

EDDYVILLE CHARTER SCHOOL

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The following symbol is used on some policies:

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



Parental Rights**

The public charter school board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining public charter school and student needs for educational services, in program development and public charter school operations. To assist the public charter school in this effort, and in accordance with the No Child Left Behind Act of 2001 (NCLBA), the public charter school affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the public charter school to a student, including any district survey containing "covered survey items"¹ as defined by NCLBA;
2. Any instructional material used by the public charter school as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of public charter school students will also, upon request, be permitted to excuse their student from "covered activities"² as defined by NCLBA. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age, or is an emancipated minor under applicable state law.

The public charter school superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in the public charter school. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

¹"Covered survey items," under NCLBA, includes one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

²"Covered activities," requiring notification under NCLBA, include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

The public charter school superintendent shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and public charter school procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

Legal Reference(s):

ORS 332.107

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2015).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2015); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2015).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2010).

Parental Rights

The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

Definitions

1. "Survey," as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act;
2. "Covered survey items" means one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
3. "Covered activities" requiring notification under NCLBA means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. "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 control;
5. "Instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;

6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;
7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

Requests to Inspect Materials

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a public charter school to a student as follows:

1. Requests may be directed to the public charter school office by phone or in person;
2. Requests must be received by the public charter school no later than five working days following receipt of notification by the public charter school of its intent to administer or distribute such items;
3. Materials may be reviewed at the public charter school office or mailed by the public charter school;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

Requests to Excuse Student from Covered Activities

A parent may request that his/her student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any public charter school or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the public charter school superintendent in writing;
2. Received by the public charter school no later than five working days following receipt of notification by the public charter school of its intent to administer or distribute such items.

Student Privacy

The public charter school recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. 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.

Notification

The public charter school superintendent shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the public charter school year or at other times during the public charter school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the public charter school year when covered activities are scheduled or expected to be scheduled.



Public Records**

“Public record” means any information that:

1. Is prepared, owned, used or retained by the public charter school;
2. Is related to an activity, transaction or function of the public charter school; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the public charter school.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board’s official minutes, its written policies and its financial records will be available at the public charter school office for inspection by any citizen desiring to examine them during hours when the office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. The administrator is authorized to use all means available to keep parents and others of his or her particular charter school’s community informed about the public charter school’s program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the administrator any other person designated as custodian for public charter school records – if such disclosure would be contrary to the public interest, as described in state law.

If a copy of a record is requested, the charter school will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the public charter school is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of the public charter school records and at the same time to the public charter school’s attorney.

Public charter school employee and volunteer addresses, electronic mail addresses (other than public charter school electronic mail addresses assigned by the public charter school to employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public charter school are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. Public charter school electronic mail addresses assigned by the public charter school to employees are not exempt. Additionally, the public charter school will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the public charter school to identify public charter school employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the public charter school will respond as soon as practicable and without unreasonable delay.

The response must acknowledge the receipt of the request and one of the following:

1. A statement that the public charter school does not possess, or is not the custodian of, the public record;
2. Copies of all requested public records for which the public charter school does not claim an exemption from disclosure under ORS 192.410 to 192.505;
3. A statement that the public charter school is the custodian of at least some of the requested public records, an estimate of the time the public charter school requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records;
4. A statement that the public charter school is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public charter school within a reasonable time;
5. A statement that the public charter school is uncertain whether the public charter school possesses the public record and that the public charter school will search for the record and make an appropriate response as soon as practicable;
6. A statement that state or federal law prohibits the public charter school from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public charter school.

The public charter school may request additional information or clarification from the requester for the purpose of expediting the public charter school's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter school for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Requests for copies of documents shall be in writing and will be presented to the office.

The public charter school shall retain and maintain its public records in accordance with OAR 166, Division 400.

END OF POLICY

Legal Reference(s):

ORS Chapter 192

OAR 137-004-0800(1)

OAR 166-400

HB 3464 (2017)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008.



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 167.400
ORS 332.107
ORS 336.222
ORS 336.227
ORS 339.240
ORS 339.250

ORS 339.883
ORS 431.840
ORS 433.835 to- 433.990

OAR 581-021-0050 to -0075
OAR 581-021-0110

OAR 581-022-0413
OAR 581-053-0230(9)(s)
OAR 581-053-0330(1)(m)
OAR 581-053-0430(12)
OAR 581-053-0531(11)
OAR 581-053-0630

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

Cross Reference(s):

GBK/JFCG/KGC - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems
JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

Authorized Use of Public Charter School Equipment and Materials *

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

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

END OF POLICY

Legal Reference(s):

ORS Chapter 244
ORS 338.115(2)

OAR 584-020-0040

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

Cross Reference(s):

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



Materials Distribution**

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the charter school administration. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the public charter school superintendent.

The superintendent shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

Legal Reference(s):

ORS 338.115(2)

46 OR. ATTY. GEN. OP. 239 (1989)



Visitors to Public Charter School Facilities**

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students.

The public charter school is responsible for the schools' supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to public charter school facilities must report to the school office upon entering school property.

1. Teachers' work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the superintendent and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the superintendent that some specific visitor or visitors shall not be permitted to enter the school facilities, the superintendent shall do the following:
 - a. Advise the person that he/she is refused admission and give that person an explanation for the refusal;
 - b. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor's interruptions or unreasonable demands on teacher time; or if the visitors' course of conduct would conflict with Board policies, school regulations or would violate the law.

5. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The superintendent's office should be notified of any direction to leave and given a copy of any written notice.

6. Those who insist on remaining despite an administrator's request to leave and who thereby create a disruption of the carrying on of school business are subject to citizen's arrest and a report made to local law enforcement. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon Revised Statutes.
7. Any visitor who believes that he/she has had a visit unfairly limited, may request a meeting with the superintendent. The superintendent shall meet with the visitor, investigate the dispute and render a written decision. The superintendent's decision may be appealed to the Board.
8. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the superintendent. The administrator shall immediately contact any student involved.

END OF POLICY

Legal Reference(s):

ORS 164.245
ORS 164.255
ORS 166.025
ORS 166.155 to -166.165
ORS 338.115(2)

Cross Reference(s):

BG - Board-Staff Communications

Public Complaints

No staff, student, parent or community member will be denied the right to petition the Board for redress of a grievance, complaints will be referred through the proper administrative process for resolution before investigation or action by the Board. Exceptions are complaints that concern the superintendent or involve Board actions or Board operations.

The Board advises the public there is a proper process for resolving complaints, including but not limited to concerns in the following areas:

1. Instruction;
2. Discipline;
3. Learning materials; or
4. Retaliation against a student or a student's parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation.

Community members, staff, parents and students who have a complaint are encouraged to start at the lowest level in the organization to attempt to resolve the complaint.

The following order will be used unless otherwise identified (see administrative regulation KL-AR - Public Complaints Procedure for specific procedures and timelines):

1. Teacher/Employee;
2. Superintendent;
3. Board.

Any complaint about public charter school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear charges against employees in a session open to the public unless an employee requests an open session.

Complaints against the superintendent may be filed with the Board chair, on behalf of the Board.

Complaints against the Board chair may be made directly to the Board vice chair on behalf of the Board.

The superintendent will develop and administer the general complaint process, as appropriate.

If a complaint alleges a violation of state standards or a violation of other statutory or administrative rule for which State Superintendent of Public Instruction has appeal responsibilities, and the complaint is not

resolved at the local level, then the public charter school will supply the complainant with appropriate information to file a direct appeal to the State Superintendent as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

END OF POLICY

Legal Reference(s):

ORS 192.610 to -192.690

ORS 338.115(2)

ORS 659.852

OAR 581-022-2370

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Public Complaint Procedure

Initiating a Complaint: Step One

Any member of the public who wishes to express a complaint should discuss the matter with the public charter school employee involved.

The Superintendent: Step Two:

If Step 1 does not resolve the complaint the complainant may file a signed, written complaint within five working days of the meeting with the employee, with the superintendent clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his or her findings and conclusion within five working days of receipt of the written complaint.

The Board: Step Three

If the complainant is dissatisfied with the superintendent findings and conclusion, the complainant may appeal the decision to the public charter school board within five working days of receiving the superintendent decision. The Board may hold a hearing to review the findings and conclusion of the superintendent, to hear the complaint and to hear and evaluate any other evidence as it deems appropriate. Generally all parties involved will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.

The complainant shall be informed of the Board's decision within 20 working days from the hearing of the appeal to the Board.¹

Complaints against the superintendent may be filed with the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted.

¹Timelines may be extended upon written agreement between both parties.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action if any, is warranted.

Complaints against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted.

If a complaint alleges a violation of state standards or a violation of other statutory or administrative rule for which State Superintendent of Public Instruction has appeal responsibilities, and the complaint is not resolved at the Board level, then the public charter school will supply the complainant with appropriate information to file a direct appeal to the State Superintendent as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

Eddyville Charter School

COMPLAINT FORM

To: _____ (Name of school)

Person Making Complaint _____

Phone Number _____ Date _____

Nature of Complaint _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

Office Use: Disposition of Complaint: _____ _____ Signature: _____ Date: _____
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Relations with Law Enforcement Agencies

The public charter school board recognizes that cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in the public charter school and for safeguarding public charter school property.

Law enforcement officials may enter school facilities if a crime has been committed on public charter school property or to investigate matters concerning staff and students upon request initiated by either agency officials or by public charter school superintendent.

The superintendent will develop administrative regulations to implement this policy, including procedures for handling investigations, superintendent requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

Legal Reference(s):

ORS 329.150
ORS 338.115(2)
ORS 419B.015
ORS 419B.045

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).
Letter Opinion, Office of the Attorney General (August 18, 1986).

Cross Reference(s):

JFG - Student Searches



Relations with Law Enforcement Agencies

Law Enforcement Initiated Requests

Interviews/Investigations of Students

1. Interviews or investigations by law enforcement officials not based on allegations of abuse of a child, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on public charter school property, may be permitted upon request and with administrator or designee approval.
2. The law enforcement official shall contact the administrator, properly identify himself or herself, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator, important and urgent to justify interrupting school activities.
5. The administrator will attempt to notify the student's parent(s) prior to granting the interview.
6. If the parent(s) cannot be contacted, the administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the administrator has been unable to contact the parent(s) then the administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. The administrator shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator not to participate or the public charter school official is otherwise prohibited from being present by law.
10. The administrator shall maintain a written record of all such interviews conducted.

Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on public charter school property only with parental consent. Normally, such questioning should occur outside school hours and off public charter school property.
2. At no time will a student be released to an officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from abuse of a child investigation;
 - e. Permission of the parent.
3. In all cases, other than abuse of a child cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances.
4. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services, Community Human Services or law enforcement officials as required by law. The administrator or designee will request documentation from the investigating official demonstrating that the official has a warrant, a court order, exigent circumstances or parental consent to conduct the interview. If the investigating official does not have this documentation, the administrator may deny the official's request to interview the student on public charter school property. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parent.

Administrator-Initiated Requests

On occasion, the administrator may need, or be required to seek law enforcement assistance. Any student violation of the public charter school's weapons policy shall be reported to the appropriate law enforcement agency. Abuse of a child also requires immediate referral to the Oregon Department of Human Services, Community Human Services or law enforcement officials. Additionally, the administrator and/or designee(s) may report to law enforcement officials, other violations of law occurring on public charter school property or at public charter school-sponsored activities, as deemed appropriate.

Eddyville Charter School

Code: **KN-AR(2)**
Revised/Reviewed: 9/21/17

**Abuse of a Child or Other Investigations Conducted on
Public Charter School Property**

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 a 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 school property.

When a superintendent is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, 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.

I, _____ (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.

