annually identify and locate Section 504 qualified students with disabilities in the district who qualify for services;

6. Annually notify students with disabilities and their parents or guardians of the district’s responsibilities under Section 504;

7. Provide parents or guardians with procedural safeguards:

   a. Notice of their rights under Section 504, including the right to request an impartial hearing as provided by Oregon Administrative Rule (OAR) 581-015-2390;

   b. An opportunity to review relevant records.
Transportation

1. If the district proposes to terminate transportation services for a student who qualifies for services under Section 504, the district will first determine the relationship between the student’s behavior and his/her disability and provide the parent with notice of his/her rights.

2. If the district places a student in a program not operated by the district, the district will ensure that adequate transportation to and from the program is provided at no additional cost to the parent or student than would be incurred if the student were placed in programs operated by the district.

Evaluation

1. The district will conduct an evaluation of any student who, because of a disability, needs or is believed to need accommodations or related services. Such evaluation will be completed by an evaluation team comprised of a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options. The team will be appointed by the superintendent or designee. Such evaluation will be completed before any action is taken with respect to the initial placement of the student in a regular or special education program and any subsequent, significant change in placement.

2. Tests and other evaluation materials will:
   a. Be validated and administered by trained personnel;
   b. Tailored to assess educational need and not merely based on IQ scores;
   c. Reflect aptitude or achievement. All tests must measure what they purport to measure.

Placement

1. In interpreting evaluation data and making placement decisions, the evaluation team will:
   a. Draw upon information from a variety of sources;
   b. Ensure that all relevant information is documented and considered;
   c. Ensure that the student is educated with students without disabilities to the maximum extent possible.

Reevaluations

1. The evaluation team will periodically reevaluate all students identified as qualified to receive services under Section 504. Minimally, students will be reevaluated every three years.

2. A reevaluation will be conducted by the evaluation team whenever a significant change in placement occurs. Examples of significant changes in placement include, but are not limited to:
   a. Expulsion;
   b. Serial suspensions which exceed 10 school days in a school year. Consideration will be given to the frequency of suspensions, the length of each and their proximity to one another;
   c. Transferring or placing the student in alternative education or other such programs;
   d. Graduation;
e. Significantly changing the composition of the student’s class schedule (e.g., moving the student from regular education to the resource room, etc.).

Discipline

1. Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with disabilities under Section 504, the evaluation team will conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student’s disability and, if so, whether the student’s current educational placement is appropriate:
   a. If it is determined that the misconduct of the student is caused by the student’s disability, the evaluation team will continue the evaluation, following the requirements of Section 504 and the ADA for evaluation and placement, to determine whether the student’s current educational placement is appropriate. Due process procedures that meet the requirements of IDEA may be used to meet the procedural safeguards of law;
   b. If it is determined that the misconduct is not caused by the student’s disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

2. When the placement of a student with disabilities under Section 504 is changed for disciplinary reasons, the student and his/her parents are entitled to the procedural protections as specified above. These protections include appropriate notice to parents, an opportunity for their examination of pertinent records, an impartial hearing with the participation of the parents and an opportunity for representation by counsel and a review procedure.

3. The district may take disciplinary action against a student with disabilities under Section 504 who is engaged currently in the use of alcohol or illegal drugs to the same extent that it takes disciplinary action against students not having disabilities. As provided by law, due process procedures specified above will not apply to disciplinary actions arising from the use or possession of alcohol or illegal drugs. Regularly established district due process procedures will, however, be provided.

4. Students with disabilities under Section 504 who are also covered by IDEA will be disciplined in accordance with Board policy JGDA/JGEA - Discipline of Students with Disabilities and accompanying administrative regulation.

Complaints

Student, parent or staff complaints of noncompliance with the provisions of Section 504 will be reported to the superintendent or designee and processed in accordance with established district complaint procedures.
Compulsory Attendance**

Except when exempt by Oregon law, all students between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public full-time school during the entire school term.

All students five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school.

Persons having legal control of a student between ages 6 and 18 who has not completed the 12th grade are required to have the student attend and maintain the child in regular attendance during the school term. Persons having legal control of a student who is five years of age and has enrolled the child in a public school, are required to have the student attend and maintain the child in regular attendance during the school term.

Under the administrator’s direction and supervision, attendance supervisors shall monitor and report any violation of the compulsory attendance law to the administrator or designee. Failure to send a student and to maintain a student in regular attendance is a Class C violation.

The public charter school will develop procedures for issuing a citation.

A parent who is not supervising his/her student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577 (1)(c). Failing to supervise a child is a Class A violation.

In addition, under policy JHFDA - Suspension of Driving Privileges, the public charter school may report students with 10 consecutive days unexcused absence or 15 cumulative days unexcused absence in a single semester to the Oregon Department of Transportation.

Exemptions from Compulsory School Attendance

In the following cases, students shall not be required to attend public schools full-time:

1. Students being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.

2. Students proving to the Board’s satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.

3. Students being taught by a private teacher the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
4. Students being educated in the home by a parent.

5. Students excluded from attendance as provided by law.

6. An exemption may be granted to the parent of any student 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.

END OF POLICY

Legal Reference(s):

ORS 153.018  
ORS 163.577  
ORS 336.615 to -336.665  
ORS 338.115(2)  
ORS 339.010 to -339.090  
ORS 339.095

ORS 339.257  
ORS 339.990  
ORS 419B.550 to -419B.558  
ORS 807.065  
ORS 807.066  
ORS 807.066

OAR 581-021-0026  
OAR 581-021-0029  
OAR 581-021-0071  
OAR 581-021-0077
Early Entrance**
(This policy is required only if the public charter school allows early entrance.)

A student is considered six years of age and will be admitted into a public school if his/her sixth birthday occurs on or before September 1. A student whose sixth birthday occurs after that date may be admitted to the first grade if he/she has maintained regular attendance in any grade of a public full-time school during the entire school term.

A student will be admitted to kindergarten if his or her fifth birthday occurs on or before September 1, or is a kindergarten student transferring from a public school or from a private school.

Early entry into school may be allowed for a student whose needs would best be met in the public charter school program based on an analysis by qualified professional staff of his/her:

1. Cognitive development;
2. Social development;
3. Physical development.

The public charter school administrator shall identify screening processes and instruments which will provide a dependable assessment of the preceding criteria.

Parents will be required to pay the cost of the special testing involved.

END OF POLICY

Legal Reference(s):

ORS 327.006 ORS 339.010 ORS 339.115 ORS 343.395
ORS 336.095 ORS 343.395
Student Absences and Excuses**

It is the student's responsibility to maintain regular attendance in all assigned classes. Absence from school or class will be excused under the following circumstances:

1. Illness of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Field trips and school-approved activities;
4. Medical (dental) appointments. Confirmation of appointments may be required;
5. Other reasons deemed appropriate by the public charter school administrator when satisfactory arrangements have been made in advance of the absence.

The public charter school shall notify a parent or guardian by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the public charter school administrator will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension¹ and/or ineligibility to participate in athletics or other activities.

END OF POLICY

Legal Reference(s):

ORS 109.056
ORS 338.115(2)
ORS 339.030
ORS 339.055
ORS 339.065
ORS 339.071
ORS 339.250
ORS 339.420
OAR 581-021-0046
OAR 581-021-0050
OAR 581-023-0066(11)

¹The use of out-of-school suspension or expulsion for discipline of a student, is limited to:
1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.
Student Absences and Excuses**

It is the student’s responsibility to maintain regular attendance in all assigned classes. Absence from school or class will be excused under the following circumstances:

1. Illness of the student;
2. Illness of an immediate family member when the student’s presence at home is necessary;
3. Field trips and school-approved activities;
4. Medical (dental) appointments. Confirmation of appointments may be required;
5. Other reasons deemed appropriate by the public charter school administrator when satisfactory arrangements have been made in advance of the absence.

The public charter school shall notify a parent or guardian by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the public charter school administrator will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension¹ and/or ineligibility to participate in athletics or other activities.

END OF POLICY

Legal Reference(s):

ORS 109.056   ORS 339.065   OAR 581-021-0046
ORS 338.115(2) ORS 339.071   OAR 581-021-0050
ORS 339.030   ORS 339.250   OAR 581-023-0006(11)
ORS 339.055   ORS 339.420

¹The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below (this bracketed language is required for public charter schools that serve students in grades K-8), is limited to:
1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator’s observation or upon a report from an employee, the student’s conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.
Truancy

Truancy is defined as absence from school without permission.

The public charter school believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

With these beliefs in mind, the public charter school will develop procedures that foster a partnership with parents in the early detection of truancy, related counseling and appropriate consequences.

END OF POLICY

Legal Reference(s):

ORS 338.115(2)
ORS 339.040 to -339.090
ORS 339.240
ORS 339.250
OAR 581-021-0050 to-0075

1Expulsion may not be used to address truancy. (ORS 339.250(2)(b)(B))
Student Rights and Responsibilities**

The public charter school board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with these rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

1. Civil rights — including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others;

2. Once admitted, the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;

3. The right to due process of law with respect to suspension, expulsion and decisions which the student believes injure his/her rights;

4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;

5. The right to privacy, which includes privacy with respect to the student’s education records.

Students have the right to know the behavior standards expected of them as well as to know the consequences of misbehavior.

Students’ rights and responsibilities, including standards of conduct, will be made available to students, their parents and employees through information distributed annually.

END OF POLICY

Legal Reference(s):

ORS 322.061  ORS 339.240  ORS 339.250  OAR 581-021-0045
ORS 332.072  ORS 339.250  OAR 581-021-0046
ORS 337.150  OAR 659.850  OAR 581-021-0050 to -0075
ORS 338.115(a)  OAR 659.865  OAR 581-022-1140
ORS 339.155


Cross Reference(s):

JFC - Student Conduct
Student Conduct**

The public charter school board expects student conduct to contribute to a productive learning climate. Students shall comply with the public charter school’s written rules, pursue the prescribed course of study, submit to the lawful authority of public charter school staff and conduct themselves in an orderly manner at the public charter school during the school day or during public charter school-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one’s actions and maintain a productive learning environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A student handbook, code of conduct or other document shall be developed by the public charter school administration and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct, as required by the No Child Left Behind Act of 2001 (NCLBA). In addition, the public charter school shall publish a student/parent handbook detailing additional rules specific to that school.

Students in violation of public charter school board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the public charter school and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others. Students may be denied participation in extracurricular activities. Titles and/or privileges available to, or granted to, students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

The public charter school will annually record and report expulsion data for conduct violations to their sponsoring district as required by the Oregon Department of Education.

END OF POLICY
Legal Reference(s):

ORS 338.115  OAR 581-021-0060(2)
ORS 659.850  OAR 581-021-0061

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Cross Reference(s):

JF/JFA - Student Rights and Responsibilities
Personal Electronic Devices and Social Media**
(Student may possess a personal electronic device with certain restrictions)

Student possession or use of personal electronic devices on public charter school property, in public charter school facilities during the school day and while the student is in attendance at public charter school-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent.

A “personal electronic device (PED)” is a device that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

“Independent communication” means communication that does not require assistance or interpretation by an individual who is not part of the communication but that may require the use or assistance of an electronic device.

Personal electronic devices shall be turned off during instructional or class time, during passing times between classes or at any other time where such use of the device would cause a disruption of school activities. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on public charter school property or while a student is engaged in public charter school-sponsored activities, unless as expressly authorized in advance by the principal or designee. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities and independent communications.

If the public charter school implements a curriculum that uses technology, students may be allowed to use their own personal electronic devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices, for curriculum.

A process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied, will be provided.

The public charter school will not be liable for personal electronic devices brought to public charter school property and public charter school-sponsored activities.

Students may not access social media websites using public charter school equipment, while on public charter school property or at public charter school-sponsored activities unless the access is approved by a public charter school representative. The public charter school will not be liable for information or comments posted by students on social media websites.
Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with prior principal or designee approval or when use is provided for in a student’s individualized education program (IEP).

Students are subject to disciplinary action up to and including expulsion for using a personal electronic device in any manner that is academically dishonest, illegal or violates the terms of this policy\(^1\). A referral to law enforcement officials may also be made. Personal electronic devices brought to public charter school property or used in violation of this policy are subject to confiscation and will be released to the student’s parent or property owner, as appropriate.

The superintendent shall ensure that the Board’s policy and any subsequent school rules developed by building superintendents are reviewed and approved in advance to ensure consistency with this policy and that pertinent provisions of policy and school rules are communicated to staff, students and parents through building handbooks and other means.

END OF POLICY

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Legal Reference(s):

ORS 336.840
ORS 338.115


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\(^1\)The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.
Eddyville Charter School

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/
Teen Dating Violence/Domestic Violence – Student**

The Board, in its commitment to providing a positive and productive learning environment, will consult
with parents/guardians, employees, volunteers, students, superintendents and community representatives in
developing this policy compliance with applicable Oregon Revised Statutes. Hazing, harassment,
imimidation or bullying, menacing and acts of cyberbullying by students, staff and third parties toward
students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited. Retaliation
against any person who reports, is thought to have reported, files a complaint or otherwise participates in
an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious
offense and will result in disciplinary action or other appropriate sanctions.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and
including expulsion. The public charter school may also file a request with the Oregon Department of
Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15
years of age or older who has been suspended or expelled at least twice for menacing another student or
employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or
coercion. Students may also be referred to law enforcement officials.

The superintendent is responsible for ensuring that this policy is implemented.

Definitions

“Public charter school” includes public charter school facilities, public charter school premises and non-
public charter school property if the student is at any public charter school-sponsored, public charter
school-approved or public charter school-related activity or function, such as field trips or athletic events
where students are under the control of the public charter school.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service
contractors or others engaged in public charter school business, such as employees of businesses or
organizations participating in cooperative work programs with the public charter school and others not
directly subject to public charter school control at inter-public charter school and intra-public charter
school athletic competitions or other school events.

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental
health, physical health or safety of a student for the purpose of initiation or as a condition or precondition
of attaining membership in, or affiliation with, any public charter school-sponsored activity or grade level
attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink,
alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged
exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the
mental or physical health or safety of a student); requires, encourages, authorizes or permits another to be
subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be
performed or other such activities intended to degrade or humiliate. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to public charter school grounds, at any public charter school-sponsored activity, on public charter school-provided transportation or at any official public charter school bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse by one or more of the following acts between family and household members:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;

1“Sexual 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 behaviors differs from that traditionally associated with the individual’s sex at birth.

2“Family or household members” means any of the following:
1. Spouses;
2. Former spouses;
3. Adult persons related by blood, marriage or adoption;
4. Persons who are cohabiting or who have cohabited with each other;
5. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under Oregon Revised Statute 107.710;
6. Unmarried parents of a child.
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;

3. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means harassment, intimidation or bullying, teen dating violence and acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of harassment, intimidation or bullying and acts of cyberbullying, teen dating violence or retaliation.

“Menacing” includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

**Reporting**

Superintendent will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the superintendent who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on public charter school property, at a public charter school-sponsored activity or in a public charter school vehicle or vehicle used for transporting students to a public charter school activity shall immediately report the incident to the superintendent. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyberbullying to superintendent may subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated or bullied, menaced, a victim of teen dating violence and acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the superintendent who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report his/her concerns to the superintendent who has overall responsibility for all investigations.

This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate public charter school official.

Complaints against the superintendent shall be filed with the Board chair.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken. The complainant may request that the superintendent review the actions taken in the initial investigation, in accordance with administrative regulations.

The public charter school shall incorporate into existing training programs for students and staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying.
The public charter school shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.

The public charter school shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence and acts of cyberbullying.

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school and district website, and school and public charter school office and the development of administrative regulations, including reporting and investigative procedures.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by the ODE.

END OF POLICY

Legal Reference(s):

ORS 163.190  ORS 339.240  ORS 581-021-0045
ORS 166.065  ORS 339.250  ORS 581-021-0046
ORS 166.155 to -166.165  ORS 339.254  ORS 581-021-0055
ORS 174.100(7)  ORS 339.351 to -339.366  ORS 581-022-1140
ORS 332.072


Cross Reference(s):

GBN/JBA - Sexual Harassment
JBA/GBN - Sexual Harassment
JFCM - Threats of Violence
Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/
Teen Dating Violence Complaint Procedures – Student

The superintendent has responsibility for investigations concerning hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying and incidents of teen dating violence. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

Step 1 Any hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying and incidents of teen dating violence information (complaints, rumors, etc.) shall be presented to the superintendent. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The public charter school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The public charter school official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Documentation related to the incident may be maintained as a part of the student’s education records. Additionally, a copy of all harassment, intimidation or bullying, acts of cyberbullying and incidents of teen dating violence complaints and documentation will be maintained as a confidential file in the public charter school office.
Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**

Student substance abuse, possession, use, distribution or sale of tobacco products or inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any public charter school grounds, including parking lots, or while participating in public charter school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near public charter school grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on public charter school grounds, at public charter school-sponsored activities or otherwise while the student was under the jurisdiction of the public charter school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health-care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all public charter school grounds, including parking lots, at public charter school-sponsored activities and in public charter school vehicles.

Any person under age 18 possessing a tobacco or inhalant delivery system product is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 18 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, an “unlawful drug” also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of school property is a Class A felony, as provided by ORS 475.904.

END OF POLICY
Legal Reference(s):

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Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems**

It is the public charter school’s obligation to protect the health, welfare and safety of students. To be consistent with Oregon law and the school’s curriculum, student possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form on or off public charter school premises, at public charter school-sponsored activities, on all school grounds, including parking lots, in public charter school-owned, rented or leased vehicles or otherwise, or while a student is under the jurisdiction of the public charter school is prohibited.

The use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on public charter school premises, in any building or facility, on school grounds, including parking lots, in any vehicle owned, rented or chartered by the school and at all school-sponsored activities.

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include USFDA-approved tobacco products or therapy products used for the purpose of cessation.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include USFDA-approved tobacco products or other therapy products marked and sold solely for the approved purpose.

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a student with disabilities, the public charter school must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination and an interim alternative educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the public charter school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the public charter school superintendent, attendance and completion of such programs or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.
Violation of this policy by nonstudents may result in the individual’s removal from public charter school property. The public charter school reserves the right to restrict access to public charter school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

ORS 167.440  ORS 339.883  OAR 581-021-0110
ORS 336.222  ORS 431.840  OAR 581-053-0230(9)(s)
ORS 336.227  ORS 433.835 to -433.990  OAR 581-053-0330(1)(m)
ORS 338.115(w)  ORS 581-053-0430(12)
ORS 339.240  OAR 581-021-0050 to -0075  OAR 581-053-0531(11)
ORS 339.230  OAR 581-022-0413  OAR 581-053-0630


Cross Reference(s):

GBK/JFCG/KGC - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems
KGC/GBK/JFCG - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems
**Weapons in the Schools**

Students shall not bring, possess, conceal or use a weapon on or at public charter school property, activities under the jurisdiction of the public charter school or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. A "dangerous weapon" means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;

2. A "deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;

3. A "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any destructive device;

4. A "destructive device" means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by public charter school board policy. Exceptions to the public charter school's replicas prohibition may be granted only with prior public charter school superintendent approval for certain curriculum or public charter school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to a public charter school superintendent, his or her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform the superintendent.
The public charter school superintendent shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to the superintendent.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The public charter school superintendent may, on a case-by-case basis, modify this expulsion requirement. The public charter school may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA/JGEA - Discipline of Students with Disabilities, and accompanying administrative regulation.

Weapons under the control of law enforcement personnel are permitted. The public charter school superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the public charter school and conducted on public charter school property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The public charter school may post a notice at any site or premise off public charter school grounds that at the time is being used exclusively for a public charter school program or activity. The notice shall identify the public charter school as the sponsor, the activity as a public charter school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds, including public charter schools.

“Gun-Free School Zone” signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise accepted by law or this policy, shall be reported to the appropriate law enforcement agency.

The superintendent has the authority to approve purchase of ammunition for use by the marksmanship team for practice and competitions.

END OF POLICY
Legal Reference(s):

<table>
<thead>
<tr>
<th>ORS 161.015</th>
<th>ORS 339.315</th>
<th>OAR 581-053-0010(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORS 166.210 - 166.370</td>
<td>ORS 339.327</td>
<td>OAR 581-053-0230(9)(k)</td>
</tr>
<tr>
<td>ORS 166.382</td>
<td>ORS 809.135</td>
<td>OAR 581-053-0330(1)(i)</td>
</tr>
<tr>
<td>ORS 338.115(a)(j)</td>
<td>ORS 809.260</td>
<td>OAR 581-053-0430(17)</td>
</tr>
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<td>ORS 339.115</td>
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<td>OAR 581-053-0531(16)</td>
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<tr>
<td>ORS 339.240</td>
<td>OAR 581-021-0050 to -0075</td>
<td>OAR 581-053-0630</td>
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<td>ORS 339.250</td>
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Cross Reference(s):

JFCM - Threats of Violence
JGDA/JGEA - Discipline of Students with Disabilities
Threats of Violence**

The public charter school board is committed to promoting healthy relationships and a safe learning environment. To this end, student threats of harm to self or others, threatening behavior or acts of violence, including threats to severely damage public charter school property, shall not be tolerated on public charter school property or at activities under the jurisdiction of the public charter school.

Students shall be instructed of the responsibility to inform a teacher, counselor or superintendent regarding any information or knowledge relevant to conduct prohibited by this policy. Parents and others will be encouraged to report such information to the public charter school. Staff shall immediately notify the superintendent of any threat, threatening behavior or act of violence he or she has knowledge of, has witnessed or received. All reports will be promptly investigated.

Students found in violation of this policy shall be subject to discipline up to and including expulsion. A referral to law enforcement shall be made for any infraction involving a student bringing, possessing, concealing or using a weapon or destructive device as prohibited by state and federal law and public charter school board policy.

The public charter school superintendent shall, in determining appropriate disciplinary action, consider:

1. Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage public charter school property;

2. Placing the student in a setting where the behavior will receive immediate attention from an superintendent, counselor, licensed mental health professional or others;

3. Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting.

The public charter school superintendent shall ensure notification is provided to:

1. The parent of any student in violation of this policy and the disciplinary action imposed;

2. The parent of a student, when the student’s name appears on a targeted list that threatens violence or harm to the students on the list, or when threats of violence or harm to the student are made by another student;

3. Any school employee whose name appears on a targeted list threatening violence or harm to the public charter school employee and when threats of violence or harm are made by a student or others.

Threats of Violence** - JFCM 1-2
Notification to the above shall be attempted by telephone or in person within 12 hours of discovery of a targeted list or learning of a threat. Regardless, a written follow-up notification shall be sent within 24 hours of discovery of a targeted list or learning of a threat.

The public charter school superintendent will provide necessary information regarding threats of violence to law enforcement, child protective services and health-care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, he or she may provide such information to other school officials, including teachers, within the public charter school who have a legitimate educational interest in the student(s) consistent with state and federal education records laws. “Legitimate educational interest” means a licensed staff member having the student in class, the student’s counselor or other licensed or nonlicensed staff due to special referral or participating in staffing, programming or case review of a specifically named student.

The public charter school may enter into contracts with licensed mental health professionals to perform student evaluations. Funds for evaluations or other disciplinary options as may be required by law and this policy shall be provided by the public charter school.

As a part of the public charter school’s proactive safety efforts, the public charter school superintendent will plan staff development activities designed to alert staff to early warning signs of possible violent behavior. Students so identified shall be referred to a counselor, licensed mental health professional and/or multidisciplinary team for evaluation and follow-up as appropriate.

END OF POLICY

Legal Reference(s):

ORS 161.015
ORS 166.210 - 166.370
ORS 339.115(j)
ORS 339.240
ORS 339.250
ORS 809.060
ORS 809.260
ORS 339.327
OAR 581-053-0010(5)
OAR 581-053-0050 to -0075
OAR 581-053-0230(9)(k)
OAR 581-053-0330(1)(r)
OAR 581-053-0430(17)
OAR 581-053-0531(16)
OAR 581-053-0630


Cross Reference(s):

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff
JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/
Teen Dating Violence/Domestic Violence – Student
JFCJ - Weapons in the Schools

Threats of Violence** - JFCM
2-2
Student Searches**

The Board seeks to ensure a learning environment which protects the health, safety and welfare of students and staff. To assist the Board in attaining these goals, school officials may, subject to the requirements below, search a student’s person and property, including property assigned by the public charter school for the student’s use. Such searches may be conducted at any time on public charter school property or when the student is under the jurisdiction of the public charter school at school-sponsored activities.

All student searches conducted by the public charter school shall be subject to the following requirements:

1. The school official shall have individualized, “reasonable suspicion” based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses an immediate risk or serious harm to the student, school officials and/or others at the school;

2. The search shall be “reasonable in scope.” That is, the measures used are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and the area(s) which could contain the item(s) sought and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

Routine inspections of public charter school property assigned to students may be conducted at any time.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the superintendent.

School officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Students may be searched by law enforcement officials on public charter school property or when the student is under the jurisdiction of the public charter school. Law enforcement searches ordinarily shall be based upon a warrant. School officials will attempt to notify the student’s parent(s) in advance and will be present for all such searches, whenever possible.

The administrator shall develop an administrative regulation for implementing this policy in a manner which protects students’ rights and provides a safe learning environment without unreasonable interference. Provisions for staff, student and parent notice of the Board’s policy and accompanying regulation shall be included.

END OF POLICY
Legal Reference(s):

ORS 338.115

OAR 581-021-0050 to -0075


Cross Reference(s):

KN - Relations with Law Enforcement Agencies
Student Searches**

1. Definitions

   a. "Reasonable suspicion" is based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.

      (1) "Past experience" may provide the school official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.

      (2) "Credible information from another person" may include information which the school official reasonably believes to be true provided by another school employee, a student, a law enforcement or other government official or some other person.

   b. "Reasonable in scope" means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

2. Routine Inspection of Public Charter School Property Assigned to Students

   a. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the public charter school, remain in the possession of the public charter school and are under the control of the administrator. Students have no expectation of privacy regarding these items/areas.

   b. Students may use public charter school-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.

   c. Students shall be provided notification that public charter school-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:

      (1) Ensure that no item which is prohibited on public charter school premises is present;
      (2) Ensure maintenance of proper sanitation;
      (3) Ensure mechanical condition and safety;
      (4) Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the public charter school.
3. Voluntary Consent

When a school official has the requisite justification to search either a particular public charter school-owned storage area assigned to a student or the clothing or the personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the item(s) sought. Before making a search, the official should ordinarily ask for the student’s voluntary consent by requesting the student to empty the contents of the storage area, clothing or personal property. If the student refuses consent for his/her personal property, the official may elect to contact the student’s parents to obtain consent for the search of personal property.

4. Search Procedures

a. With the requisite justification, a school official may search an individual student, a public charter school-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.

b. All searches of a student or a student’s personal property shall be based on the required reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A “strip search,” requiring a student to remove clothing down to the student’s underwear or including underwear is prohibited by the public charter school.

c. Searches will generally be conducted by an administrator or by other school personnel only as authorized by the superintendent. In certain circumstances an administrator may be assisted by a law enforcement official(s).

d. The student will generally be permitted to be present during a search of a public charter school-owned storage area assigned to the student or during a search of the student’s personal property. The student’s presence is not required, however.

e. Search of a student’s clothing will be limited to the student’s “outer clothing” only. “Outer clothing” means the student’s coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.

f. Searches of a student’s outer clothing will be conducted by a school official of the same sex as the student.

g. Where the object of the search may be felt by a “pat down” of clothing or personal property, the school official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.

h. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student.

i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.

5. Other Searches

a. Student vehicles may be parked on public charter school property on the condition that the student and his/her parent(s) allow the vehicle and its contents, upon reasonable suspicion/risk of immediate serious harm, to be examined.

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1Consult with legal counsel prior to implementing procedures in this section, modifying as appropriate to meet local needs.
If a student or parent(s) refuses to allow access to a vehicle when requested under the circumstances described above, the student’s privilege of bringing a vehicle onto public charter school property will be terminated. Law enforcement officials may be notified.

b. Metal detectors, including walk-through and hand-held devices, may be used when the superintendent determines that there is a need for such detectors based upon reasonable information of a history of:

(1) Weapons or dangerous objects found at school, on public charter school property, at a school function or in the vicinity of the school; or
(2) Incidents of violence involving weapons at a school, on public charter school property, at a school function or in the vicinity of the school.

Upon positive detection, a student will be asked to voluntarily remove the metal item. If the student refuses consent, the student will be held (will not be allowed further entrance into the building) and any personal property will be seized and secured while the parent(s) and law enforcement officials are summoned.

c. Drug-detection dogs may be used when the superintendent determines that there is a need for use of such dogs based upon reasonable information of a history of:

(1) Drugs and/or drug paraphernalia use/possession at school, on public charter school property, at a school function or in the vicinity of the school; or
(2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at a school, on public charter school property, at a school function or in the vicinity of the school.

After such need has been determined, drug-detection dogs may be used to sniff out contraband in public charter school-owned storage areas or in student vehicles parked on public charter school property upon reasonable suspicion to believe that contraband is in the area or vehicle. Drug-detection dogs will not be used for general or “dragnet” searches.

d. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the public charter school unless specifically authorized by the Board as part of its athlete drug-testing program.

e. The public charter school may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, he/she will be detained and parents will be contacted to come and take the student home.

6. Discipline

a. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:

(1) Seizure of the material:

(a) Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the public charter school as deemed appropriate by the administrator;

(b) Stolen property will be returned to its rightful owner;

Student Searches** - JFG-AR
3-5
(c) Unclaimed property may be disposed of in accordance with Board policy DN - Disposal of Public Charter School Property.

(2) Discipline up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or Board policy.

7. Documentation

a. Administrators shall document all searches.
b. Documentation shall consist of the following:

(1) Name, age and sex of student;
(2) Date, time and location of search;
(3) Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
(4) Description of the object(s) of the search;
(5) Type/Scope of search (areas/items searched);
(6) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
(7) Name of the witness to the search;
(8) Name of the school official conducting the search;
(9) Contacts with law enforcement and name/position of the contact(s).

c. Documentation will be maintained as a part of the student’s education records and retained in accordance with applicable Oregon Administrative Rules governing records’ retention.

8. Notice

Notice of the Board’s policy and this administrative regulation will be provided to staff, students and their parent(s) annually, through staff and student/parent handbooks.

9. Cooperation with Law Enforcement Officials

a. Administrators will meet with law enforcement officials annually to review:

(1) Official contact protocols;
(2) Applicable Board policies and administrative regulations;
(3) Circumstances in which the public charter school will generally be requesting local law enforcement involvement in student searches and suspected crimes;
(4) Handling searches and evidence when involving law enforcement officials.
STUDENT SEARCH FORM

1. Name, age and sex of student: ____________________________________________

2. Date, time and location of search: _________________________________________

3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, his/her person or property or property assigned by the public charter school for student use, would turn up evidence of some item that posed a risk of immediate and serious harm to the student, school officials and/or others at the school? Describe.

4. Describe areas and items searched: _________________________________________

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Why or why not? Explain and include name(s)/position(s) of law enforcement contacts.

6. Was discipline imposed? Why or why not? __________________________________

7. Name and title/position of the witness to the search: _______________________

8. Name and title/position of school official conducting the search: ______________

________________________________________  ____________  __________________________________________  ____________
Signature of Witness  Date  Signature of School Official Conducting Search  Date
Corporal Punishment**

The use of corporal punishment in any form is strictly prohibited in the public charter school. No student will be subject to the infliction of corporal punishment.

Corporal punishment is defined as the willful infliction of, or willfully causing the infliction of, physical pain.

No teacher, superintendent, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under his or her supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or public charter school official.

A staff member is authorized to employ physical force when, in his/her professional judgment, the physical force is necessary to prevent a student from harming self, others or doing harm to public charter property. Physical force shall not be used to discipline or punish a student. The public charter school shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

ORS 161.205
ORS 338.115(o)
ORS 339.240
ORS 339.250
ORS 339.250
OAR 581-021-0050 to -0075
OAR 584-020-0040

Cross Reference(s):

JGAB - Use of Restraint and Seclusion
Use of Restraint and Seclusion

The Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of physical restraint and/or seclusion as an intervention with public charter school students.

Definitions

1. “Physical restraint” means the restriction of a student’s movement by one or more persons holding the student or applying physical pressure upon the student. “Physical restraint” does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of “physical restraint” does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.

2. “Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

Seclusion does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control, in a setting from which the student is not physically prevented from leaving.

3. “Serious bodily injury” means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

4. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

Mechanical restraint does not include:

a. A protective or stabilizing device ordered by a licensed physician; or
b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

5. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional’s scope of practice.

6. “Prone restraint” means a restraint in which a student is held face down on the floor.
The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the public charter schools designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint or seclusion may also be used by a school superintendent, teacher or other school employee as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student’s behavior poses a threat of imminent, serious physical harm to themselves, or to others. Any student being restrained or secluded within the scope of the public charter school program whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in OAR 581-021-0568.

The public charter school shall utilize the Crisis Prevention Intervention Training Program of physical restraint and seclusion for use by the public charter school staff. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the public charter school must be in compliance with state and federal law with respect to the use of physical restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with public charter school policies and procedures. The results of the annual review shall be documented and shall include at a minimum:

1. The total number of incidents of physical restraint;
2. The total number of incidents of seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of student placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
7. The total number of students placed in physical restraint and/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the public charter school to decrease the use of physical restraint and seclusion for each student;
8. The total number of physical restraint and seclusion incidents carried out by untrained individuals;
9. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed;

Use of Restraint and Seclusion - JGAB
2-3
10. The total number of rooms available for use by the public charter school for seclusion of a student and a description of the dimensions and design of the rooms.

This report shall be made available to the Board and to the public at the public charter school’s main office and on the public charter school website.

At least once each school year the public shall be notified as to how to access the report.

The public charter school shall investigate all complaints regarding the use of physical restraint or seclusion practices according to the procedures outlined in Board policy KL and KL-AR - Public Complaints.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting and written documentation of the use of physical restraint or seclusion by public charter school personnel.

END OF POLICY

Legal Reference(s):

ORS 581-021-0563

Cross Reference(s):

JGA - Corporal Punishment
JGDA/JGEA - Discipline of Students with Disabilities
Use of Restraint and Seclusion

General Guidelines

1. Parents will be provided verbal or electronic notification by the school staff following the use of physical restraint or seclusion by the end of the day on which the incident occurred.

2. Parents will be provided written documentation of the incident within 24 hours that provides:
   a. A description of the physical restraint or seclusion;
   b. The date of the physical restraint or seclusion;
   c. The time the physical restraint or seclusion began and ended, and the location;
   d. A description of the student’s activity that prompted the use of physical restraint or seclusion;
   e. The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
   f. The names of personnel of the public education program who administered the physical restraint or seclusion;
   g. A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
   h. Timely notification of a debriefing meeting to be held and of the parent’s or guardian’s right to attend the meeting.

3. If the physical restraint or seclusion was administered by a person without training, the public charter school will provide that information along with the reason why a person without training administered the physical restraint or seclusion.

4. An administrator will be notified as soon as practicable whenever physical restraint or seclusion has been used.

5. If physical restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If physical restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued. Whenever physical restraint or seclusion extends beyond 30 minutes, personnel of the public charter school will immediately attempt to verbally or electronically notify a parent.

6. A Physical Restraint and/or Seclusion Incident Report form must be completed and copies provided to those attending the debriefing meeting for review and comment.
7. A documented debriefing meeting must be held within two school days after the use of physical restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

The completed Physical Restraint and/or Seclusion Incident Report Form shall include the following:

1. Name of the student;
2. Name of staff member(s) administering the physical restraint or seclusion;
3. Date of the physical restraint or seclusion and the time the physical restraint or seclusion began and ended;
4. Location of the physical restraint or seclusion;
5. A description of the physical restraint or seclusion;
6. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
7. Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;
8. Information documenting parent contact and notification; and
9. A summary of the debriefing meeting held.

Physical restraint or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained personnel, including a behavioral specialist and a public charter school representative who is familiar with the physical restraint training practices adopted by the public charter school.
3. Prior to the implementation of any behavioral support plan that includes physical restraint or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. When a behavior support plan includes physical restraint or seclusion the parents may be provided a copy of the public charter school Use of Restraint and Seclusion policy at the time the plan is developed.
Use of physical restraint or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming his/herself, other students or school staff.

Use of physical restraint or seclusion under these circumstances with a student who does not have physical restraint or seclusion as a part of their IEP or Section 504 plan is subject to all of the requirements established by this administrative regulation with the exception of those specific to plans developed in an IEP or Section 504 plan.
Suspension**

The Board authorizes student suspension for one or more of the following reasons:

1. Willful violation of Board policies, administrative regulations or school rules;
2. Willful conduct which materially and substantially disrupts the rights of others to an education;
3. Willful conduct which endangers the student, other students or staff members;
4. Willful conduct which damages or injures public charter school property.

Students and parents are given notice of possible discipline actions result from student misconduct that may result in suspension in the Student/Parent Handbook made available by the public charter school.

Each suspension will include a statement of the reasons for suspension, the length of the suspension and a plan for readmission and may include a plan for the student to make up school work. No suspension shall extend beyond 10 school days. The public charter school may require a student to attend school during nonschool hours as an alternative to suspension. Every reasonable and prompt effort must be made to notify the parents of suspended students.

In emergency situations that are a result of risk to health and safety, the public charter school may postpone the suspension notice process above until the emergency condition has passed.

Students who are suspended may not attend after-school activities and athletic events, be present on public charter school property without a parent or participate in activities directed or sponsored by the public charter school.

Suspensions may be appealed to the Board.

END OF POLICY

Legal Reference(s):
ORS 338.115(j)   OAR 581-021-0050   OAR 581-021-0075
ORS 339.240   OAR 581-021-0065
Discipline of Students with Disabilities**

When considering student disciplinary procedures that may result in removal of the student, the public charter school follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

1. The student is receiving IEP services; or

2. The student has not yet been identified as a student with a disability but the public charter school had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the district\(^1\) may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when the removal is for more than 10 consecutive school days, or the removal is for more than 10 cumulative school days and constitutes a pattern of removals. When considering whether to order a disciplinary change of placement the district may consider any unique circumstances on a case-by-case basis. Any decision to initiate a disciplinary change in placement requires a determination of whether the conduct leading to the disciplinary removal was caused by, or was substantially related to, the student’s disability or was a direct result of the district’s failure to implement the student’s IEP.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the district may remove a student with a disability from the student’s current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student’s disability. This removal is considered a change in placement.

The district will provide educational services to a student who is suspended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

END OF POLICY

\(^1\)“District,” for the purpose of this policy, means the district in which the public charter school is located.
Legal Reference(s):

ORS 326.565
ORS 326.575
ORS 336.187
ORS 338.115(a)
ORS 339.240
ORS 339.250
ORS 339.252
ORS 343.177
OAR 581-015-2400
OAR 581-015-2405
OAR 581-015-2410


Cross Reference(s):

JFCJ - Weapons in the Schools
JGAB - Use of Restraint and Seclusion
Discipline of Students with Disabilities**

1. Definition

a. The district\(^1\) applies the following definitions when considering disciplinary action:

   (1) "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.

   (2) "Current educational placement" means the type of educational placement of the student as described in the student’s "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.

   (3) "Disciplinary removal" means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:

      (a) Removals by other agencies;
      (b) Removals for public health reasons (e.g., head lice, immunizations, communicable diseases, etc.);
      (c) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s IEP, and continues to participate with nondisabled students to the extent they would in their current placement; or
      (d) Bus suspensions, unless the student’s IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

b. "Functional behavioral assessment" means an individualized assessment of the student that results in a team hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.

c. "Suspension" means any disciplinary removal other than expulsion.

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\(^{1}\) "District," for the purpose of this administrative regulation, means the district in which the public charter school is located.
2. Disciplinary Change of Placement
   a. Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when:
      (1) The removal is for more than 10 consecutive school days; or
      (2) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
   b. The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

3. Manifestation Determination
   a. Within 10 days of any decision to initiate a disciplinary change in placement of a student with a disability, the district convenes a manifestation determination meeting.
   b. The district follows all required special education procedures for determining whether a student’s conduct that led to a disciplinary removal from the public charter school was caused by, or had a substantial relationship to, the student’s disability or was a direct result of the district’s failure to implement the student’s IEP.

4. Disciplinary Removals for up to 10 School Days
   a. The district may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
   b. During disciplinary removals for up to 10 school days:
      (1) The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
      (2) The district is not required to determine whether the student’s behavior resulting in the disciplinary removal is a manifestation of the student’s disability.
      (3) The district counts days of suspension for the purposes of procedural safeguards as follows:
         (a) Suspensions of a half day or less will be counted as a half day; and
         (b) Suspensions of more than a half day will be counted as a whole day;
         (c) If a student moves from another district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.
5. **Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal**
   
   a. The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
   
   b. In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, public charter and district school personnel will consider, on a case by case basis:
      
      (1) Whether the behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
      
      (2) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
   
   c. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
      
      (1) Continue to participate in the general education curriculum;
      
      (2) Progress toward achieving the goals in the student’s IEP; and
      
      (3) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student’s teachers, or by the student’s IEP team.
   
   d. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.

6. **Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances**

   a. The district may remove a student with a disability from the student’s current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student’s disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.

   b. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
      
      (1) “Drug” means an illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or otherwise legally possessed. It does not include alcohol or tobacco;

      (2) “Drug violation” means the use, possession, sale or solicitation of drugs at school or a school function;
(3) "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction of ODE or public charter school or district;

(4) "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty;

(5) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length;

(6) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

c. On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the resident district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.

d. Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:

(1) Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and

(2) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.

7. Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior

a. The district may request an expedited due process hearing to obtain an administrative law judge's order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.

b. The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.

8. Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

a. Is determined by the student's IEP; and

b. Enables the student to:

(1) Continue to participate in the general curriculum, although in another setting;

(2) Progress toward achieving the goals in the student's IEP; and
(3) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

9. **Placement Pending Appeal**

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

10. **Conduct and Outcome of a Manifestation Determination**

a. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.

b. The team that determines whether a student’s behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student’s disability or was a direct result of the district’s, failure to implement the student’s IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.

(1) The team reviews all relevant student information, including the student’s IEP, teacher observations and information provided by the parent.

(2) The team concludes that the conduct in question is a manifestation of the student’s disability if it determines the behavior was caused by, or had a substantial relationship to, the child’s disability, or if it was the direct result of the district’s, failure to implement the IEP.

c. If the team determines that the district did not implement the student’s IEP or identifies other deficiencies in the student’s IEP or placement, the district corrects the identified deficiencies immediately.

d. Regardless of whether the behavior was a manifestation of the student’s disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.

e. When behavior is a manifestation of disability:

If the team concludes that the behavior was a manifestation of the student’s disability:

(1) The district will not proceed with a disciplinary removal for more than 10 days.

(2) The district conducts a functional behavioral assessment and develops a behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.

(3) The district may review and revise the student’s IEP and placement through normal IEP and placement processes.

Discipline of Students with Disabilities** - JGDA/JGEA-AR 5-7
(4) The district may enter into an agreement with the parent to change the student’s placement as part of the modification of the behavioral intervention plan.

(5) If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district may appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

f. When behavior is not a manifestation of disability.

If the IEP team determines that the student’s behavior is not a manifestation of the student’s disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:

(6) Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
(7) Gives the parent(s) prior written notice of any proposed change in placement;
(8) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
(9) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

10. Protections for Students not yet Eligible for Special Education

a. The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.

b. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:

(1) The student’s parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
(2) The student’s parent(s) requested a special education evaluation of the student; or
(3) The student’s teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district’s, special education director or other district supervisory personnel.

c. The district is not presumed to have knowledge of a disability if:

(1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
(2) The student has been evaluated and found not eligible for special education services.
If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:

(1) If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.

(2) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.

(3) Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.

(4) The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.
Expulsion**

A public charter school administrator, after reviewing available information, may recommend to the Board that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the students’ parents, or the student if 18 years of age, waives 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\(^1\) or by certified mail\(^2\) at least five days prior to the scheduled hearing. Notice shall include:
   a. The specific charge or charges;
   b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
   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 Board may expel, or delegate the authority to decide on an expulsion to the public charter school administrator, who may also act as the hearings officer. The Board may contract with an individual who is not employed by the public charter school to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not be associated with the initial actions of the public charter school administrators;

3. Expulsion hearings will be conducted in private and will not be open to the general public, unless the student or the students’ parents request otherwise;

4. 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;

5. The student shall be permitted to have a representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The public charter school’s attorney may be present;

\(^1\)The person serving the notice shall file a return of service. (OAR 581-021-0070)

\(^2\)When “certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing.” (OAR 581-021-0070)
6. The student shall be afforded the right to present his/her version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;

7. The student shall be permitted to be present and to hear the evidence presented by the public charter school;

8. The hearings officer or the student may record the hearing;

9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer’s control of the hearing;

10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. 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. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer’s recommended decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students’ parents at the same time. Following the review by the Board of the hearings officer’s recommendation, the Board will make the final decision regarding the expulsion;

11. If the Board has delegated authority to the administrator or designee to act as the hearings officer, the administrator may designate him or herself, or a third party, as the hearings officer. The hearings officer’s decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the public charter school board for review. If the decision of the hearings officer is appealed to the Board for review, the findings of fact and the hearings officer’s decision will be submitted to the Board, and will be available in identical form to the Board, the student if age 18 or over and the student’s parents at the same time. At its next regular or special meeting the Board will review the hearings officer’s decision and will affirm, modify or reverse the decision;

12. A 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 Board or a private hearing held by the hearings officer, the following will not be made public:

a. The name of the minor student;
b. The issues involved, including a student’s confidential medical record and that student’s educational program;
c. The discussion;
d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the public charter school must notify the resident district of the student of the impending expulsion.

END OF POLICY
Legal Reference(s):
ORS 192.660
ORS 332.061
ORS 336.615 to 336.665
ORS 338.115(j)
ORS 339.115
ORS 339.240
ORS 339.250
OAR 581-021-0050
OAR 581-021-0070
OAR 581-021-0071

Expulsion** - JGE
3-3
Students - HIV, HBV and AIDS**

The public charter school will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS.

The public charter school recognizes a parent (student) has no obligation to inform the public charter school of an HIV, HBV or AIDS condition and that the student has a right to attend school. If the public charter school is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the information, who will give the information, how the information will be given and where and when the information will be given.

When informed of the infection, and with written permission from the parent (student), the public charter school will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student’s condition.

Notification shall be made to a student’s resident district if the student with HIV, HBV or AIDS, withdraws from the public charter school.

END OF POLICY

Legal Reference(s):

ORS 326.565 ORS 339.030 OAR 333-018-0000
ORS 326.575 ORS 339.750 OAR 333-018-0005
ORS 322.061 ORS 433.008 OAR 581-022-0705
ORS 336.187 ORS 433.045 OAR 581-022-1660
ORS 338.115(w)

OREGON SCHOOL HEALTH SERVICES MANUAL: COMMUNICABLE DISEASES APPENDIX IV. GUIDELINES FOR SCHOOLS WITH CHILDREN WHO HAVE BLOODBORNE PATHOGENS, OREGON DEPARTMENT OF EDUCATION 2012.

1HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome
Nonprescription Medication**

The public charter school recognizes that administering of nonprescription medication to students and/or self-medication may be necessary when the failure to take such medication during school hours, would prevent the student from attending school. Consequently, students may be permitted to take nonprescription medication at school.

The public charter school reserves the right to reject a request to administer or allow self-administration of a nonprescription medication when such medication is not necessary for the student to remain in school.

A request to the public charter school to allow a student to self medicate with a nonprescription medication shall include written permission and instruction from a parent or guardian, and shall include an assurance from the parent or guardian that the student has received appropriate instruction for its use.

A request to the public charter school to administer a nonprescription medication shall include written permission and instruction from a parent or guardian.

The public charter school shall designate staff authorized to administer medication to students. Training shall be provided as required by law.

Nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district regulations governing administering noninjectable or injectable, or prescription or nonprescription medicines to students, including procedures for the disposal of sharps and glass.

This policy and administrative regulation shall not prohibit, in any way, the administration of recognized first aid to students by public charter school employees in accordance with established state law, Board policy and procedures.

The superintendent shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and for the implementation of this policy.

END OF POLICY

Legal Reference(s):

ORS 109.640
ORS 339.866 to -339.871
ORS 433.800 to -433.850

OAR 166-400-0010(17)
OAR 166-400-0060(29)
OAR 581-021-0037
OAR 581-022-0705

Cross Reference(s):

JHCDA - Prescription Medication
Prescription/Nonprescription Medication**/*

Students may, subject to the provisions of this regulation, have prescription or nonprescription medication administered by designated, trained staff. Self-medication by students will be permitted in accordance with this administrative regulation and state law.

1. Definitions

a. “Prescription medication” means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician; and bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. Prescription medication does not include dietary food supplements. As per Oregon Administrative Rule (OAR) 851-047-0030 through 851-047-0040, a registered nurse may administer subcutaneous injectable medication.

b. “Nonprescription medication” means only Food and Drug Administration approved, nonalcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eye, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatory, and antacids that do not require written or verbal instructions from a physician. Nonprescription medication does not include dietary food supplements.

c. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.

d. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS 433.800.

e. “Notice of a diagnoses of adrenal insufficiency” means written notice to the public charter school from the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s physician that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for followup care after medication to treat adrenal insufficiency crisis has been administered.

f. “Physician” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, a nurse practitioner with prescriptive authority licensed by the Oregon State Board of Nursing, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon or a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon.

A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.
g. “Student self-medication” means a student must be able to administer medication to himself/herself without requiring a trained staff member to assist in the administration of the medication.

h. “Age-appropriate guidelines” means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from parent or guardian, superintendent, and in the case of a prescription medication, a physician.

i. “Training” means yearly instruction, by a qualified trainer, to be provided to designated staff on the administration of prescription and nonprescription medication, based on requirements set out in guidelines approved by the Oregon Department of Education (ODE), including discussion of applicable public charter school policies, procedures and materials.

j. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a physician, or a pharmacist licensed by the State Board of Pharmacy for the state of Oregon.

k. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust.

l. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.

m. “Designated staff” means the staff person who is designated by the building principal to administer prescription or nonprescription medication.

2. Designated Staff/Training

a. The superintendent will designate trained staff authorized to administer prescription or nonprescription medication to students while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities. The superintendent or designee will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.

b. The superintendent will ensure the training required by law and Oregon Administrative Rules is provided. Training must be conducted by a qualified trainer.

c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, public charter school policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.

d. Training will be provided yearly to designated staff authorized to administer medication to students.

e. A copy of the public charter school policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.

f. A statement that the designated staff member has received the required training will be signed by the staff member and filed in the public charter school office.
3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated public charter school staff to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis may be treated by designated staff and shall be subject to the following:

   a. Upon notice of a diagnosis of adrenal insufficiency, as defined in OAR 581-021-0037, the superintendent will designate staff responsible for administering the medication to treat adrenal insufficiency;

   b. The designated staff will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health authority;

   c. The student’s parent or guardian must provide adequate supply of the student’s prescribed medication to the public charter school;

   d. The superintendent will require the development of an individualized health care plan for the student;

   e. In the event that a student experiences symptoms of adrenal crisis and the designated staff determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student’s parent or guardian.

5. Administering Medications to Students

   a. A request for trained designated staff to administer medication to a student may be approved by the public charter school and subject to the following:

      (1) A written request for the public charter school designated staff to administer prescription medication to a student, if because of the prescribed frequency for the medication, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities, must be submitted to the public charter school office and shall include:

         (a) The written signed permission of the parent or guardian;

         (b) The written instruction from the physician, physician assistant or nurse practitioner for the administration of the prescription medication to the student including:

             (i) Name of the student;

             (ii) Name of the medication;

             (iii) Method of administration;

             (iv) Dosage;

             (v) Frequency of administration; and
(vi) Other special instruction, if any.

The prescription label will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

(2) A written request for the public charter school to administer nonprescription medication must be submitted to the public charter school office and shall include:

(a) The written signed permission of the parent or guardian;
(b) The written instruction from the parent or guardian for the administration of the nonprescription medication to the student including:

(i) Name of the student;
(ii) Name of the medication;
(iii) Method of administration;
(iv) Dosage;
(v) Frequency of administration;
(vi) Other special instruction, if any.

b. Medication is to be submitted in its original container;
c. Medication is to be brought to and returned from the school by the parent;
d. It is the parent’s responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student’s need to take medication;
e. It is the parent’s responsibility to ensure that the school is informed in writing of any changes in medication instructions;
f. In the event a student refuses medication, the parent will be notified immediately. No attempt will be made to administer medication to a student who refuses staff-administered medication;
g. Any error in administration of medication will be reported to the parent immediately and documentation made on the public charter school’s Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration, method of administration, etc.;
h. Medication shall not be administered or self medication allowed until the necessary permission form and written instructions have been submitted as required by the public charter school.

6. Student Self-medication of a Prescription or Nonprescription Medication

a. Student self-medication of prescription medication for K-12 students, including students with asthma or severe allergies, will be allowed subject to the following:

(1) A parent or guardian signed permission form and other documentation requested by the public charter school must be submitted for self-medication of all prescription medications;
(2) A medication that is prescribed by a physician and a written treatment plan developed by a physician or other Oregon licensed health care professional for managing of a student’s asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in before- or after-school care programs on school-owned property and in...
transit to or from school or school-sponsored activities. The physician will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;

(3) The superintendent’s permission for all requests to self-medicate with prescription medicine is required.

b. Student self-medication of nonprescription medication by K-12 students may be allowed subject to the following:

(1) A parent or guardian permission form and other documentation requested by the public charter school for self-medication of all nonprescription medications. The signed form from the parent or guardian will ensure the student has received proper instruction for use;

(2) The superintendent’s permission for all self-medication of nonprescription medication requests is required.

c. Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated staff. A permission form and written instructions will be required as provided in Section 5 above;

d. All prescription and nonprescription medication must be kept in it’s appropriately labeled, original container, as follows:

(1) Prescription labels must specify the name of the student, name of the medication, dosage, method of administration and frequency or time of administration and any other special instruction including permission for the student to self-medicate;

(2) Nonprescription medication must have the student’s name affixed to the original container.

e. The student may have in his/her possession only the amount of medication needed for that school day, except for manufacture’s packaging that contains a multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;

f. Sharing and/or borrowing of any medication with another student is strictly prohibited;

g. Any medication required for use longer than 10 school days will be permitted only upon the written request of the parent.

h. For students who have been prescribed bronchodilators or epinephrine, staff will request from the parent or guardian, that the parent or guardian provide back up medication for emergency use by that student. Backup medication, if provided by the parent or guardian, will be kept at the student’s school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency.

i. Upon parent written request, and with a physician’s written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student’s classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student’s classroom.
7. Handling, Storage, Monitoring Medication Supplies

a. Medication administered by designated staff or self administered by the student, must be delivered by the parent to the school, in its original container, accompanied by the permission form and written instructions, as required above.

b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated staff in the presence of another public charter school employee upon receipt, documented in the student’s medication log and routinely monitored during storage and administration. Discrepancies will be reported to the superintendent immediately and documented in the student’s medication log. For such medication, not in capsule or tablet form, standard measuring and monitoring procedures will apply.

c. Designated staff will follow the written instructions of the physician and parent and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.

d. Medication will be secured as follows:

(1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box;
(2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
(3) Access to medication storage keys will be limited to the superintendent and designated staff.

e. Designated staff will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.

f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated staff will notify the parent immediately.

8. Emergency Response

a. Designated staff will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from staff-administered medication or from student self-medication or allergic reactions. The parent and superintendent will be notified immediately.

b. Minor adverse reactions that result from staff-administered medication or from student self-medication will be reported to the parent immediately.

c. Any available public charter school staff will immediately call 911 and the student’s parent or guardian if the designated staff member believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.
9. Disposal of Medications

a. Medication not picked up by the parent at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated staff in a nonrecoverable fashion as follows:

(1) Medication in capsule, tablet and liquid form will be removed from their original container (destroy any personal information). Crush solid medications, mix or dissolve in water (this applies to liquid as well) and mix with an undesirable substance such as coffee grounds, kitty litter, flour etc., and place it in impermeable nondescriptive containers such as empty cans or scalable bags, placing these containers in the trash. Flush prescriptions down the toilet only if the accompanying patient information specifically instructs it is safe to do so;

(2) Other medication will be disposed of in accordance with established training procedures including sharps and glass.

b. All medication will be disposed of by designated staff in the presence of another public charter school employee and documented as described in Section 10 below.

10. Documentation and Record Keeping

a. A medication log will be maintained for each student administered medication by the public charter school. The medication log will include, but not be limited to:

(1) The name, dose and route of medication administered, date, time of administration and name of the person administering the medication;

(2) Student refusals of medication;

(3) Errors in administration of medication;

(4) Emergency and minor adverse reaction incidents;

(5) Discrepancies in medication supply;

(6) Disposal of medication including date, quantity, the manner in which the medication was destroyed and the signature of the staff involved.

b. All records relating to administration of medicines, including permission slips and written instructions, will be maintained in a separate medical file apart from the student’s education records file unless otherwise related to the student’s educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).

c. Student medical files will be kept confidential. Access shall be limited to those designated staff authorized to administer medication to students, the student and his/her parents. Information may be shared with staff with a legitimate educational interest in the student or others as may be authorized by the parent in writing.

An superintendent, teacher or other public charter school employee designated by the superintendent is not liable in a criminal action or for civil damages as a result of the administration of prescription and/or nonprescription medication as per state law.

Prescription/Nonprescription Medication**/* - JHCD/JHCDA-AR
7-8
The superintendent, school nurse, teacher or other charter school employee designated by the superintendent, are not liable in a criminal action or for civil damages as a result of a student’s self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, as per state law.

The superintendent, school nurse, teacher or other public charter school employee are not liable in a criminal action or for civil damages, when in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self administer the medication, as per state law.

A public charter school and the members of a public charter school board are not liable in a criminal action or for civil damages when a student or individual is unable to self-administer medication, when any person in good faith administers autoinjectable epinephrine to a student or individual, as per state law.
Prescription Medication**

The public charter school recognizes that the administration of prescription medication to students and/or student self medication may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of students who require regular doses or injections of medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or have a need to manage hypoglycemia, asthma or diabetes. When a licensed health care professional is not immediately available, a designated trained staff member may administer to a student, epinephrine, glucagon or other medications as prescribed and allowed by Oregon law.

When prescribed by a physician², students in grades K-12 will be allowed to self administer prescription medication, including medication for asthma or severe allergy as defined by state law, and will be subject to age-appropriate guidelines. A written treatment plan for a student who self administers medication will be developed and signed by a physician or other Oregon licensed health care professional and kept on file. A written request and permission form signed by a parent or guardian is required and will be kept on file. If the student is deemed to have violated Board policy or medical protocol by the public charter school, the public charter school may revoke the permission given to a student to self-administer medication.

The administrator will require that an individualized health care plan is developed for every student with a known life-threatening allergy, and for every student for whom the public charter school has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities.

A request for the public charter school to administer prescription medication to a student shall include the written request and signature of the parent or guardian and shall be accompanied by written instruction from a physician, physician assistant or nurse practitioner. A prescription label prepared by a pharmacist will be deemed sufficient to meet the requirements for a physician’s order.

The public charter school reserves the right to reject a request to administer or allow self administration of a medication when such medication is not necessary for the student to remain in school.

¹Under proper notice given to the public charter school.

²A registered nurse who is employed by a public school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.
A premeasured dose of epinephrine may be administered by designated, trained public charter school staff to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

A process shall be established by which, upon parent written request, a backup prescribed autoinjectable epinephrine is kept at a reasonable secured location in the student’s classroom as provided by state law.

Training shall be provided to designated staff as required by law in accordance with approved protocols as established by the Oregon Health Authority. Staff designated to receive training shall also receive bloodborne pathogens training. Current first-aid and CPR cards are strongly encouraged for designated staff.

Prescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established public charter school regulations governing administering noninjectable or injectable, or prescription or nonprescription medicines to students including procedures for the disposal of sharps and glass.

The administrator will ensure student health management plans are developed as required by training protocols, maintained on file and pertinent health information is provided to public charter school staff as appropriate. Such plans will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school-sponsored activities.

This policy and its administrative regulation shall not prohibit, in any way, the administration of recognized first aid to students by school employees in accordance with established state law, Board policy and procedures.

END OF POLICY

Legal Reference(s):

ORS 109.640
ORS 339.866 to -339.871
ORS 433.800 to -433.830
ORS 475.005 to -475.285

OAR 166-400-0010(17)
OAR 166-400-0060(29)
OAR 333-055-0000 to -0035
OAR 581-021-0037

OAR 581-022-0705
OAR 851-047-0030
OAR 851-047-0040

Cross Reference(s):

JHCD - Nonprescription Medication
Suspension of Driving Privileges

Conduct

The superintendent may, under ORS 339.254, make a request to the Oregon Department of Transportation (ODOT) for the suspension of a student’s driving privilege or the right to apply for a driving privilege on the basis of conduct as provided below.

If a request is made, the following requirements will be met:

1. The superintendent will meet with parent before submitting a request to ODOT;
2. The request to ODOT will be in writing;
3. The student involved is at least 15 years of age;
4. The student has been expelled for bringing a weapon on school property; or
5. The student has been suspended or expelled at least twice for any of the following reasons:
   a. Assaulting or menacing a school employee or another student;
   b. Willful damage or injury to district property;
   c. Use of threats, intimidation, harassment or coercion against a school employee or another student;
   d. Possessing, using or delivering any controlled substance or being under the influence of any controlled substance at a school or on school property or at a school-sponsored activity, function or event.
6. The request to suspend a student’s driving privilege or the right to apply for a driving privilege shall not be for more than one year unless the superintendent is filing a second written request. A second request may state suspension of driving privilege until the student reaches 21 years of age;
7. If a driving privilege is suspended the student may apply to ODOT for a hardship permit.

Withdrawal

The superintendent may, under ORS 339.257, notify ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.
Upon receipt of the district’s notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with ORS 807.066. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

1. More than 10 consecutive school days of unexcused absences; or

2. Fifteen school days total of unexcused absences during a single semester.

Appeals

The student has a right to appeal the superintendent’s or Board’s decision through district suspension/expulsion due process procedures.

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.061
ORS 336.615 - 336.665
ORS 339.240
ORS 339.250
ORS 339.254
ORS 339.257
ORS 807.065
ORS 807.066
ORS 807.240
ORS 807.065
ORS 807.066
ORS 807.240
ORS 807.065
ORS 807.066
ORS 807.240
ORS 807.065
ORS 807.066
ORS 807.240
ORS 581-021-0065
ORS 581-021-0070
Request for a Suspended Driving Privilege - Conduct

Name of Student ____________________________________________

Address of Student _________________________________________

Date of Birth __________________________ ODL Number (if applicable) __________________________

Number of requests for suspension on this student: ☐ one  ☐ two or more

Type of privilege requested for suspension:

☐ Driving privilege
☐ Application for driving privilege

Length of suspension requested:

☐ No more than one year
☐ Six months
☐ Six weeks
☐ Other

If two or more requests for suspension have been made on this student, the length of the requested suspension is:

☐ Two years
☐ Until student is 21 years of age

Type of infraction:

☐ Expelled for bringing a weapon on school property.
☐ Suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to district property or for use of threats, intimidation, harassment or coercion against a district employee or another student, possessing, using or delivering a controlled substance or being under the influence of a controlled substance at a school or on school property or at a school-sponsored activity, function or event.

This written request is submitted on ________________ by:

Name: __________________________ Title: __________________________

District: __________________________ Date: __________________________
Notice of Withdrawal

<table>
<thead>
<tr>
<th>Student Name (Print Last, First, Middle)</th>
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<tbody>
<tr>
<td>Student Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>Date of Birth (MM/DD/YYYY)</td>
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</tbody>
</table>

I hereby notify the Department of Transportation to suspend the driving privileges of the above named student because the student is considered to have withdrawn from school per ORS 339.257 (2). The policy adopted under ORS 339.257 meets all requirements of the law including: The number of days of unexcused absence; the age of the student; and, a provision allowing the student to appeal this decision.

Name of District or Private School
Address
City | State | Zip Code

Title:
- [ ] District Superintendent
- [ ] School Board Member/Superintendent
- [ ] Authorized Representative of Private School

Name of Authorized Person (Please Print)

Signature
X
Date

735-7186 (-00) White copy to DMV, Yellow copy for your records

STK# 300161

Notice of Withdrawal - JHFDA-AR(2)
1-1
Eddyville Charter School

Reporting of Suspected Abuse of a Child

Any public charter school employee who has reasonable cause or reasonable suspicion to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services, Community Human Services or the local law enforcement agency. The school employee shall also immediately inform his/her supervisor or public charter school superintendent.

Abuse of a child by public charter school employees or by students will not be tolerated. All public charter school employees are subject to this policy and the accompanying administrative regulation. If a public charter school employee is a suspected abuser, reporting requirements remain the same.

The public charter school superintendent will implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law. The public charter school will designate the superintendent to receive reports of abuse. In the event the designated person is the suspected abuser, the Board chair shall receive the report of abuse. The public charter school will post in each building the name and contact information of the person designated to receive abuse reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent takes action on the report, the person who initiated the report must be notified.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel record. A substantiated report of abuse by a student shall be documented in the student’s education record.

Upon request, the public charter school shall provide records of investigations of suspected abuse of a child by a public charter school employee or former employee to law enforcement, Oregon Department of Human Services or Teacher Standards and Practices Commission.

Any public charter school employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse of a child by a public charter school employee or a student, in good faith, the student will not be disciplined by the Board or any public charter school employee.

Public charter school staff shall receive training each school year in the prevention and identification of abuse of a child and on the obligations of school employees under ORS 419B.005 and as directed by public charter school board policy to report suspected abuse of a child. In addition, an annual training for parents and legal guardians of students attending public charter schools shall be provided on the prevention, identification of abuse of a child and the obligation of school employees to report suspected abuse of a child.
Annual training designed to prevent abuse of a child will be made available to students attending a public charter school.

Intentionally making a false report of abuse of a child is a Class A violation.

The public charter school shall develop written procedures for all required training.

END OF POLICY

Legal Reference(s):

ORS 338.115
ORS 339.370 to 339.400 ORS 418.746 to 418.751 ORS 419B.005 to 419B.050
OAR 581-022-0711

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011)

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students
Eddyville Charter School

Reporting of Suspected Abuse of a Child

Reporting

All public charter school employees having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services, Community Human Services or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The public charter school employee should also immediately inform his/her supervisor or superintendent.

If known, such report shall contain the names and addresses of the child, the child’s parents or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the abuse report shall be made by the employee suspecting the abuse of a child. The written record may be made using Eddyville Charter School’s abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The name, address of the child, the parents or other person responsible for the child’s care;
3. The name and position of any witness to the report;
4. A description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of persons who received a copy of the written report.

The written record of the abuse report shall not be placed in the student’s educational record. A copy of the written record shall be retained by the employee making the report and a copy shall be provided to the employee’s supervisor and/or superintendent.
When the public charter school receives a report of suspected abuse of a child by one of its employees or by students, and the superintendent determines that there is reasonable cause to support the report, the public charter school shall place the school employee on paid administrative leave until the Department of Human services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the school employee. If the Department of Human services or a law enforcement agency is unable to determine whether the abuse of a child occurred the public charter school may either reinstate the employee or take disciplinary action at the public charter school’s discretion.

The written record of each reported incident of abuse of a child, action taken by the public charter school and any findings as a result of the report shall be maintained by the public charter school.

Definitions

1. Oregon law recognizes these types of abuse:
   a. Physical;
   b. Neglect;
   c. Mental injury;
   d. Threat of harm;
   e. Sexual abuse and sexual exploitation.

2. “Child” means an unmarried person who is under 18 years of age.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a public charter school employee or former public charter school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a public charter school employee or former employee is convicted of a crime listed in ORS 342.143, the public charter school that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the superintendent shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.

Failure to Comply

Any public charter school employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A public charter school employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.
Cooperation with Investigator

The public charter school staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an superintendent is notified that the Department of Human Services or law enforcement would like to interview a student at school, the superintendent must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the superintendent’s refusal to allow the student interview on school property. If the student is to be interviewed at the school, the superintendent or representative shall make a conference space available. The superintendent or representative of the school may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the office and contact the superintendent or representative. The officer shall sign the student out on a form to be provided by the school;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, public charter school employees shall not notify parents;

3. The superintendent or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;

4. Public charter school employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student’s education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Form
Abuse of a Child Investigations Conducted on Public Charter School Premises

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an superintendent is notified that the Department of Human Services or law enforcement would like to interview a student at school, the superintendent must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the superintendent’s refusal to allow the student interview on public charter school property.

1. ____________________________ (Name) of ____________________________ (Agency) declare that I have the authority to conduct this student interview based on the following:

   1. □ Warrant (attach copy)
   2. □ Court order (attach copy)
   3. □ Exigent circumstances (briefly describe): __________________________________________

   ____________________________________________
   ____________________________________________

   4. □ Parental consent

      Parent or guardian’s name: ______________________________________________________

      Date consent granted: ______________________

   5. □ This interview is not considered a “seizure” pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

□ Student not available for interview

Name of school official (superintendent/designee) receiving this form

□ Student refused to be interviewed

This form should be placed in a separate file and not in student’s educational record file.
Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by public charter school employees as defined by Oregon law will not be tolerated. All public charter school employees are subject to this policy.

"Sexual conduct" as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any public charter school employee who has reasonable cause to believe that another public charter school employee volunteer has engaged in sexual conduct with a student must immediately notify the superintendent.

When the public charter school receives a report of suspected sexual conduct by a public charter school employee, the public charter school may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the public charter school employee or student who is the subject of the report. If the subject of the report is a school employee, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the public charter school will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the public charter school decision through the appeal process provided in Board policy K1 - Public Complaint and the accompanying administrative regulation. A volunteer may appeal the public charter school decision through the public charter school’s complaint procedure. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The public charter school will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the public charter school superintendent will follow upon receipt of a report. In the event that the designated person is the suspected
perpetrator, the Board chair shall receive the report. When the public charter school superintendent takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a public charter school employee in good faith, the student will not be disciplined by the public charter school board or any public charter school employee.

The public charter school will provide annual training to public charter school employees, parents and students regarding the prevention and identification of sexual conduct. The public charter school will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374 for all public charter school employees.

END OF POLICY

Legal Reference(s):

ORS 338.115(w)
ORS 339.326
ORS 339.370 to -339.400
ORS 418.746 to -418.751
ORS 419B.005 to -419B.045

Cross Reference(s):

GCAB - Personal Electronic Devices and Social Media - Staff
JHFE - Reporting of Suspected Abuse of a Child
Sexual Conduct Complaint Form

Name of complainant:______________________________________________________________

Position of complainant:__________________________________________________________

Date of complaint:______________________________________________________________

Name of person allegedly engaging in sexual conduct:________________________________

Date and place of incident or incidents:______________________________________________

Description of sexual conduct:_____________________________________________________

______________________________________________________________________________

Name of witnesses (if any):________________________________________________________

______________________________________________________________________________

Evidence of sexual conduct, i.e., letters, photos, etc. (attach evidence if possible):____

______________________________________________________________________________

Any other information:____________________________________________________________

______________________________________________________________________________

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature:_________________________ Date:____________________

Eddyville Charter School

Code: JHFF-AR
Revised/Reviewed: 9/21/17
Eddyville Charter School
WITNESS DISCLOSURE FORM

Name of Witness: __________________________________________________________

Position of Witness: ______________________________________________________

Date of Testimony/Interview: ______________________________________________

Description of Instance Witnessed:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Any Other Information: ______________________________________________________

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _________________________________ Date: _____________________________
Eddyville Charter School

Code: JN
Adopted: 9/21/17

Student Fees, Fines and Charges**

The Board recognizes the need for student fees to fund certain school activities which are not sufficiently funded by the public charter school.

No student will be denied an education because of his or her inability to pay supplementary fees.

No student, however, is exempt from charges for lost or damaged books, locks, materials, supplies and equipment.

All student fees and charges, both optional and required, will be listed and described annually in the Student/Parent Handbook, or in some other written form, and distributed to each student. Students will be advised of the due dates for such fees and charges as well as of possible penalties for failure to pay them.

In accordance with the law and with Board policy, certain restrictions and/or penalties may be imposed until payment of the debt.

Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Prior to collection of debts, the superintendent will ensure that notice has been provided as required by ORS 339.270.

END OF POLICY

Legal Reference(s):

ORS 326.565
ORS 326.575
ORS 338.115(2)
ORS 339.115
ORS 339.155
ORS 339.270

Cross Reference(s):

IGBAB/JO - Education Records/Records of Students with Disabilities
JO/IGBAB - Education Records/Records of Students with Disabilities

Student Fees, Fines and Charges** - JN
1-1
Education Records/Records of Students with Disabilities**

Education records are those records maintained by the public charter school that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

The public charter school shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student’s educational development.

The public charter school annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

The public charter school may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district or public charter school to determine a student’s appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance stating the public charter school’s intent to impose restrictions and/or penalties until the debt is paid. The notice will include the reason the student owes money to the public charter school, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The public charter school may pursue fees, fines or damages through a private collection agency or other method available to the public charter school. The public charter school may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the public charter school superintendent.

The public charter school shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The public charter school provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the public charter school pertaining to the student’s identification, evaluation, educational placement and free appropriate public education. The public charter school provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the public charter school.

The public charter school annually notifies parents of all students, including adult students, currently in attendance that they have to right to:
1. Inspect and review the student’s records;

2. Request the amendment of the student’s educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;

3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);

4. File with the U.S. Department of Education a complaint concerning alleged failures by the public charter school to comply with the requirements of the Family Educational Rights and Privacy Act; and

5. Obtain a copy of the public charter school’s education records policy.

Regarding records to be released to public charter school officials within the agency, the public charter school’s notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests. School officials may also include a volunteer or contractor who performs an institutional service on behalf of the public charter school.

The public charter school annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The public charter school shall give full rights to education records to either parent, unless the public charter school has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years of age or older or emancipated and the general public.

END OF POLICY

Legal Reference(s):

ORS 30.864
ORS 107.154
ORS 326.565
ORS 326.575
ORS 326.580
ORS 338.115(a)
ORS 339.270
ORS 343.177(3)
QAR 166-405-0010 to 166-415-0010
QAR 581-021-0220 to -0430
QAR 581-022-1660
QAR 581-022-1670


Cross Reference(s):

IGBAB/JO - Education Records/Records of Students with Disabilities
JOA - Directory Information
JOB - Personally Identifiable Information

Education Records/Records of Students with Disabilities** - JO/IGBAB

2-2
Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the public charter school, or by a party acting for the public charter school; however, this does not include the following:

a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

b. Records of the law enforcement unit of the public charter school subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;

c. Records relating to an individual who is employed by the public charter school that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual’s capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the public charter school who is employed as a result of his/her status as a student are education records and are not accepted under this section;

d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;

(2) Made, maintained or used only in connection with treatment of the student; and

(3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the public charter school.

e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the public charter school;

f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the public charter school, and which are not used for education purposes or planning.

The public charter school shall keep and maintain a permanent record on each student which includes the:

a. Name and address of educational agency or institution;

b. Full legal name of the student;
c. Student birth date and place of birth;
d. Name of parents;
e. Date of entry in school;
f. Name of school previously attended;
g. Courses of study and marks received;
h. Data documenting a student’s progress toward achievement of state standards and must include a student’s Oregon State Assessment results;
i. Credits earned;
j. Attendance;
k. Date of withdrawal from school; and
l. Such additional information as the public charter school may prescribe.

The public charter school may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student’s parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The public charter school shall retain permanent records in a minimum one-hour fire-safe place in the public charter school, or keep a duplicate copy of the permanent records in a safe depository in another public charter school location.

2. Confidentiality of Student Records

a. The public charter school shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
b. The public charter school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
c. The public charter school shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The public charter school shall annually notify parents and eligible students through the public charter school student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

a. Inspect and review the student’s education records;
b. Request the amendment of the student’s education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
c. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the public charter school to comply with the requirements of federal law; and

e. Obtain a copy of the public charter school policy with regard to student education records.

The notification shall also inform parents or eligible students that the public charter school forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the public charter school policy are located and how copies may be obtained.

If the eligible student or the student’s parent(s) has a primary or home language other than English, or has a disability, the public charter school shall provide effective notice.

These rights shall be given to either parent unless the public charter school has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the public charter school from giving students rights in addition to those given to parents.

4. Parent’s or Eligible Student’s Right to Inspect and Review

The public charter school shall permit an eligible student or student’s parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student’s parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student’s parent(s) may inspect, review or be informed of only the specific information about the student.

The public charter school shall comply with a request for access to records:

a. Within a reasonable period of time and without unnecessary delay;
b. For children with disabilities before any meeting regarding an individualized education program (IEP), or any due process hearing, or any resolution session related to a due process hearing;
c. In no case more than 45 days after it has received the request.

The public charter school shall respond to reasonable requests for explanations and interpretations of the student’s education record.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student’s education record:

a. Provide a written, dated request to inspect a student’s education record; and
b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student’s education record.
The public charter school shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the public charter school is not required to give an eligible student or student’s parent(s) access to treatment records under the definition of “education records” in OAR 581-021-0220(6)(b)(D), the eligible student or student’s parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student’s parent(s) so requests, the public charter school shall give the eligible student or student’s parent(s) a copy of the student’s education record. The public charter school may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the students educational records. The public charter school may not charge a fee to search for or to retrieve the education records of a student.

The public charter school shall not provide the eligible student or student’s parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501(4) unless authorized by federal law.

The public charter school will maintain a list of the types and locations of education records maintained by the public charter school and the titles and addresses of officials responsible for the records.

Students’ education records will be maintained at the public charter school building at which the student is in attendance except for special education records which may be located at another designated location within the public charter school or the district. The superintendent or designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student’s parent(s) except in the following cases:

a. The disclosure is to other school officials, including teachers, within the public charter school or district who have a legitimate educational interest.

As used in this section, “legitimate educational interest” means a public charter school or district official employed by the public charter school or district as an superintendent, supervisor, instructor or staff support member; a person serving on a public charter school or district board; a person or company with whom the public charter school or district has contracted to perform a special task; or a parent or student serving on a special committee such as a disciplinary or grievance committee, or assisting another public charter school or district official in performing his or her tasks needed to review an educational record in order to fulfill his or her professional responsibility (definition from FERPA).

"District," for the purpose of this policy, means the district in which the public charter school is located.

Education Records/Records of Students with Disabilities Management - JO/IGBAB-AR

4-10
The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district\(^1\) who have access to personally identifiable information with respect to students with disabilities.

b. The disclosure is to officials of another school within the district\(^1\);

c. The disclosure is to authorized representatives of:

The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of or compliance with federal or state-supported education programs or the enforcement of or compliance with federal or state regulations.

d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(1) Determine eligibility for the aid;
(2) Determine the amount of the aid;
(3) Determine the conditions for the aid; or
(4) Enforce the terms and condition of the aid.

As used in this section "financial aid" means any payment of funds provided to an individual that is conditioned on the individual's attendance at an educational agency or institution.

e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:

(1) Develop, validate or administer predictive tests;
(2) Administer student aid programs; or
(3) Improve instruction.

f. The public charter school may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

(1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
(2) Limits the organization to using the personally identifiable information only for the purpose of the study;
(3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
(4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term "organization" includes, but is not limited to, federal, state and local agencies and independent organizations.

The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or
compliance with federal or state legal requirements and who enters into a written agreement with the district that:

1. Designates the individual or entity as an authorized representative;
2. Specifies the personally identifiable information being disclosed;
3. Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;
4. Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception, this must include a description of how the personally identifiable information will be used;
5. Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
6. Identifies the time period in which the personally identifiable information must be destroyed; and
7. Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.

g. The disclosure is to accrediting organizations to carry out their accrediting functions;

h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The public charter school may disclose information under this section only if the public charter school makes a reasonable effort to notify the eligible student or student’s parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;

i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;

j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;

k. The disclosure is in connection with a health or safety emergency. The public charter school shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

As used in this section a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of abuse of a child or neglect pursuant to applicable state law.

l. The disclosure is information the district has designated as “directory information” (See Board policy JOA – Directory Information);

m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;

n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is

Education Records/Records of Students with Disabilities Management - JO/IGBAB-AR
6-10
enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;

o. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

The public charter school will use reasonable methods to identify and authenticate the identity of the parents, students, school officials and any other parties to whom the public charter school discloses personally identifiable information from educational records;

p. The disclosure is to a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, including educational stability of children in foster care.

6. Record-Keeping Requirements

The public charter school shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record keeping requirements shall include the parent, eligible student, school official or his/her designee responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The public charter school shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

a. The party or parties who have requested or received personally identifiable information from the education records; and
b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student’s personally identifiable information:

a. The parent(s) or eligible student;
b. The school official or his/her designee who are responsible for the custody of the records;
c. Those parties authorized by state or federal law for purposes of auditing the record keeping procedures of the public charter school.

7. Request for Amendment of Student’s Education Record

If an eligible student or student’s parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student’s rights of privacy or other rights, he/she may ask the superintendent where the record is maintained to amend the record.

The superintendent shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student’s education record shall become a permanent part of the student’s education record.
If the superintendent decides not to amend the record as requested, the eligible student or the student’s parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the superintendent decides not to amend the education record of a student as requested by the eligible student or the student’s parent(s), the eligible student or student’s parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The public charter school shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student’s parent. The hearing may be conducted by any individual, including an official of the public charter school, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student’s parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- The superintendent or his/her designee;
- A member chosen by the eligible student or student’s parent(s); and
- A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the public charter school staff and the eligible student or student’s parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or public charter school or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student’s parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student’s parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

- Is maintained as part of the student’s records as long as the record or contested portion is maintained by the public charter school or the district; and
b. Is disclosed by the public charter school to any party to whom the student’s records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

a. Amend the record accordingly; and
b. Inform the eligible student or the student’s parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The public charter school shall, within 10 days of a student seeking initial enrollment in or services from the public charter school, notify the public or private school, ESD, institution, agency or detention facility or youth care center in which the student was formerly enrolled and shall request the student’s education records.

10. Duties and Responsibilities When Transferring Education Records

The public charter school shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the public charter school. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

a. The student’s permanent records, for one year;
b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.
Disclosure Statement
Required for use in collecting personally identifiable information related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the public charter school will use your SSN for record keeping, research, and reporting purposes only. The public charter school will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

The public charter school, district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.
Directory Information**

Directory information means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released. The following categories are designated as directory information. The following directory information may be released to the public through appropriate procedures:

1. Student’s name;
2. Dates of attendance;
3. Degrees or awards received.

Public Notice

The public charter school will give annual public notice to parents of students in attendance and students 18 years of age or emancipated. The notice shall identify the types of information considered to be directory information, the public charter school’s option to release such information and the requirement that the public charter school must, by law, release secondary students’ names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or eligible students request the public charter school withhold this information. Such notice will be given prior to release of directory information.

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the public charter school administrator by the parent, student 18 years of age or emancipated student within 15 days of annual public notice. A parent or student 18 years of age or emancipated student may not opt out of directory information to prevent the public charter school from disclosing or requiring a student to disclose their name, identifier, institutional email address in a class in which the student is enrolled or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the public charter school in this policy.

Directory information shall be released only with administrative direction.

Directory information considered by the public charter school to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.
At no point will a student’s Social Security Number or student identification number be considered directory information.

END OF POLICY

Legal Reference(s):

- ORS 30.864
- ORS 107.154
- ORS 326.565
- ORS 326.575
- ORS 336.187
- ORS 338.115(1)(a)
- OAR 581-022-1660
- OAR 581-021-0220 to -0430
- HB 3464 (2017)


Cross Reference(s):

- IGBAB/JO - Education Records/Records of Students with Disabilities
- JO/IGBAB - Education Records/Records of Students with Disabilities

Directory Information** - JOA

2-2
Personally Identifiable Information**

Personally identifiable information includes, but is not limited to:

1. Student’s name, if excluded from directory information, as requested by the student/parent in writing;

2. Name of the student’s parent(s) or other family member;

3. Address of the student or student’s family, if excluded from directory information, as requested by the student/parent in writing;

4. Personal identifier such as the student’s social security number or student ID number or biometric record;

5. A list of personal characteristics that would make the student’s identity easily traceable such as student’s date of birth, place of birth and mother’s maiden name;

6. Other information alone or in combination that would make the student’s identity easily traceable;

7. Other information requested by a person who the public charter school reasonably believes knows the identity of the student to whom the educational record relates.

Prior Consent to Release

Personally identifiable information will not be released without prior signed and dated consent of the parent, student 18 years of age or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or eligible student, the public charter school will provide a copy of the disclosed record.

Exceptions to Prior Consent

The public charter school may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the public charter school or district[^1] who have legitimate educational interests;

[^1]: "District" for the purpose of this policy, means the district in which the public charter school is located.
2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;

3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;

4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of or compliance with federal or state supported education programs or the enforcement of or compliance with federal or state regulations;

5. To personnel determining a financial aid request for the student;

6. To personnel conducting studies for or on behalf of the public charter school or district;

7. To personnel in accrediting organizations fulfilling accrediting functions;

8. To comply with a judicial order or lawfully issued subpoena;

9. For health or safety emergency;

10. By request of a parent of a student who is not 18 years of age;

11. By request of a student who is 18 years of age or older or emancipated;

12. Because information has been identified as “directory information;”

13. To the courts when legal action is initiated;

14. To a court and state and local juvenile justice agencies;

15. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;

16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

END OF POLICY
Legal Reference(s):
ORS 30.864
ORS 107.154
ORS 326.565
ORS 326.575
ORS 336.187
ORS 338.115(a)
QAR 581-015-2000
QAR 581-021-0220 to -0420
QAR 581-022-1660


Cross Reference(s):
IGBAB/JO - Education Records/Records of Students with Disabilities
JO/IGBAB - Education Records/Records of Students with Disabilities

Personally Identifiable Information** - JOB
3-3