

South Columbia Family School Board Policies

Revised 2018

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Personnel Policies

Code: AC
Adopted:

Nondiscrimination

South Columbia Family School prohibits discrimination and harassment on any basis protected by law, including but not limited to an individual's perceived or actual race, color, religion, sex, sexual orientation¹, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status or veterans' status, because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status or veterans' status of any other persons with whom the individual associates.

A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, sexual orientation, residence, health, income level, proficiency in English language, whether a student has an individualized education program (IEP) or the terms of that IEP, athletic ability or academic records, but may limit admission to students within a given age group or grade level.

The public charter school prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to the school and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the school, to respect all individuals, and to establish channels through which citizens can communicate their concerns to the public charter school administration and the public charter school board.

The administrator shall appoint and make known, the individuals to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues². The public charter school board will adopt and the public charter school will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public.

The public charter school prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated

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 behavior differs from that traditionally associated with the individual's sex at birth.

²Public charter schools are reminded that the public charter school is required to notify students and employees of the name, office address and telephone number of the employee or employees appointed.

in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)

[ORS 192.630](#)

[ORS 326.051\(1\)\(e\)](#)

[ORS 338.125\(3\)](#)

Code:

AC-AR
Adopted:

Discrimination Complaint Procedure

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints may be oral or in writing and must be filed with the [administrator] [director] . The administrator shall investigate and determine the action to be taken, if any, and reply in writing to the complainant within 10 school days of receipt of the complaint.

Any staff member that receives a written or oral complaint shall report the complaint to the administrator

³Step 2: If the complainant wishes to appeal the decision of the administrator, he/she may submit a written appeal to the superintendent within five school days after receipt of the administrator's response to the complaint. The superintendent may review the administrator's decision and may meet with all parties involved. The superintendent will review the merits of the complaint and the administrator's decision and respond in writing to the complainant within 10 school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent a written appeal may be filed with the public charter school board within five school days of receipt of the superintendent's response in [Step 2]. The Board may decide to hear or deny the request for appeal. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will each allegation in the complaint and contain the reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within 10 days of this meeting.

⁴If the administrator is the subject of the complaint the individual may start at step [2] [3] and file a complaint with the superintendent. If the superintendent is the subject of the complaint, the complaint may start at step [2] [3] and should be referred to the [Board chair.] [The Board may refer the investigation to a third party.]

³Notes on preparation for adoption: If there is only an administrator, delete step 2 and move directly to step 3. Be sure to change 'director' to 'administrator' as appropriate

⁴If there is only a public charter school administrator, the complainant may file with the Board chair (make appropriate bracketed language selections) in the first sentence then delete second sentence. If there is an administrator and a director, make the appropriate bracketed language selections in this paragraph using the first and second sentences to outline to whom a complaint is filed.

Complaints against the Board as a whole or against an individual Board member may start at step 3 and should be made to the Board chair and may be referred to counsel. Complaints against the Board chair may start at step 3 and be made directly to [counsel] [the Board vice chair].

Timelines may be extended based upon mutual consent of both parties [in writing].

If the complainant, is a person who resides in the district where the public charter school is located, is a parent or guardian of a student who attends the public charter school or is a student, is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he or she may appeal in writing to the Superintendent of Public Instruction under Oregon Administrative Rule (OAR) -021-0049.

**South Columbia Family Charter School
DISCRIMINATION COMPLAINT FORM**

Name of Person Filing Complaint Date School or Activity

Student/Parent Employee Nonemployee (Job applicant) Other _____

- Type of discrimination:
- | | | |
|---|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sex | <input type="checkbox"/> National Origin | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Income level | <input type="checkbox"/> Athletic ability | <input type="checkbox"/> Proficiency in English language |
| <input type="checkbox"/> Other _____ | | |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of discussion.)

Remedy requested:

This complaint form should be mailed or submitted to the administrator.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Code: **CCG**

Adopted:

Licensed Evaluation – Administrators

Each administrator will be evaluated annually by the Board.

The purpose of administrator evaluations is to assist an administrator with developing and strengthening their professional abilities and to improve the instructional program and to improve the management of the public charter school system, and for supervisors to make recommendations regarding their employment and/or salary status.

An administrator's evaluation shall be customized and based on collaborative efforts and include the educational leadership-administrator standards⁵ adopted by the State Board of Education for Charter Schools.

The adopted standards include:

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; and
6. Socio-political context.

An evaluation must attempt to:

7. Strengthen the knowledge, skills, disposition and administrative practices of the administrators;
8. Refine the support, assistance and professional growth opportunities offered to the administrator, based on the individual needs of the administrator and the needs of the public charter school(s);
9. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator;
10. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators; and
11. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator.

⁵These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

The administrative evaluation system will also include provisions for initiating dismissal, contract non-extension [or demotion] procedures if the need for such procedures is indicated.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)

[ORS 338.115\(2\)](#)

[ORS 342.815 to- 342.934](#)

Hanson v. Culver Sch. Dist. (FDAB 1975)

Staff - HIV, AIDS and HBV

The public charter school will strictly adhere in its policies and procedures, to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV⁶.

The public charter school recognizes a staff member has no obligation under any circumstance to report his or her condition to the public charter school and the staff member has a right to continue working.

If the staff member reports his or her condition to the public charter school, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify 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. All such information will be held in confidence in accordance with Oregon Revised Statutes.

When informed of the infection, and with written, signed permission from the staff member, 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 staff member's condition.

Accommodations for a staff member infected with HIV, AIDS or HBV shall be the same as with any other illness.

The public charter school shall also develop policies and/or procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 338.115\(w\)](#)

⁶HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Code:

GBM
Adopted:

Staff Complaints *

The administrator will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of public charter school personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority; or believe there is evidence the public charter school created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of public charter school personnel policies.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The public charter school will use the complaint process the complaint policy.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)
[ORS 659A.199 to -659A.224](#)
[OAR 581-022-1720](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).
Code:

Whistleblower *

When an employee has good faith and reasonable belief the public charter school has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for a public charter school to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the public charter school prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

The public charter school shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

[ORS 192.501 to -192.505](#)
[ORS 659A.199 to -659A.224](#)

[OAR 581-022-1720](#)

Code:

Sick Time *

“Employee” means an individual who is employed by the public charter school and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the public charter school.

A public charter school employing less than 10 employees shall provide access for an eligible employee of at least 40 hours of unpaid sick time or unpaid time off. Unpaid sick time or time off shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works. Unpaid sick time or time off shall be front-loaded to an employee at the beginning of each year.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. ⁷An employee is limited to accruing no more than 80 hours of sick time using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s⁸ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The public charter school reserves the right [after three consecutive days of absence], to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the public charter school. An employee refusing to submit to such an examination or to provide other evidence as required by the public charter school, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

⁷If the public charter school chooses to limit the accrual or usage, the public charter school must choose language in the bracketed sentence and keep this sentence in policy.

⁸“Family member” is defined by the Oregon Family Leave Act (OFLA).

If the reason for sick time is a foreseeable absence, the public charter school may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the public charter school (e.g., grading deadlines, in-service training, and mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the public charter school consistent with the reporting time established by the public charter school or as soon as practicable.

The public charter school shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)

[ORS 342.610](#)

[ORS 653.601 to -653.661](#)

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).

Criminal Records Checks/Fingerprinting

Subject Requirements

1. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal record check and fingerprinting.
2. Any individual newly hired and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal record check and fingerprinting.
3. Individuals applying for reinstatement of an Oregon license with TSPC that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo a nationwide criminal record check and fingerprinting with TSPC.
5. Any public charter school contractor, whether part-time or full-time, or an employee of a public charter school contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo a nationwide criminal record check and fingerprinting.

The public charter school administrator will identify contractors who are present of public charter school property and regularly interact with students and are subject to such requirements.

6. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal record check and fingerprinting with the Oregon Department of Education, Child Care Division.
7. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood program, or a K-12 program during the regular school day shall be required to undergo a nationwide criminal record check and fingerprinting.
8. Any person authorized by the public charter school for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

A newly hired employee is not subject to fingerprinting if the public charter school has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a public charter school, ESD or school district. Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the public charter school can demonstrate records are not otherwise available;
2. Additional evidence that the employee has not resided outside the state between the two periods of time working in the public charter school shall be maintained.

Notification

1. The public charter school will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
 - a. Such checks are required by law and/or Board policy;
 - b. Any action resulting from such checks that impact employment may be appealed as a contested case;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to criminal records checks or fingerprinting or falsely stating on public charter school employment applications, contracts or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contracts, ODE forms or public charter school volunteer forms (written or electronics) will result in immediate termination from employment, contract status, or the ability to volunteer in the public charter school.
2. The public charter school will provide written notice through such means as employment applications and contract or volunteer forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms as provided by ODE.
2. If the individual is subject to fingerprinting per state law, he/she will be required by the public charter school, and is responsible to report within three working days to an authorized finger printer for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing public charter school staff;
 - b. Contracted agent of employing public charter school;
 - c. Local or state law enforcement agency.

Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract.

3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized finger printer.
4. The authorized finger printer will obtain the necessary identification and fingerprinting and notify th ODE with the results. The ODE will notify the public charter school of said results and any subject individual it believes has knowingly made a false statement as to conviction of a crime prohibiting employment or contract.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the public charter school including contractors and their employees and volunteers shall be paid by the public charter school.
2. Fees are payable prior to beginning employment, volunteer service or contract.
3. Individuals offered employment in the public charter may request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The public charter school may withhold such fees only upon the request of the individual.
4. Fees associated with required criminal records checks for volunteers shall be paid by the public charter school.

Termination of Employment or Withdrawal of Employment/Contract Offer

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from consideration as a public charter school volunteer and employment or contract status or withdrawal of offer of employment or contract will be made by the public charter school administrator immediately upon:
 - a. Refusal to consent to a criminal record check and/or fingerprinting; or
 - b. Notification from the Superintendent of Public Instruction or his/her designee that the employee has conviction of crimes prohibiting employment with the public charter school as specified in law.
2. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law will b terminated from employment or contract status or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or his/hr designee that the employee has knowingly made a false statement as to the conviction of any crime.

3. Employment termination shall remove the individual from any public charter school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Appeals

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the public charter school will be directed to the Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by ODE.

Code:

GCN[/GDN]

Adopted:

Evaluation of Staff*

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of non-licensed employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

Evaluation of licensed staff shall be conducted to conform with applicable Oregon Revised Statutes and any applicable collective bargaining provisions.

Teachers' evaluations shall be customized based on collaborative efforts and include the core teaching standards adopted by the State Board of Education.

Evaluations must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the needs of the teacher and the needs of the public charter school;
 - a. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including classroom and other assignments;
 - b. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
 - c. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher.

Non-licensed Staff

All non-licensed employees will be formally evaluated by their immediate supervisor at least twice during their first year of employment and at least once a year thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 332.505](#)

[ORS 342.815 to -342.934](#)

[OAR 581-022-1720](#)

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, sponsoring 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.

Code:

GBA
Adopted:

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race, color, religion, sex, sexual orientation⁹, national origin, marital status, age, veterans' status¹⁰, genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659.850
ORS 659.870	ORS 408.230
ORS 659A.003	ORS 408.235
ORS 192.630	
ORS 243.672	
ORS 326.051	
ORS 332.505	
ORS 338.115	
ORS 342.934	
ORS 408.225	

⁹Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

¹⁰The public charter school grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Mother Friendly Workplace

The public charter school recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breast-feeding or expressing milk in the workplace. The Board directs the public charter school administrator to take measures and develop regulations to ensure that all public charter school employees shall be provided with an adequate location for the expression of milk or breast-feeding.

The public charter school administrator shall see that the public charter school makes a reasonable effort to provide a room or other location in close proximity to the employee's work area, other than a restroom, where an employee can breast-feed her child or express milk in privacy. This policy directs the public charter school administrator to include the following in the development of a regulation to ensure the provisions for employees required by this policy:

1. The advice of a school nurse or health professional in determining the most reasonable facility accommodation;
2. The plan shall include an accessible, private room with a lock that would allow a mother:
 - a. To breast-feed a child brought in during a lunch or other break period or
 - b. To pump breast milk to be stored for later use.
3. The room shall include:
 - a. Electrical outlets for electric pumps;
 - b. Sanitation facilities including a sink close by for hand washing and the rinsing of containers; and
 - c. A sign-up sheet and a sign posting the room as "private during use."

A reasonable effort will be made to provide a flexible work schedule in consideration of the requirements of the staff member's responsibility.

The public charter school shall provide the employee a 30-minute rest period to [breast-feed or] express milk during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period.¹¹ If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the public charter school.

This policy and a list of designated locations will be published in the employee handbook. A list of designated locations must be readily available, upon request, in the central office of each public charter school facility and at the public charter school office.

¹¹Public charter schools should refer to their work agreements to determine if the "rest period" is paid, nonpaid or a combination. The statute states the rest period is unpaid unless the public charter school has language in employee work agreements that addresses paid breaks.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 338.115](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

Drug-Free Workplace *

The public charter school shall provide a drug-free workplace.

1. Definitions

- a. “Controlled substance”: A controlled substance shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
- b. “Alcohol”: Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
- c. “Conviction”: A finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- d. “Criminal drug statute”: A federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
- e. “Drug-free workplace”: A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

2. Purpose

The purpose of this policy is to promote safety, health and efficiency by prohibiting, in the workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

3. Applicability

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions

An employee shall not, in the workplace, unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol.

5. No public charter school employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee’s public charter school duties; or knowingly endorse or suggest the use of such drugs.

6. Compliance with Policy¹²

An employee shall, as a condition of employment, abide by the provisions of this policy.

¹²Public charter schools directly receiving grants or contracts from the federal government are required to meet this obligation.

7. Sanctions and Remedies¹

- a. The public charter school, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion, under section 8. of this policy, of an employee unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include transfer, granting of leave with or without pay or suspension with or without pay.
- b. Within 30 days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the public charter school shall:
 - (1) Take action, with regard to the employee, determined to be appropriate which may include discipline up to and including termination; and/or
 - (2) Require satisfactory participation by the employee in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

8. Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

- c. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);
- d. Direct observation of use in the workplace;
- e. The opinion of a medical professional;
- f. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
- g. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

9. Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

10. Leave for Participation in Abuse Assistance or Rehabilitation Program

The public charter school shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

Establishment of Drug-Free Awareness Program

The public charter school shall establish a drug-free awareness program to inform employees of the:

- h. Dangers of drug abuse in the workplace;
- i. Existence of, and content of this policy for maintaining a drug-free workplace;

- j. Availability of drug-counseling, rehabilitation and employee assistance programs; and
- k. Penalties that may be imposed for drug abuse violations occurring in the workplace.

11. Notification by Employee of Conviction¹

An employee shall, as a condition of employment, notify the public charter school of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

12. Notification by Public Charter School of Employee Conviction

The public charter school shall notify the appropriate federal granting or contracting agency of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 days after receiving notice of such conviction.

13. Provision of Copy of Policy to Employees

The public charter school shall provide to each employee a copy of this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 338.115](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

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 administrator 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 administrator. 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 administrator 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 administrator 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. 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 ½" by 11".

The public charter school administrator 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](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Sexual Harassment Complaint Procedure

The public charter school administrator or has the 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 administrator 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 administrator. If the administrator 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/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 administrator 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 administrator 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 administrator is the subject of the investigation, reports, when required, shall be made by the public charter school board chair.

General Personnel Policies

The quality of the professional and support staff is of the primary importance in achieving SCFS's educational objectives. In filling a position, the Board will seek out and appoint the best qualified person for the position. The Board may participate in the interview and selection process of candidates. Employment of all candidates will be approved by Board action.

Notice of all regular job openings will be available to current staff members. Vacant positions may also be advertised through professional and institutional membership organizations, appropriate employment agencies, and general and specialized media.

Applications or inquiries concerning job openings for teachers, education coordinators, and secretaries will be directed to the administrator. Applications or inquiries concerning administrator job openings will be directed to the Board Chair.

Each candidate selected for employment with SCFS must possess or demonstrate eligibility for any license or registration required to fill the position. In addition, the individual must be insurable by the school's insurance carrier for any position requiring liability insurance coverage or bonding.

SCFS may require a candidate to hold a current first-aid card.

END OF POLICY

Position Descriptions

Position descriptions serve: 1) to describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of reasonable accommodations; 2) to help applicants determine the qualifications needed to fill the position; 3) to help the SCFS administrator and Board determine which candidates to select for appointment, and 4) to assist the administrator and Board in the evaluation of the employee's performance of position responsibilities.

Position descriptions will be drafted, maintained and updated by the SCFS administrator and Board. Current position descriptions will be contained in the Board policies. Each employee will receive a copy of his/her position description.

Descriptions

1. An elementary teacher is a licensed employee who plans and delivers course content and instruction and provides accurate information about student attendance, instructional hours and student performance. An elementary teacher may also serve as an education coordinator.
2. An elementary and/or secondary education coordinator is a licensed employee who serves as an advisor to parents and students. He or she will work closely with families to create and Individual Learning plan that maps students' educational program for the year. The Coordinator is available to the family on an ongoing basis to assist families in meeting the goals of the Individual Learning Plan. The coordinator also helps to ensure that SCFS is making progress towards meeting the goals of its charter contract.
3. An enrichment course instructor is an employee or contractor who teaches a specific course for a limited duration as outlined in a course agreement. The instructor is responsible for planning and delivering the course and providing accurate information about student attendance, instructional hours and student performance to the student's family and education coordinator.
4. An administrator is an employee who manages and coordinates the programs and services of South Columbia Family School. The administrator will work closely with the Board of Directors, parents, students, education coordinators, and the Scappoose School District to direct the day-to-day operations of the school. The administrator will also be responsible for ensuring that the school operates in a manner consistent with the mission and charter school contract and complies with federal and state laws, regulations and board policies.
5. An office manager is an employee who provides day-to-day administrative support and assists with the logistical needs of South Columbia Family School staff, parents, students and Board members.
6. A campus assistant is a non-licensed person who works under the guidance of the principal, teachers, or office manager.

END OF POLICY

Contractors

SCFS may enter into contract agreements with individuals and organizations who:

1. Possess knowledge and expertise in specific areas that serves to enhance the SCFS program and assist SCFS in achieving the goals of its charter agreement.
2. Possess knowledge and ability to teach SCFS students specific subjects and/or skills that complement the SCFS educational program.
3. Provide specific services that SCFS cannot perform internally that are necessary for school operations.
4. Provide products and services that are required in the charter agreement.

In order to qualify as contractors, individuals or organizations shall meet some or all of the following criteria, depending on the services provided:

- Possess a business license and liability insurance for non-instructional work.
- Perform the work as an employee of a limited liability company, corporation or partnership.
- Perform the work independently without direct supervision of an SCFS staff member
- Have a primary place of business that is a separate location from SCFS facilities
- Perform work using supplies and equipment that are purchased and maintained by the business or contractor
- Perform services for at least two different persons or entities each year
- Perform labor or services only under written contracts
- Pass a criminal background check if the individual will have unsupervised direct contact with students.
- Provide to SCFS a federal tax ID number or Social Security number

SCFS, however, shall retain the ultimate authority to make decisions about governmental functions and provide safeguards for those affected by a contractor's execution of governmental functions. Governmental functions include such things as developing and modifying the curriculum, ensuring appropriate instructions consistent with approved curriculum, and making decisions affecting a student's access to education such as disciplinary decisions contemplating suspension or expulsion.

END OF POLICY

References:

IRS Publication 15-A

License and Registration Requirements

At least one half of the total Full Time Equivalent teaching and administrative staff shall be licensed by TSPC. All non-licensed teaching and administrative staff of SCFS shall hold a Certificate of Charter School Registration granted by TSPC.

Registered Employees

The term “registered” means an employee who holds a Certificate of Charter School Registration issued by TSPC and refers to the inclusive dates printed on the certificate.

An individual may begin work before he/she has been issued the Certificate so long as the individual provides a copy of the filed registration application to the charter school, which includes the following:

- a) Completed character questions, signed and dated within 90 days of submission to TSPC
- b) Verification that the fee has been paid to the proper agency.
- c) Description of the specific position
- d) Current resume
- e) A list of any professional licenses held
- f) Letter from the Charter School Administrator requesting Charter School registration.
- g) Fingerprint clearance per Oregon statute.

It is the responsibility of the individual to provide a copy of the Certificate of Charter School Registration to SCFS within 45 days of submitting the application. If the individual is unable to provide the certificate within this amount of time, the employee will be subject to appropriate action that might include:

- 1) Suspension of duties without pay until the Certificate is provided to SCFS;
- 2) Termination of employment
- 3) Other action deemed necessary by the Board in order to remain in compliance with Oregon charter school law and SCFS policies

A photocopy made by SCFS of such Certificate will be placed in the employee personnel file. It shall be the responsibility of each registered employee to maintain a current Certificate on file at all times.

No employee shall be allowed to perform the responsibilities of a registered position without hold a current Oregon Certificate of Charter School Registration, without Board approval.

Any registered employee whose current Oregon Certificate of Charter School Registration expires during the course of employment, shall be immediately suspended without pay unless prior approval to continue in the assignment has been granted by the Board or until a current Certificate is presented to SCFS.

In the event that a Certificate is likely to expire before the renewal or replacement Certificate is received, it shall be the responsibility of the employee to obtain approval of the Board, prior to the expiration date appearing on the Certificate, to continue in the assignment without suspension. The request for approval shall include a description of a plan of action to acquire the necessary Certificate within the grace period allowed by TSPC. In no

event shall the Board authorize an extension beyond the grace period deadline. In case of new employees only, the administration may grant temporary approval to assume job duties until the next scheduled Board meeting, provided that the Certificate status of the employee has been thoroughly investigated and reasonable assurance that the license will be issued in a timely manner.

Licensed Employees

The term "current license", for the purpose of this policy, means an unexpired Oregon license issued by the Oregon Teacher Standards and Practices Commission (TSPC) and refers to the inclusive dates printed on the license.

No employee shall be allowed to perform the responsibilities of a licensed position without holding a current Oregon license, valid for the assignment, without Board approval.

It shall be the responsibility of each licensed employee to supply SCFS with current Oregon license(s) valid for the specific job assignment(s). A photocopy made by SCFS of such license will be placed in the employee personnel file. It shall be the responsibility of each licensed employee to maintain a current Oregon license on file at all times.

Any licensed employee whose current Oregon license expires during the course of employment, shall be immediately suspended without pay unless prior approval to continue in the assignment has been granted by the Board or until a current license is presented to SCFS.

In the event that a license is likely to expire before the renewal or replacement license is received, it shall be the responsibility of the employee to obtain approval of the Board, prior to the expiration date appearing on the license, to continue in the assignment without suspension. The request for approval shall include a description of a plan of action to acquire the necessary license without the grace period allowed by TSPC. In no event shall the Board authorize an extension beyond the grace period deadline. In case of new employees only, the administration may grant temporary approval to assume the assignment until the next scheduled Board meeting, provided that the license status of the employee has been thoroughly investigated and reasonable assurance exists that the license will be issued in a timely manner.

Should the likelihood exist that the SCFS would be placed in jeopardy of incurring a penalty, the employee shall not be allowed to assume the position and/or shall be suspended without compensation until such time as a current and also valid license is obtained. The Board, at its discretion, may choose to dismiss any licensed employee who fails to maintain a valid license.

END OF POLICY

References:

ORS 338.135

Staff Resignation

Resignation of the School Administrator

The school administrator must give written notice to the SCFS Board of Directors at least 60 days prior to the date he/she wishes to leave SCFS's employment. The Board may accept the resignation effective the day it is received and either release the administrator immediately from further administrative obligations or inform the administrator that he/she must continue working for part or all of the 60-day period.

Resignation of Teachers, Education Coordinators and Support Staff

A staff member who wishes to resign from his/her position with SCFS must give written notice at least 60 days prior to the date he/she wishes to leave SCFS's employment. The administrator is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that he/she must continue teaching for part or all of the 60-day period.

Where less than a 60-day notice is given, the Board may request that the Teacher Standards and Practices Commission suspend any licensed employee's teacher's or administrator's license for the remainder of the school year. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

END OF POLICY

Personnel Definitions

1. An employee is an individual who is selected for an ongoing employment at SCFS to perform the job duties of an elementary teacher, elementary or secondary education coordinator, a secretary or an administrator.
2. Licensed employees are those who have a current teaching or administrative license issued by the state Teacher Standards and Practices Commission.
3. Registered employees are those who have a current Certificate of Charter School Registration issued by the state Teacher Standards and Practices Commission.

END OF POLICY

Injury/Illness Reports

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

A written report will be submitted within 24 hours to the public charter school's principal. Reports will cover property damage as well as personal injury.

In the event of a work-related¹³ illness or injury to an employee resulting in overnight hospitalization for medical treatment¹⁴ other than first aid, the safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the public charter school of an illness or injury. Fatalities or catastrophes¹⁵ shall be reported to OSHA within eight hours.

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

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

¹³An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

¹⁴Medical treatment includes managing or caring for a patient for the purpose of combating disease or disorder. The following are not considered medical treatment: visits to a doctor or health care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

¹⁵A "catastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the Board for review annually¹⁶.

END OF POLICY

Legal Reference(s):

¹⁶[Annual reporting is required, but may occur more often.]

Code:

GBEB
Adopted:

Communicable Diseases - Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When an administrator has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the public charter school and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

Employees, who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.

The public charter school shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

The public charter school will include, as part of its emergency plan, a description of the actions to be taken by school staff in the case of a declared public health emergency or other catastrophe that disrupts public charter school operations.

The administrator will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(y\)](#)
[ORS 431.150 to -431.157](#)
[ORS 433.001 to -433.526](#)
[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 437-002-0360](#)

[OAR 437-002-0377](#)
[OAR 581-022-222](#)

OREGON DEPARTMENT OF EDUCATION and
OREGON HEALTH AUTHORITY,

Communicable Disease Guidance
(2017).
Family Educational Rights and Privacy
Act of 1974, 20 U.S.C. § 1232g (2017);
Family Educational Rights and Privacy,
34 C.F.R. Part 99 (2017).

Veterans' Preference

Oregon's Veterans' Preference Law requires the public charter school to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law¹⁷.

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

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.¹⁸ The public charter school shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the public charter school's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.¹⁹

Selection Procedures²⁰

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

¹⁷Oregon Revised Statute (ORS) 408.225: definition of veteran.

¹⁸ Oregon Revised Statute (ORS) 408.230(5)

¹⁹**Verification of Veteran's Preference**

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

²⁰OSBA recommends use of a scored system. If the public charter school chooses not to use a scored system the law requires that the public charter school give special consideration in the public charter school's hiring decision to veterans and disabled veterans and the public charter school will need to be able to demonstrate the method used for providing special consideration." ORS 408.230(2)(c).

Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

- Step 3: Based on Step 2, the [human resource director] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the [human resource director] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference points must be applied by adding 5 points to an eligible veteran and 10 points to an eligible disabled veteran.²¹
- Step 6: The [human resource director] makes the offer to the applicant with the highest final score. The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

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

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.²² The public charter school shall provide the reasons for not selecting the candidate when requested.

Filing a Complaint

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

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

²¹The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the public charter school must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.

²² Oregon Revised Statute (ORS) 408.230(5)

Staff Ethics

I. Conflict of Interest

No public charter school employee will use his or her public charter school position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household members or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee.

Public charter school employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be public charter school property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No public charter school employee may serve as a Board or budget committee member for the sponsoring district. A district or public charter school substitute bus driver in a district with an average daily membership of 50 or less may serve as a Board member;
5. An employee will not perform any duties related to an outside job during his or her regular working hours or during the additional time that he or she needs to fulfill the position's responsibilities; nor will an employee use any public charter school facilities, equipment or materials in performing outside work;
12. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his or her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. In order to avoid both potential and actual conflicts of interests, public charter school employees must abide by the following rules when an employee's relative or member of the household is seeking and/or holds a position with the public charter school:

3. A public charter school employee may not appoint, employ, promote, discharge, fire or demote or advocate for such an employment decision for a relative or a member of the household, unless he or she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not

apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;

4. A public charter school employee may not participate as a public official in any interview, discussion or debate regarding the appointment, employment, promotion, discharge, firing or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation or perform other acts that are part of the normal job functions of the employee;
5. More than one member of an employee's family may be hired as a regular public charter school employee. In accordance with Oregon law, however, the public charter school may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the public charter school administrator's approval.

In the *conflict of interest* context;

-“Member of the household” means any person who resides with the employee.

“Relative” means: the spouse²³, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits²⁴ to the employee, or who receives any benefit from the employee's public employment.

II. Gifts

Public charter school employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. ~~1-~~“Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

“Relative” means: the spouse²⁵, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits²⁶ to the employee, or who receives any benefit from the employee's public employment.

-“Member of the household” means any person who resides with the employee.

²³The term spouse includes domestic partner.

²⁴Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

²⁵Ibid. p. 2

²⁶Ibid. p. 2

Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee. If the giver does not have a legislative or administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A "legislative or administrative interest" means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A decision means an act that commits the public charter school to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payer of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.
2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payer reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

3. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
4. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from “relatives” and “members of the household” to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Nonprofit corporation.
 - (b) The employee is representing the public charter school:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the administrator.
 - (2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the public charter school.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i);

6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. A gift received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's charter school position;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to -244.400](#)

[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 to -199-020-0020](#)

[OAR 584-020-0040](#)

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

Domestic Violence/Harassment/Sexual Assault/Stalking Leave

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or an individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A public charter school (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

9. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
10. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
11. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
12. To obtain services from victims services provider for the eligible employee or the employee's minor child or dependent;
13. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child/dependant.

The public charter school may limit the amount of leave, if the employee's leave creates an undue hardship on the public charter school.

The public charter school shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the public charter school reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The public charter school may require the employee to provide certification that:

14. The employee or minor child/dependent is a victim of domestic violence, harassment, sexual assault or stalking; and
15. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

16. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking;
17. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking;
18. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy or victim services provider that the employee/child/

dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the public charter school regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any paid accrued vacation leave or may use any other paid leave that is offered by the public charter school in lieu of vacation leave. The employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available.

END OF POLICY

Legal Reference(s):

[ORS 192.502\(38\)](#)

[ORS 659A.270 to-659A.290](#)

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Board Related Policies

Code:

KL
Adopted:

Public Complaints * (Version 1)

No staff member, student, parent or guardian of a student attending the public charter school or person that resides in the district where the public charter school is located will be denied the right to petition with a complaint.

A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the administrator or one that involves Board actions or Board operations.

The complaint procedure is available at the public charter school's administrative office and on the home page of the public charter school's website.

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;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. 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.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR - Public Complaint Procedure.

The public charter school may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about public charter school personnel other than the administrator 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.

²⁷Complaints against the administrator may be filed with the Board chair on behalf of the Board.

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.

Complaints against the Board chair may be made directly to the public charter school counsel

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the public charter school.

The administrator] will develop and administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 or OAR 581-021-0550 and OAR 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), and the complaint is not resolved complainant, who is a student, is a parent or guardian of a student who attends the school or who is a person who resides in the district where the school is located, may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in {OAR} 581--0040.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

Legal Reference(s):

²⁷[If the public charter school only employs an administrator, no director, and selects Board chair from the bracketed language in this sentence, delete the following bracketed paragraph. If the school employs both positions, keep the appropriate bracketed language.]

[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).

Board Meeting Agenda

The Board chair, with the assistance of the administrator, will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or citizen of the public charter school by notifying the administrator at least five working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the public charter school office or administrator to Board members at least three full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the administrator's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted in the public charter school facility on the day of the meeting. Members of the public may request a copy of the agenda through the administrator's office.

The public charter school will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an alternate, equally effective communications will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

Code: **BDDG**

Adopted:

Minutes of Board Meetings

Minutes of Board meetings will be kept in a binder in the school's office and made available to anyone who requests to see them. A copy may be made if requested.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.710](#)

etter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

Public Participation in Public Charter School Board Meetings

All public charter school board meetings, with the exception of executive sessions, will be open to the public. The public charter school board invites district citizens to attend Board meetings to become acquainted with the program and operation of the public charter school. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the public charter school board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids²⁸ and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the public charter school board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.

Audience

During an open session of a public charter school board meeting, members of the public are specifically invited to present concerns during the designated portion of the agenda. At the discretion of the chair, further public participation may be allowed.

Request for an Item on the Agenda

A member of the public may request the administrator place an item of concern on the agenda of a regular public charter board meeting. This request should be made in writing and presented to the administrator for consideration at least [five working days] prior to the scheduled meeting.

Procedures for Public Participation in Meetings

The public charter school board will establish procedures for public participation in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the school and the patrons. The information will be easily accessible and available to all patrons attending a public charter school board meeting.

Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the chair.

²⁸“Auxiliary aids” include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Brailled materials and large print.

A visitor speaking during the meeting may introduce a topic not on the published agenda. The public charter school board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administrator for action or study.

Any person who is invited by the Board chair to speak to the Board during a meeting should state his or her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.

Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit on discussion or oral presentation by visitors.

Questions asked by the public, when possible, will be answered immediately by the Board chair or referred to staff members for reply. Questions requiring investigation may, at the discretion of the Board chair, be referred to the administrator for response at a later time.

At the discretion of the public charter school board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the public charter school board secretary with a completed registration card prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and especially for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

Petitions

Petitions may be accepted at any public charter school board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the administrator for consideration and recommendation.

Criticisms of Staff Members

Speakers may offer objective criticism of public charter school operations and programs, but the Board will not hear complaints concerning individual school personnel. The Board chair will direct the visitor to the appropriate means for public charter school board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

Code:

BFC
Adopted:

Adoption and Revision of Policies

Board policies will be subject to alteration, addition or deletion upon majority vote of the Board at any regular or special meeting in which all members have been notified in writing of the proposed alteration, addition or deletion at least 24 hours in advance. In most cases, a first reading of the policy will be scheduled on a regular meeting agenda prior to its adoption at a subsequent regular or special meeting.

A proposed change in policy will not be made at the meeting in which the change is proposed unless by majority vote of the Board.

The formal adoption of policies will be recorded in the Board minutes. Only those written statements so adopted and so recorded will be regarded as official Board policy.

When additions, deletions or amendments are made to Board policy, the addition, deletion or amendment will carry the adoption date and the corrected copy will be published at the earliest opportunity.

The operation of any single policy, section or sections of policies not established by law or specifically listed in the current collective bargaining agreement may be temporarily suspended by a majority vote of the Board at a regular or special meeting.

The policy manual will be [regularly] reviewed to keep it current.

END OF POLICY

Legal Reference(s): [ORS 338.115\(2\)](#)

Administrative Regulations (AR)

Administrative regulations are detailed directions governing the operation of the public charter school.

The administrator is authorized to formulate such administrative regulations appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the public charter school.

When approved by the administrator, administrative regulations shall be placed in notebooks and made available to the Board, staff and the public.

The Board may review any administrative regulation and may direct its revision if, in the Board's judgment, such administrative regulation is not consistent with adopted board policies.

END OF POLICY

Legal Reference(s): [ORS 338.115\(2\)](#)

Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of students and matters pertaining to or examination of the confidential medical records of a student, including that student's educational program.

An executive session may be convened by the Board chair upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660, during a regular, special or emergency meeting. The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent. (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(k))

9. To review the expulsion of a minor student from a public elementary or secondary school.
(ORS 332.061(1)(a))
10. To discuss matters pertaining to or examination of the confidential medical records of a student, including that student's educational program. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of minor students; or examination of the confidential medical records of a student, including that student's educational program; and
3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential medical records and educational program; the discussion; and each Board member's vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.710](#)
[ORS 338.115](#)

Board Member Compensation and Expense Reimbursement

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on public charter school business. Such expenses may include the cost of attendance at meetings, conferences or visitations when such attendance has been approved by the Board.

When paid admission is required of the public, Board members may be reimbursed for attending school events and other activities when their attendance is consistent with board responsibilities and school operations. The public charter school will establish accounting procedures consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS 244.020](#)

[ORS 244.040](#)

[ORS 332.018\(3\)](#)

Code: **BHE**

Adopted:

Board Member Liability Insurance

The Board will purchase liability insurance and errors-and-omissions insurance to protect its members individually and collectively from claims made against them as a result of official Board actions taken in the course of official duties.

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.300](#)

Recruitment and Appointment of the Administrator

The Board considers foremost among its responsibilities, the selection and appointment of a[n] administrator who can effectively translate into action, the Board's policies and the community's aspirations for its public charter school.

To provide the most capable leadership available for the public charter school, the Board may engage in a search for applicants for the position of administrator whenever a vacancy in that position occurs.

The Board shall develop and adopt the standards (e.g., candidate qualities and work experience), criteria (e.g., application, screening and hiring process) and policy directives (e.g., promote from within, state and/or national search) to be used in hiring the administrator at a meeting open to the public and at which the public has had an opportunity to comment.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may hire consultants to assist in screening candidates to encourage the filing of applications by professionals who meet the qualifications. Final selection will rest with the Board after a thorough consideration of qualified applicants.

The Board will appoint the [administrator][director] by a majority vote of the Board members at a meeting for which notice has been given of the intended action.

END OF POLICY

Legal Reference(s): [ORS 338.115\(2\)](#)

Adopted:

Handbooks

In order that pertinent Board policies, administrative regulations, school rules and procedures may be known by all staff members, patrons, students and parents affected; the public charter school administrator is granted authority to issue staff and student/parent handbooks.

The contents of all handbooks must conform with the public charter school charter agreement, board policies and administrative regulations. The publication shall bear the name of the public charter school and be of a quality that reflects favorably on the school. The Board expects all handbooks to be approved by the administrator before publication.

All handbooks published are to be made available to the Board for informational purposes.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(2\)](#)

Code:

BBA
Adopted:

Individual Board Member's Authority and Responsibilities

An individual public charter school board member exercises the authority and responsibility of his or her position when the public charter school board is in legal session only.

A public charter school board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of the Board members present is required to transact any business.

A public charter school board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as his/her own.

Members will be knowledgeable of information requested through Board action, supplied by the administrator, gained through attendance at public charter school activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Requests for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the administrator. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which requires additional expense to the school, must be submitted to the Board for consideration.

2. Requests for Legal Opinions

A request for a legal opinion by a Board member must be approved by a majority vote of the Board before the request is made to legal counsel. If the legal opinion sought involves the administrator's employment or performance, the request should be made to the Board chair. Legal counsel is responsible to the public charter school board.

3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students and members of the public to the appropriate complaint policy {Board policy KL - Public Complaints}. Such information will be conveyed to the administrator.

4. Board Member's Relationship to Administration

Individual Board members will be informed about the school’s educational program, may visit the school or other school facilities to gain information, and may request information from the administrator. Board members will not intervene in the administration of the school.

5. Contracts or Agreements

All contracts of the public charter school must be approved by the Board, or as delegated to the administrator, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(2\)](#)

Code:

BBFA
Adopted:

Board Member Ethics and Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives or household members, or for any business with which the Board member, a household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual \$50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. Public charter school-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

“Relative” means: -the Board member’s spouse²⁹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits³⁰ to the Board member, or who receives any benefit from the Board member’s public employment.

“Member of the household” means any person who resides with the public official.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member’s vote, official action or judgment would be thereby influenced.

²⁹The term spouse includes domestic partner.

³⁰Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the public charter school. A Board member will respect individuals' privacy rights when dealing with confidential information gained through association with the public charter school.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the ethics laws for public officials as stated in Oregon law.

Potential Conflict of Interest

"Potential conflict of interest" means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

"Actual conflict of interest" means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives or members of household, meaning that the Board member, each member of their household and relative can accept up to \$50 each from the same source/gift giver. "Gift" means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" means: spouse³¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits³² to the Board member, or who receives any benefit from the Board member's public employment.

-"Member of the household" means any person who resides with the Board member.

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative/administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

19. In calculating the per person cost at receptions or meals the payor of the Board member's admission or meal will include all costs other than any amount donated to a charity.

³¹Ibid. p. 1

³²Ibid. p. 1

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the Board member is \$25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.

20. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the Board member.
21. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
22. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

6. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or

7. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts:

1. Campaign contributions are not considered gifts under the ethics rules;
2. Gifts from “relatives” and “members of the household” to the Board member are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
3. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
4. Contributions made to a legal expense trust fund if certain requirements are met;
5. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Nonprofit corporation.
 - (b) The Board member is representing the public charter school:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*

- (2) The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
6. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the public charter school. Again, this exception does not authorize private meals where the participants engage in discussion.

"Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;
7. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i);
8. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement;
9. A gift received by the Board member as part of the usual or customary practice of the Board member's private business, employment or position as a volunteer that bears no relationship to the Board member's holding of public office.

Honoraria

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or any relative or member of the household of the Board member if the honoraria are solicited or received in connection with the official duties of the Board member.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the Board member or candidate.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to -244.400](#)

[OAR 199-005](#) to -199-010-0150

38 OR. ATTY. GEN. OP. 1995 (1978)
OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the public charter school:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;

-This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);

2. -A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy;

"Member of the household" means any person who resides with the Board member.

-“Relative” means: spouse³³, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits³⁴ to the Board member, or who receives any benefit from the Board member's public employment.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

³³The term spouse includes domestic partner.

³⁴Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

Legal Reference(s):

[ORS 244.010](#) to -244.400

[ORS 659A.309](#)

[OAR 199-0050001](#) to -199-010-0150

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

Code:

business.³⁶ No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation³⁷, age or national origin is prohibited.

Public Charter School Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening of a quorum of the Board as the public charter school's governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of a majority of those present³⁵ is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. All meetings will be conducted in compliance with state and federal statutes. All Board meetings, including Board retreats and work sessions, will be held within the geographic boundaries over which the Board has jurisdiction. The Board may attend training sessions outside these boundaries but cannot deliberate or discuss public charter school

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.

³⁵The public charter school should review its bylaws for language to align.

³⁶ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.

³⁷As defined in ORS 174.100.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on public charter school property.

23. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the organizational meeting in July and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending

time of the meeting; At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

24. Communications Outside of Board Meetings

Communications, to, by, and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing public charter school business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, or decision-making or gathering of information on which to deliberate.

Electronic communications may contain:

- a. Agenda item suggestions;

- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the administrator to each Board member (e.g., an article on student achievement or to share a report on public charter school progress on goals) so long as that information is being made available to the public;
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

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FISCAL POLICIES

Code: **DB**

Adopted:

Public Charter School Budget

The public charter school budget will serve as the financial plan of operation for the public charter school and will include estimates of expenditures for a given period and purpose and the proposed means of financing the estimated expenditures. The public charter school may provide that the budget and budget documents are prepared on an annual or biennial basis.

The public charter school budget will be prepared in full compliance with Generally Accepted Accounting Principles. The administrator will be designated as budget officer and will prepare the budget document.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(2\)](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL (2006).

Code: **DD**

Adopted:

Funding Proposals and Applications

The public charter school [may] [shall] pursue federal, state or private grants or other such funds that will assist the public charter school in meeting adopted Board and public charter school goals.

Proposals for external funds will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the administrator is authorized to use his or her judgment in approving it for submission. The administrator will review the proposal with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

The Board shall, before an acceptance of such funds, consider the public charter school's obligations, expectations or encumbrances when the grant ceases.

END OF POLICY

Legal Reference(s):

[ORS 294.100](#)

[ORS 294.305 - 294.565](#)

[ORS 338.115\(2\)](#)

Code: DE

Adopted:

Revenues from Private, State and Federal Sources

The Board may authorize, accept and use private, state or federal funds available to the public charter school to carry out public charter school educational programs. The public charter school will comply with all regulations and procedures required for receiving and using such funds.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[ORS 338.115\(2\)](#)

Code: **DGA**

Adopted:

Authorized Signatures

The Board will, at its annual organizational meeting following July 1, or at other times deemed necessary by the Board, authorize the public charter school administrator or designee to sign public charter school checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign public charter school checks. As of practice, the signees are either the principal or treasurer of the Board.

END OF POLICY

Legal Reference(s):

[ORS 294.120](#)

[ORS 328.441](#)

[ORS 328.445](#)

[ORS 338.115\(2\)](#)

Code: **DIC**

Adopted:

Financial Reports and Statements

The Board will receive and accept monthly financial reports that include estimates of expenditures for the general fund in comparison to budget appropriations, actual receipts in comparison to budget estimates and the public charter school's overall cash condition. Supplementary reports on other funds or accounts will be furnished upon request of the Board or administrator.

The Board may receive a pre-audit report from the office manager recapping the year-end closure of financial statements prior to the annual audit.

Appropriate staff will be available at any Board meeting, upon the Board's request, to respond to questions and to present current financial information. The administrator will notify the Board at any time of substantial deviations in the anticipated revenues and/or expenditures.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 294.311](#)

[ORS Chapter 297](#)

[ORS 328.465](#)

[ORS 338.095\(2\)](#)

[OAR 162-010-0000 to -0330](#)

[OAR 162-040-0000 to -0160](#)

[OAR 581-023-0037](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL

Code: **DID**

Adopted:

Property Inventories

The public charter school will maintain a complete property inventory which lists all public charter school sites, buildings, equipment and supplies with a value greater than \$500. This inventory will be updated as needed. The Board may authorize the employment of an appraisal company to assist with the inventory procedure. To update these records, the public charter school will keep current records of equipment disposed of and purchased.

END OF POLICY

Legal Reference(s):

[ORS 332.155](#)

[ORS 338.115\(2\)\(8\)](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Code: DIE

Adopted:

Audits

An audit of all public charter school accounts will be made annually by an accountant selected by the Board from the roster of authorized municipal accountants maintained by the Oregon Board of Accountancy. The audit examination will be conducted in accordance with minimum auditing standards established by the Secretary of State.

Every three years the Board will review the contract with the audit firm, and if necessary, solicit request for proposals from qualified municipal auditors if not satisfied with the original auditor.

A copy of the audit report will be presented to the Board. The administrator will submit a copy of the audit report to the school's sponsor and the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS Chapter 297](#)

[ORS 327.137](#)

[ORS 328.465](#)

[ORS 338.095\(2\)](#)

[OAR 581-023-0037](#)

[OAR 581-026-0210](#)

Code:DJ

Adopted:

Public Charter School Purchasing

The function of public charter school purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used will be standardized whenever consistent with educational goals and in the interest of efficiency or economy.

The office manager is appointed by the Board to serve as purchasing agent. He/She will be responsible for developing and administering the public charter school's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget or by Board action and/or Board policy. In all cases calling for the expenditure of public charter school money, except payrolls, a system must be used.

No purchase with the exception of a petty cash purchase will be authorized unless approved by the office manager or principal, following the school's procedure. No bills will be approved for payment unless purchases were made on approved orders.

The administrator or designee is authorized to enter into and approve payment on contracts obligating public charter school funds not to exceed \$5,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by public charter school employees, such as custodial, food service and transportation services.

The office manager will review bills due and payable for the purchase of supplies and services to determine if they are within budget amounts. After appropriate administrative review, the office manager will direct payment of the just claims against the public charter school. The administrator and office manager are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this public charter school shall use or attempt to use his or her official position to obtain financial gain or for avoidance of financial detriment for himself or herself, a relative or for any business with which the Board member or a relative is associated.

[Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the public charter school by any Board member, officer or employee of the public charter school is prohibited.]

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

[ORS Chapters 279, 279A, 279B, 279COAR 125-025-0040](#)

[ORS 294.311](#)

[ORS 328.441 to -328.470](#)

[ORS 338.115\(2\)](#)

Expenditure of Public Charter School Funds for Meals, Refreshments and Gifts

The public charter school recognizes there may be occasions when it is appropriate for Board members, administrators and others to expend public charter school funds in the course of conducting public charter school business to provide meals or refreshments (bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The use of public charter school funds, as used in this regulation, means the use of money in any of the general accounts of the public charter school. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that the public charter school may have established a "social fund" or "sunshine fund" to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Meals and Refreshments

Public charter school funds may be used to pay for individual or group meals only if official public charter school business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the public charter school to recognize the contributions of staff, through retirement dinners or other recognition events;
2. Meals may be provided by the public charter school as a part of Board or administrative work sessions, at public charter school committee meetings or other public charter school-approved activities.

Meals not directly business related may be provided to staff or others at the individual's expense only.

Board members and administrative staff may use public charter school funds to provide refreshments for staff, parents or others at meetings, in-service programs or other similar public charter school-sponsored activities, not to exceed \$20 per participant and subject to the following additional requirements:

1. The purchase of alcoholic beverages with public charter school funds is strictly prohibited;
2. The use of public charter school monies for parties is prohibited.

Code: **DJB**

Adopted:

Petty Cash Accounts

Petty cash funds may be established annually in the amount of \$50.00. Such funds will be used for the payment of properly itemized bills of nominal amounts and under conditions calling for immediate payment. Allowances, responsibility, security and accounting of petty cash funds will be in accordance with Board policy and requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 294.311](#)

[ORS 338.115\(2\)](#)

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the public charter school. All public contracts shall be invited in accordance with applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules.

The Board, acting as its own LCRB, adopts³⁸ [the *Oregon Attorney General's Model Public Contract Rules*, OAR Chapter 137, Divisions 046 through 049] [its own rules of procedure that will govern public charter school purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the public charter school. The public charter school's rules may include portions of the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049] in effect at the time this policy is adopted.

The public charter school shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under ORS 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the public charter school and made available on request.

The public charter school shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to public charter school rules to ensure compliance with statutory changes. [Modifications will be made only following review by the public charter school's legal counsel.] New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

The Board recognizes that a public contracting agency that has not established its own rules of procedure as permitted under ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Procurements estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

END OF POLICY

Legal Reference(s):

[-ORS Chapters 279A, 279B and 279C](#)

[ORS 338.115](#)

[OAR Chapter 125](#), Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

³⁸Public Contracts shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/ bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The public charter school shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the public charter school or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the public charter school intends to award a contract through special procurements that calls for competition among prospective contractors, the public charter school shall award the contract to the contractor it determines to be most advantageous to the public charter school. When the LCRB approves a class special procurement the public charter school may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, "Or Equal," Single Seller and Sole Source

- a. The public charter school may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. Solicitation specifications for public contracts of the public charter school shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- c. The public charter school may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantages to the public charter school, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the public charter school.
 - (1) The public charter school is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The public charter school is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the public charter school;
 - (3) A brand name specification may be prepared and used only if the public charter school determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the public charter school based on one or more of the following written determinations:
 - (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the public charter school; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

- d. The public charter school may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the public charter school is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

- e. The public charter school may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the public charter school must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the public charter school must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.

- f. If the public charter school intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the public charter school must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Code: **DLC**

Adopted:

Expense Reimbursements

The public charter school will reimburse employees for authorized expenses incurred for professional growth and/or job requirements in accordance with administrative regulations developed by the administrator and consistent with Internal Revenue Service requirements.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 338.115\(2\)](#)

[OAR 581-022-1660](#)

I.R.C. § 162 (2006); Business Expenses, 26 C.F.R. 1.162-1.

INTERNAL REVENUE SERVICE, PUBLICATION 463: TRAVEL, ENTERTAINMENT, GIFT AND CAR EXPENSES.

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved public charter school business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for public charter school business purposes and directly attributable to it will be reimbursed. As used in this regulation an “ordinary” expense means one that is common and accepted in the profession; a “necessary” expense means one that is essential and appropriate in order to conduct public charter school business.

Reimbursement procedures established by the public charter school will also apply to Board members traveling on Board-approved public charter school business, as applicable.

Out-of-state travel requires prior administrator approval.

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct public charter school business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.
2. The responsibility of the public charter school for damages resulting from vehicle accidents is not the same as set forth in the public charter school’s general liability insurance policy. The employee’s insurance coverage provides primary coverage when the employee is driving his or her own vehicle on approved public charter school business.
3. All public charter school employees operating private vehicles on approved public charter school business are required to complete and maintain on file with the public charter school verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required annually. Employees are required to update their verification of vehicle liability information maintained on file with the public charter school upon **any** change in the employee’s vehicle insurance coverage.

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for public charter school business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the public charter school. See **Expense Reimbursement Request and Accounting Procedures** below.
2. Expenses in excess of the public charter school’s established limit are ordinarily the responsibility of the employee and may be reimbursed only with administrator approval. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds [\$50]. The travel advance may be requested by completing the form provided by the public charter school.
2. The cost of commercial travel tickets will not be included in a cash advance request.

3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a public charter school-provided credit card.
4. At least 15 working days are required for processing an advance check after the approved request is received by the office.
5. Only one cash advance may be outstanding to any employee at any time.

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the public charter school.
2. Each employee is responsible for making his/her own reservations by obtaining a purchase order number from the office and furnishing that number to the local travel agency or commercial carrier.

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the public charter school or when the use of other transportation is not feasible.
2. Rental of a compact vehicle is recommended when suitable for approved public charter school business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee the compact rate in all owned stations and in most licensee stations, which means that if a reservation for a compact vehicle is accepted and one is not available, a standard-sized vehicle will be substituted at the compact rate.
3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. Employees will be informed if the public charter school carries the rental car endorsement as part of its insurance coverage. In the event the public charter school does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is his or her responsibility to call the travel agency or carrier and arrange to have the tickets cancelled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.
5. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the [business] office immediately.

Personal Travel Combined with Public Charter School Business Travel

6. If an individual traveling on approved public charter school business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are ordinary and necessary in the conduct of public charter school business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.
7. When personal travel is combined with approved public charter school business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.
8. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.
9. Vacation or other personal leave may be taken in conjunction with approved public charter school travel subject to the following:
 - a. Time delays related to approved public charter school business are charged as working time even if no work is performed;
 - b. If the employee travels by less than the most cost-effective manner, as determined by the public charter school, for approved public charter school business or for personal travel combined with travel for public charter school business purposes, he or she must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
 - c. All subsistence and local transportation (i.e., taxi, vehicle fare, etc.) while on vacation status or other appropriate leave must be paid by the employee;
 - d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved public charter school business, even though he or she spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved public charter school business;
 - e. A traveler who decides on his or her own to conduct public charter school business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the public charter school pay his or her basic transportation cost from the public charter school to the location visited, or submit a request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the public charter school's travel expense form and approved by the administrator in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the public charter school office within 10 working days of the conclusion of the trip.
 - a. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the office with the report.
 - b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within 30 working days after the approved travel expense report is received by the office.

2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes:
 - c. The names of guests;
 - d. The organizations involved;
 - e. A full explanation of the public charter school business purpose of the meeting.
3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil which have been deducted from the rental charge by the rental agency must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than 90 calendar days of incurring the expense. Reimbursement claims later than 90 calendar days of the expense will be denied.
5. Mileage for approved public charter school business travel in a private vehicle will be reimbursed at the current rate per mile established by the public charter school, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. Meal expenses for approved public charter school business travel purposes, may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved public charter school business purposes in which public charter school business is conducted with at least one or more other persons, or that is incurred on approved public charter school business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform his/her duties, as defined by the IRS, will not be reportable as income to the employee.
7. In the event the total of the amount charged to, and/or received from the public charter school by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

1. Current recommended state rate.
2. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of a trip or circumstances demand.
3. Mileage reimbursement for actual miles traveled on public charter school business, may be approved subject to the following limitations:
 - a. Mileage reimbursement will not be granted to an employee, other than a public charter school-approved tutor, for traveling from his or her residence to the place where work begins for the day or for returning home from the last place worked during the day;
 - b. Reimbursement will be made only for those miles actually traveled in the course of completing approved public charter school business. When chauffeured, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
 - c. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;

- d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
 - e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage** above.
4. Lodging will be reimbursed at reasonable commercial rates.
 5. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the public charter school's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the public charter school.

Code:

DN
Adopted:

Disposal of Public Charter School Property

The Board may, at any time, declare public charter school property as surplus and authorize its disposal when such property is no longer useful to the public charter school, unsuitable for use, too costly to repair or obsolete.

If reasonable attempts to dispose of surplus properties fail to produce a monetary return to the public charter school, the Board may dispose of them in another manner.

If the charter is terminated or a public charter school is dissolved, the assets of the public charter school that were purchased with public funds shall be given to the State Board of Education.

If the public charter school property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)

[ORS Chapters 279A, 279B](#) and [279C](#)

[ORS 332.155](#)

[ORS 338.105\(6\)](#)

[ORS 338.115\(2\)](#)

EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32(e).

Student-Related Policies

Code: **JB**

Adopted:

Equal Educational Opportunity

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation³⁹, 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 administrator 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

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](#)

³⁹“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.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Americans with Disabilities Act Amendments Act of 2008.

Educational Equity

The public charter school is committed to the success of every student. For that success to occur, the public charter school is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. “Achieving equity” means students’ identities will not predict or predetermine their success in school.

Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

Educational equity promotes the real possibility of equality of educational results for each student and between diverse groups of students. Equity strategies are intentional, systemic and focused on the core of the teaching and learning process.

To achieve educational equity, the public charter school will commit to:

1. Systematically using school-wide data disaggregated by race/ethnicity, national origin, language, special education, sex, socioeconomic status and mobility⁴⁰ to inform public charter school decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation⁴¹ and national origin in discipline, special education and in various advanced learning.
4. Graduating all students ready to succeed in a diverse local, national and global community.⁴²

In order to achieve educational equity for each and every student:

1. The public charter school shall provide every student with equitable access to high quality curriculum, support, facilities and other educational resources, even when this means differentiating resource allocation.

⁴⁰These are data categories that the Oregon Department of Education collects. Public charter schools may choose to add to this list from data the public charter school collects.

⁴¹“Sexual orientation” is defined by Oregon Revised Statute (ORS) 174.100(7) to mean an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

⁴²If the public charter school offers only K-8 or under, this item may be deleted.

2. The public charter school shall review existing policies, programs, professional development and procedures for the promotion of educational equity, and all applicable new policies, programs and procedures will be developed [using an educational equity analysis tool] [with educational equity as a priority].
3. The public charter school shall actively work toward a balanced teacher and administrator workforce to reflect the diversity of the student body. The public charter school seeks to recruit, employ, support and retain a workforce that includes racial, sex and linguistic diversity, as well as culturally responsive administrative, instructional and support personnel.
4. The public charter school shall provide professional development to strengthen employees' knowledge and skills for eliminating opportunity gaps and other disparities in achievement.
5. The public charter school shall create a welcoming, inclusive culture and environment that reflects and supports diversity of the student population, their families and their community.
6. The public charter school shall include partners who have demonstrated culturally specific expertise, including but not limited to, families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, local businesses and the community in general, in meeting our high goals for educational outcomes. The public charter school shall seek to involve students, staff, families and community members that reflect public charter school demographics to inform decisions regarding the narrowing of the achievement and other opportunity gaps.
7. The public charter school shall provide multiple pathways to success in order to meet the needs of the diverse student body and shall actively encourage, support and expect high academic achievement for each student.
8. The public charter school shall provide materials and assessments that reflect the diversity of students and staff and are geared toward the understanding and appreciation of culture, class, language, ethnicity, poverty, ability and other differences that contribute to the uniqueness of each student and staff member.

The administrator shall develop procedures to implement this policy. The administrator will [annually] report to the Board the progress of the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100\(7\)](#)

[ORS 332.075](#)

[ORS 338.115](#)

[ORS 342.437 to -342.449](#)

Drug, Alcohol and Tobacco Prevention, Health Education**

Students have a right to attend school in an environment conducive to learning. The public charter school will not tolerate the possession, selling or use of unlawful and harmful drugs (illicit drugs, nontherapeutic uses of prescribed drugs, misuse of solvents and other dangerous substances) alcohol or tobacco in the schools, on public charter school grounds or during public charter school-sponsored activities including athletic events, dances, field trips, etc.

After consulting with staff, parents and students, through such groups as community agencies and representatives from drug, alcohol or health service agencies[, student councils, MADD, ministerial association, chamber of commerce, local school committee and the county youth services team], the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

Drug Prevention Program

Each classroom K-8 shall receive drug, alcohol and tobacco prevention instruction as part of the health education program.

For students not enrolled in health education, the public charter school administrator will ensure a program of activities which reflects current research and meets the requirements of the public charter school's prevention and intervention program.

Each year the public charter school will review the curriculum in consultation with the public charter school's drug, alcohol and tobacco prevention committee and revise as necessary to reflect current research and state standards.

The public charter school is committed to an aggressive intervention and referral program to eliminate prohibited drug, alcohol and tobacco use.

The program shall include training for staff and a compilation of information on school and community resources and procedures for responding to drug-related medical emergencies.

Parents, students and staff shall annually receive information and detailed procedures regarding the public charter school's intervention/referral program through the school's parent/student handbook and the staff handbook published by the school.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the ~~conduct~~ code of conduct which may include discipline up to and including expulsion. Students violating the code of conduct prohibiting [substance abuse,] possessing, selling and/or using unlawful drugs or alcohol may be subject to an assessment and, if appropriate, referred to law enforcement officials. When considering disciplinary action for a child 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 or placement, manifestation determination and an interim alternative educational setting.

Each year the public charter school will actively seek funds to support the activities identified in the public charter school's drug, alcohol and tobacco prevention program.

The public charter school administrator shall provide staff development activities for all employees addressing the public charter school's drug, alcohol and tobacco prevention and intervention program or plan, the employee's responsibilities within the program or plan and current drug, alcohol and tobacco information.

The public charter school will develop a public information plan for students, staff and parents.

The public charter school's Drug, Alcohol and Tobacco Prevention, Health Education plan, related policies, rules and procedures will be reviewed annually and updated, as needed.

END OF POLICY

Legal Reference(s):

[ORS 163.575](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 339.873](#)
[ORS Chapter 475](#)

[OAR 581-011-0052](#)
[OAR 581-015-2000](#)
[OAR 581-015-2040](#)
[OAR 581-015-2045](#)
[OAR 581-015-2050](#)
[OAR 581-015-2060](#)
[OAR 581-015-2070](#)
[OAR 581-015-2075](#)
[OAR 581-015-2410](#)
[OAR 581-015-2415](#)
[OAR 581-015-2420](#)
[OAR 581-015-2425](#)
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[OAR 581-015-2055](#)
[OAR 581-015-2205](#)
[OAR 581-015-2220](#)
[OAR 581-015-2225](#)
[OAR 581-015-2230](#)
[OAR 581-015-2235](#)
[OAR 581-015-2240](#)
[OAR 581-015-2325](#)
[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-022-0413](#)
[OAR 581-022-1210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).
34 C.F.R. §§ 300.108.

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The public charter school shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The public charter school must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6- through 8.

Parents, teachers, school administrators, local health department's staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;
6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;

7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

19. Assists students to develop and practice effective communication skills, development of self esteem and ability to resist peer pressure;
20. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;

21. Enhances students' ability to access valid health information and resources related to their sexual health;
22. Teaches how to develop and communicate sexual and reproductive boundaries;
23. Is research based, evidence based or best practice; and
24. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)

[ORS 336.107](#)

[ORS 336.455 to -336.475](#)

[ORS 339.370 to -339.400](#)

[OAR 581-022-0705](#)

[OAR 581-022-1440](#)

[OAR 581-022-1910](#)

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 the 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 entire 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.

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 Board policy JHFDA - Suspension of Driving Privileges, the public charter school may report students with 10 consecutive days of unexcused absences 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, full-time schools:

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 who have received a high school diploma or a modified diploma.
4. 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.

5. Students being educated in the home by a parent or guardian.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Students excluded from attendance as provided by law.
9. An exemption may be granted to the parent or guardian 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.
10. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

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](#)
[OAR 581-021-0026](#)
[OAR 581-021-0029](#)
[OAR 581-021-0071](#)
[OAR 581-021-0077](#)

Graduation Requirements (Version 2)

Students and their parents will be notified by grade five of state graduation and diploma requirements.

The public charter school will ensure that students have access onsite to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate. The public charter school will provide age-appropriate and developmentally appropriate literacy instruction to all students through grade 8.

The public charter school may not deny a student who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma, for the sole reason the student has the documented history.

Beginning in grade five or after a documented history to qualify for an extended diploma has been established, the public charter school will annually provide to the parents or guardians of the student, information about the availability of a modified diploma, an extended diploma and an alternative certificate.

The public charter school may not deny a diploma to a student who has opted out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out of the statewide summative assessments will need to meet the Essential Skills graduation requirement using another approved assessment option.

The public charter school shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[ORS 329.451](#)

[ORS 329.479](#)

[ORS 332.114](#)

[ORS 339.115](#)

[ORS 343.295](#)

[OAR 581-022-1910](#)

[OAR 581-022-2000](#)

[OAR 581-022-2010](#)

[OAR 581-022-2015](#)

[OAR 581-022-2020](#)

[OAR 581-022-2025](#)

[OAR 581-022-2030](#)

[OAR 581-022-2115](#)

[OAR 581-022-2120](#)

[OAR 581-022-2505](#)

Graduation Requirements (Version 2) (K-8 Only)

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits.

Subject	Diploma Requirements
English	4 (shall include the equivalent of one unit in written composition)
Math	3 (shall include one unit at Algebra I level and two units at a level higher than Algebra I)
Science	3
Social Studies	3 (including history, civics, geography and economics (including personal finance))
Health	1
PE	1
Career Technical Ed, The Arts or World Language (in any one or combination thereof)	3
Electives	6
Total credits required to graduate:	24
Essential Skills required:	
	Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	
	Develop an education plan and build an education profile.
	Demonstrate extended application through a collection of evidence.
	Participate in career-related learning experiences.

The public charter school may offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in OAR 581-022-1131.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards for a high school diploma even with reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

25. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
26. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

Subject	Modified Diploma Requirements
English	3
Math	2
Science	2
Social Studies	2
Health	1
PE	1
Career Technical Ed, The Arts or World Language	1
Electives	12
Total credits required for modified diploma:	24
Essential Skills required:	Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	Develop an education plan and build an education profile.
	Demonstrate extended application through a collection of evidence.

Modifications can be made to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on IEP's, any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct or measured outcome of an assessment. This means that IEP or school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard;
2. For a student not on IEP's, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a 504 Plan may not receive a modified OAKS assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education;
 - g. One credit of the arts or a world language.
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students meet minimum credit requirements established by the public charter school. Alternative certificates will be awarded based on individual student needs and achievement.

Assessment

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form⁴³ and submitting the form to the public charter school.

⁴³ www.ode.state.or.us: or navigate to Teaching & Learning > Testing - Student Assessment > Smarter Balanced

Communicable Diseases - Students

The public charter school shall provide reasonable protection against the risk of exposure to communicable disease for students. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will be provided to students as required by law.

When an administrator has reason to suspect that a student has or has been exposed to any restrictable disease for which the student is required to be excluded, the administrator involved shall exclude the student from school and if the disease is a reportable disease, will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The public charter school may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The public charter school will include, as a part of its emergency plan, a description of the actions to be taken by school personnel in the case of a declared public health emergency or other catastrophe that disrupts public charter school operations.

The public charter school shall protect the confidentiality of each student's health condition and record to the extent possible and consistent with federal and state law.

The administrator will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

OREGON DEPARTMENT OF EDUCATION and	ORS 433.001 to -433.526
OREGON HEALTH AUTHORITY,	OAR 333-018
<i>Communicable Disease Guidance</i>	OAR 333-019-0010
(2017).	OAR 333-019-0014
Family Educational Rights and Privacy	OAR 437-002-0360
Act of 1974, 20 U.S.C. § 1232g (2017);	OAR 437-002-0377
Family Educational Rights and Privacy,	OAR 581-022-2220
34 C.F.R. Part 99 (2017).	

Medications/***

The public charter school recognizes that administering a medication to a student and/or permitting a student to administer a medication to them self, 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 a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis⁴⁴, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the public charter school may administer, or a student may be permitted to administer to themselves a prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The public charter school shall designate personnel authorized to administer medications to students. Training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE).

Current first-aid and CPR cards are strongly encouraged for designated personnel.

When a licensed health care professional is not immediately available, personnel designated by the public charter school may administer to a student, epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

The public charter school reserves the right to reject a request for personnel to administer, or to permit a student to administer to them self, a medication when such medication is not necessary for the student to remain in school.

The administrator and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy, and an individualized health care plan 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-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.

⁴⁴Under proper notice given to the public charter school by a student or student's parent or guardian.

A request to the public charter school to administer or allow a student to self-administer prescription medication or a nonprescription medication that is not approved by the Food and Drug Administration (FDA) shall include a signed prescription and treatment plan from a prescriber⁴⁵ or an Oregon licensed health care professional.

A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law⁴⁶, 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.

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

A process shall be established by which, upon parent or guardian written request, a back-up prescribed auto injectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.

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

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

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

A school administrator, school nurse, teacher or other public charter school employee designated by the school administrator is 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, subject to state law.

⁴⁵A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at 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.

⁴⁶Subject to ORS 109.610, 109.640 and 109.675.

A school administrator, school nurse, teacher or other public charter school employee designated by the school administration is not liable in a criminal action or for civil damages, when that person in good faith administers auto injectable epinephrine to a student or other individual with a severe allergy, who is unable to self administer the medication, subject to 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 auto injectable epinephrine to a student or individual, subject to state law.

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

END OF POLICY

Legal Reference(s):

[ORS 109.610](#)

[ORS 109.640](#)

[ORS 109.675](#)

[ORS 338.115\(1\)\(y\)](#)

[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 581-022-2220](#)

[OAR 851-047-0030](#)

[OAR 851-047-0040](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration in Oregon Schools: A Manual for School Personnel* (2016).

Code:

JED
Adopted:

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:

- Illness of the student;
- Illness of an immediate family member when the student's presence at home is necessary;
- Emergency situations that require the student's absence;
- Field trips and school-approved activities;
- Medical (dental) appointments. Confirmation of appointments may be required;
- 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, negligent in their home-based instruction, or with frequent absences may be subject to the following: notification by administrator or contact by the truant officer.

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](#)

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 332.061](#)

[ORS 332.072](#)

[ORS 337.150](#)

[ORS 338.115\(a\)](#)

[ORS 339.155](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 659.850](#)

[ORS 659.865](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-022-1140](#)

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Code: JFC

Adopted:

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's administration, in cooperation with staff, 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 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](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 659.850](#)

[OAR 581-021-0050 to -0075](#)Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

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

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2006).

Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).

C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

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 principal and approved by the administrator.

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 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 policy⁴⁷. 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 administrator shall ensure that the Board's policy and any subsequent school rules developed by building administrators 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

Legal Reference(s):

[ORS 336.840](#)

[ORS 338.115](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2006).

⁴⁷The 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.

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, administrators and community representatives in developing this policy compliance with applicable Oregon Revised Statutes. Hazing, harassment, intimidation or bullying, menacing and acts of cyber bullying 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 administrator 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 orientation⁴⁸, 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 members⁴⁹:

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

“Cyber bullying” 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 cyber bullying 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 cyber bullying, teen dating violence or retaliation.

⁴⁸“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.

⁴⁹“Family or household members” [as defined in ORS 107.705] OR [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.]

“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

The administrator will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing and acts of cyber bullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the administrator 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 administrator. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyber bullying to the administrator 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 cyber bullied in violation of this policy is encouraged to immediately report his/her concerns to the [employee position title] 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 administrator 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 administrator 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 administrator 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 cyber bullying.

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 cyber bullying.

The administrator 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 166.065](#)
[ORS 166.155 to -166.165](#)
[ORS 174.100\(7\)](#)
[ORS 332.072](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.254](#)
[ORS 339.351 to -339.366](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-1140](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Hazing/])Harassment/Intimidation/Bullying/])Menacing/])Cyberbullying/ Teen Dating Violence Complaint Procedures – Student

The principal has the 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 cyber bullying and incidents of teen dating violence information (complaints, rumors, etc.) shall be presented to the administrator. Complaints against the administrator 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.

Code: **JGA**

Adopted:

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, administrator, 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](#)

[OAR 581-021-0050 to -0075](#)

[OAR 584-020-0040](#)

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 administrator, teacher or other school employee or volunteer 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 [] 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;
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 schools'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 administrator 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 161.205](#)

[ORS 339.250](#)

[ORS 339.285](#)

[ORS 339.288](#)

[ORS 339.291](#)

[OAR 581-021-0061](#)

[OAR 581-021-0550](#)

[OAR 581-021-0553](#)

[OAR 581-021-0556](#)

[OAR 581-021-0559](#)

[OAR 581-021-0563](#)

[OAR 581-021-0566](#)

[OAR 581-021-0568](#)

[OAR 581-021-0569](#)

[OAR 581-021-0570](#)

Code:

EEACC
Adopted:

Student Conduct on School Buses

The following regulations will govern student conduct on public charter school buses and will be posted in a conspicuous place in all buses:

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 338.115\(w\)](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 820.100 - 820.190](#)

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

[OAR 581-021-0050 to -0075](#)

[OAR 581-023-0040](#)

[OAR 581-053-0002](#)

[OAR 581-053-0003](#)

[OAR 581-053-0004](#)

[OAR 581-053-0010](#)

[OAR 581-053-0210](#)

Student Discipline**

Discipline in the public charter school is based upon a philosophy designed to produce behavioral changes that will enable students to develop the self-discipline necessary to remain in school and to function successfully in their educational and social environments.

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.

The major objectives of the public charter school's discipline program are to teach the following fundamental concepts for living:

1. Understanding and respect for individual rights, dignity and safety;
2. Understanding and respect for the law, Board policies, administrative regulations and school rules;
3. Understanding of and respect for public and private property rights.

The public charter school board seeks to ensure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The public charter school administrator will develop administrative regulations whereby those students who disrupt the educational setting or who endanger the safety of others will be offered corrective counseling and be subject to disciplinary sanctions that are age appropriate, and to the extent practicable, ~~that~~ uses approaches that are shown through research to be effective to correct behavioral problems, while supporting a students' attendance to school and classes. Examples include, but are not limited to, reprimands, conferences, detention and denial of participation in co-curricular and extracurricular activities. Titles and/or privileges available to or granted to students may be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.).

The public charter school shall enforce consistently, fairly and without bias all student conduct policies, administrative regulations and school rules.

A student whose conduct or condition is seriously detrimental to the school's best interests may be suspended. Students may be expelled for any of the following circumstances: a) when a student's conduct poses a threat to the health or safety of students or employees; b) when other strategies to change student behavior have been ineffective, except that expulsion may not be used to address truancy; or c) when required by law. The public charter school shall consider the age of the student and the past pattern of the student's behavior prior to imposing the suspension or expulsion. The public charter school will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

4. Nonaccidental conduct causing serious physical harm to a student or employee;
5. 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
6. When the suspension or expulsion is required by law.

When an out-of-school suspension is imposed on a student in the fifth grade or lower⁵⁰, the public charter school shall take steps to prevent the recurrence of the behavior that led to the out-of-school suspension, and return the student to a classroom setting to minimize the disruption of the student's academic instruction.

Parents, students and employees shall be notified by handbook, code of conduct or other document of the acceptable behavior, behavior subject to discipline and the procedures to address behavior ~~and the consequences of that behavior~~. These procedures will include a system of consequences designed to correct student misconduct and promote acceptable behavior.

END OF POLICY

Legal Reference(s):

⁵⁰This is required language for public charter schools that service students in grades K-8.

[ORS 243.650](#)
[ORS 332.061](#)
[ORS 332.072](#)

[ORS 338.115\(j\)](#)
[ORS 339.115](#)
[ORS 339.240 to -339.280](#)
[ORS 659.850](#)

[OAR 581-021-0045](#)
[OAR 581-021-0050 to -0075](#)

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

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

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

Code: **JGD**

Adopted:

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*] [code of conduct] 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\(j\)](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050](#)

[OAR 581-021-0065](#)

[OAR 581-021-0075](#)

Code: **JGDA/JGEA**

Adopted:

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 district⁵¹ 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

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 336.187](#)
[ORS 338.115\(a\)](#)
[ORS 339.240](#)
[ORS 339.250](#)

⁵¹"District," for the purpose of this policy, means the district in which the public charter school is located.

[ORS 339.252](#)
[ORS 343.177](#)

[OAR 581-015-2400](#)
[OAR 581-015-2405](#)
[OAR 581-015-2410](#)
[OAR 581-015-2415](#)
[OAR 581-015-2420](#)
[OAR 581-015-2425](#)
[OAR 581-015-2430](#)
[OAR 581-015-2435](#)
[OAR 581-015-2440](#)

Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1415 (k) (2006).
Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.507 and § 300.508(a)-(c); §§ 300.510 - 300.514; §§ 300.530 - 300.536.

Discipline of Students with Disabilities**

1. Definition

- a. The district⁵² 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.

⁵²“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:

- (4) The removal is for more than 10 consecutive school days; or
- (5) 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:

- (6) 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.
- (7) 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.
- (8) 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.

a. 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.

a. 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.

a. 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.

b. 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.

a. 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.

b. 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.

c. 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.

(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:

(1) 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;

(2) Gives the parent(s) prior written notice of any proposed change in placement;

(3) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and

(4) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

11. 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.
- d. 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 service⁵³ or by certified mail⁵⁴ at least [five] days prior to the scheduled hearing. Notice shall include:
 - c. The specific charge or charges;
 - d. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
 - e. A recommendation for expulsion;
 - f. The student's right to a hearing;
 - g. When and where the hearing will take place; and
 - h. 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;
 2. 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;
 3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the public charter school will provide a translator;
3. 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;

⁵³The person serving the notice shall file a return of service. (OAR 581-021-0070)

⁵⁴When "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)

4. 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;
5. The student shall be permitted to be present and to hear the evidence presented by the public charter school;
6. The hearings officer or the student may record the hearing;
7. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
8. 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;
9. 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;
10. 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](#)

Code: JHCCA

Adopted:

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 AIDS⁵⁵.

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.

The public charter school shall also develop procedures for rumor control, infection control, student accommodations and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 332.061](#)

[ORS 336.187](#)

[ORS 338.115\(w\)](#)

[ORS 339.030](#)

[ORS 339.250](#)

[ORS 433.008](#)

[ORS 433.045](#)

⁵⁵HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-0705](#)

[OAR 581-022-1660](#)

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

Code:

IGBAB/JO

Adopted:

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 administrator.

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:

17. Inspect and review the student’s records;
18. 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;
19. 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);
20. 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
21. 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 338.115\(a\)](#)
[ORS 339.270](#)
[ORS 343.177\(3\)](#)

[OAR 166-405-0010](#) to [166-415-0010](#)
[OAR 581-021-0220](#) to [-0430](#)
[OAR 581-022-1660](#)
[OAR 581-022-1670](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

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.

22. 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.

23. 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.

24. 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 district⁵⁶. The administrator or designee shall be the person responsible for maintaining and releasing the education records.

25. 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 district¹ official employed by the public charter school or district¹ as an administrator, supervisor, instructor or staff support member; a person serving on a public charter school or district¹ board; a person or company with whom the public charter school or district¹ 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 district¹ 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).

⁵⁶"District," for the purpose of this policy, means the district in which the public charter school is located.

The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district¹ who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district¹;
- 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 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, who has the right to access the student's case plan, of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

26. 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.

27. 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 administrator where the record is maintained to amend the record.

The administrator 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 administrator 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.

28. Hearing Rights of Parents or Eligible Students

If the administrator 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:

- a. The administrator or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the administrator.

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:

- a. 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 district¹; 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.

29. 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.

30. 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, sponsoring 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.

Code:

IGBBA
Adopted:

Identification - Talented and Gifted**

In order to serve academically talented and intellectually gifted students in grades K-12, the public charter school directs the administrator to establish a written identification process. This process shall include as a minimum:

31. Behavioral, learning and/or performance information;
32. A nationally standardized mental ability test for assistance in identifying intellectually gifted students;
33. A nationally standardized academic achievement test for assistance in identifying academically talented students or Oregon Assessment of Knowledge and Skills (OAKS) or Smarter Balanced Assessment.
34. Use of research based best practices to identify talented and gifted students from under-represented populations such as ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse or economically disadvantaged.

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

The Board has established an appeals process for parents to utilize if they are dissatisfied with the identification process of their student for the public charter school program for talented and gifted students and wish to request reconsideration.

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)
[ORS 343.407](#)

[ORS 343.411](#)
[OAR 581-021-0030](#)

[OAR 581-022-1310 to -1330](#)
[OAR 581-022-1940](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Code:

JOB
Adopted:

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:

35. To personnel within the public charter school or district⁵⁷ who have legitimate educational interests;

⁵⁷"District" for the purpose of this policy, means the district in which the public charter school is located.

36. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
37. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
38. 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;
39. To personnel determining a financial aid request for the student;
40. To personnel conducting studies for or on behalf of the public charter school or district¹;
41. To personnel in accrediting organizations fulfilling accrediting functions;
42. To comply with a judicial order or lawfully issued subpoena;
43. For health or safety emergency;
44. By request of a parent of a student who is not 18 years of age;
45. By request of a student who is 18 years of age or older or emancipated;
46. Because information has been identified as “directory information;”
47. To the courts when legal action is initiated;
48. To a court and state and local juvenile justice agencies;
49. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependancy matters;
50. 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\(a\)](#)

[OAR 581-015-2000](#)

[OAR 581-021-0220 to -0430](#)

[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006).
Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221.

Parent Policies

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 ESSA, the public charter school affirms the right of parents, upon request, to inspect:

51. 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"⁵⁸ as defined by ESSA;
52. Any instructional material used by the public charter school as part of the educational curriculum for the student;
53. 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"⁵⁹ as defined by ESSA. 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 administrator 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.

⁵⁸"Covered survey items," under ESSA, 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.

⁵⁹"Covered activities," requiring notification under ESSA, 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 administrator 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 338.115\(1\)\(w\)](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (~~2006~~2015); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (~~2006~~2015).

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

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 (IDEA);
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 ESSA 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:

8. Requests may be directed to the public charter school office by phone or in person;
9. 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;
10. Materials may be reviewed at the public charter school office or mailed by the public charter school;
8. 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:

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

All such requests must be:

15. Directed to the public charter school administrator in writing;
16. 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 administrator shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

17. 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;
18. Include the specific or approximate dates during the public charter school year when covered activities are scheduled or expected to be scheduled.

General Policies

Discrimination Complaint Procedure

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints may be oral or in writing and must be filed with the administrator. The administrator shall investigate and determine the action to be taken, if any, and reply in writing to the complainant within 10 school days of receipt of the complaint.

Any staff member that receives a written or oral complaint shall report the complaint to the administrator

⁶⁰Step 2: If the complainant wishes to appeal the decision of the administrator, he/she may submit a written appeal to the Board chair within five school days after receipt of the administrator's response to the complaint. The Board chair may review the administrator's decision and may meet with all parties involved. The chair will review the merits of the complaint and the administrator's decision and respond in writing to the complainant within 10 school days.

Step 3: If the complainant is not satisfied with the decision of the Board chair a written appeal may be filed with the public charter school board within five school days of receipt of the chair's response in [Step 2]. The Board may decide to hear or deny the request for appeal. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain the reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within [10] days of this meeting.

⁶¹If the administrator is the subject of the complaint the individual may start at step [2] [3] and file a complaint with the [Board chair]. If the Board chair is the subject of the complaint, the complaint may start at step [2] [3] and should be referred to the entire Board. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member may start at step 3 and should be made to the Board chair and may be referred to counsel. Complaints against the Board chair may start at step 3 and be made directly to counsel.

Timelines may be extended based upon mutual consent of both parties [in writing].

⁶⁰Notes on preparation for adoption: If there is only an administrator, delete step 2 and move directly to step 3. Be sure to change 'director' to 'administrator' as appropriate

⁶¹If there is only a public charter school administrator, the complainant may file with the Board chair (make appropriate bracketed language selections) in the first sentence then delete second sentence. If there is an administrator and a director, make the appropriate bracketed language selections in this paragraph using the first and second sentences to outline to whom a complaint is filed.

If the complainant, is a person who resides in the district where the public charter school is located, is a parent or guardian of a student who attends the public charter school or is a student, is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he or she may appeal in writing to the State Superintendent of Public Instruction under Oregon Administrative Rule (OAR-021-0049.

**South Columbia Family Charter School
DISCRIMINATION COMPLAINT FORM**

Name of Person Filing Complaint Date School or Activity

Student/Parent Employee Nonemployee (Job applicant) Other _____

- Type of discrimination:
- | | | |
|---|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sex | <input type="checkbox"/> National Origin | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Income level | <input type="checkbox"/> Athletic ability | <input type="checkbox"/> Proficiency in English language |
| <input type="checkbox"/> Other _____ | | |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of discussion.)

Remedy requested:

This complaint form should be mailed or-submitted to the administrator.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

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. [If the parent(s) does not give consent to have his or her, son or daughter interviewed, then the interview should not take place.]
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 (DHS), or law enforcement officials as required by law. The administrator or designee will request identification from the investigating official and require the investigating official to fill out the appropriate form. If the investigating official does not have this identification or refuses to fill out the form, 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 DHS 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.

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.

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the administrator’s office.

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 [administrator’s] office for inspection by any citizen desiring to examine them during hours when the [administrator’s] 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.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter school for the actual cost of making public records available pursuant to law. The public charter school will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

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 Oregon Revised Statute (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.

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.

The public charter school shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The public charter school shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[ORS 338.115\(2\)](#)

[OAR 137-004-0800\(1\)](#)
[OAR 166-400](#)

Americans with Disabilities Act of
1990, 42 U.S.C. §§ 12101-12213
(2017); 29 C.F.R. Part 1630
(~~2006~~2017); 28 C.F.R. Part 35 (2017).
OREGON DEP'T OF JUSTICE, OREGON
ATTORNEY GENERAL'S, *Public Records and
Meetings Manual* (2014).
Americans with Disabilities Act
Amendments Act of 2008.

HB 3464 (2017)

Appeal to the Deputy Superintendent of Public Instruction

For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852, the complainant may have appeal rights for a complaint with the Deputy Superintendent of Public Instruction, if the complainant has exhausted the local complaint procedures and one of the following occurred:

1. The public charter school failed to render a written decision within 30 days of the submission of the complaint at each step identified in the public charter school's complaint process; or
2. The public charter school failed to resolve the complaint within 90 days of the initial filing of the written complaint with the public charter school, unless the public charter school and the complainant have agreed in writing to a longer time period.

The appeal must be received by the Oregon Department of Education (ODE) no later than one year after the date of the final decision of the public charter school or if the public charter school fails to issue a final decision, no later than two years after the date the complainant first filed the underlying complaint with the public charter school.

1. The complaint upon which the appeal is based, must have filed with the public charter school by the later of the either stated below:
 - a. Filed the complaint within two years after the alleged violation or unlawful incident occurred or after the complainant discovered the alleged violation or unlawful incident. If the alleged violation or unlawful incident is of a continuing nature, the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident; or
 - b. One year after the affected student has graduated from, moved away from or otherwise left the public charter school.
2. The appeal shall be in writing submitted by mail, in person or electronically, and contain:
 - c. The name and address of the person bringing the appeal;
 - d. The name and address of the public charter school which is alleged to have violated the statute or administrative rule; and
 - e. A statement of the facts on which the appeal is based.
3. Upon receipt of the appeal, the Deputy Superintendent will determine whether the appeal alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied.

After these determinations, the Deputy Superintendent will either, not accept the appeal and will notify the complainant and the public charter school, or will accept the appeal and notify the complainant and the public charter school that the appeal has been accepted.

4. If the Deputy Superintendent has accepted an appeal and made notification to the complainant and the public charter school involved as described in OAR 581-002-0040, the public charter school shall submit a written report within 30 days of receipt of the notice which shall include:
- f. A statement of facts;
 - g. A statement of public charter school action, if any, taken in response to the complaint; if none was taken, the reason(s) why no action was taken;
 - h. A stipulation, if one was reached, of the settlement of the complaint; and
 - i. A list of any complaints filed with another agency by the party concerning the subject of the appeal.
5. The Deputy Superintendent may for good cause extend the time for the filing of a report by the public charter school.
6. Upon receipt of the public charter school's report, the Deputy Superintendent will conduct an investigation that will include a review of the written materials submitted by the complainant and public charter school and may also include, but not be limited to:
- j. Onsite investigations;
 - k. Interviews;
 - l. Surveys; and
 - m. Reviewing documents.
7. The Deputy Superintendent will issue a written final order that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the public charter school is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the public charter school's report,⁶² or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c).
8. If a violation is found, the Deputy Superintendent's final order will include any necessary corrective action to be taken by the public charter school as well as any documentation to be supplied by the public charter school to ensure that the corrective action has occurred.
9. Corrective action ordered by the Deputy Superintendent must be completed within the timelines established in the final order.

⁶²If the 90-day period for issuing the final order would conclude during the time when the schools of the public charter school are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent received the public charter school's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the public charter school within two weeks of receiving the public charter school's report.

Assessment Program**

The public charter school assessment program shall be designed for the purpose of determining public charter school program improvement and individual student needs including the requirements of the Oregon Administrative Rules—Each year the public charter school shall determine each student’s progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and Essential Skills and to identify students who meet or exceed the performance standards and Essential Skills adopted by the State Board of Education.

Accordingly, the public charter school shall maintain the following assessment program:

54. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
55. Assessment of Essential Skills;
56. Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
57. Assessments by individual teachers;
58. Optional public charter school and grade level-wide assessments, as recommended by the administrator and as approved by the Board.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards and Essential Skills. School and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The public charter school shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures. Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A student may opt-out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The public charter school shall provide the required notice and necessary forms to the student. The public charter school shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the

required notices⁶³ that include a time frame in which statewide assessments will take place, and an adult student's or parent's right to request an exemption from taking the statewide summative assessments.

The public charter school shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

The administrator shall ensure a periodic review and evaluation of the public charter school's assessment program is conducted.

END OF POLICY

Legal Reference(s):

⁶³Public charter schools are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test. The 30-day notice must first be provided during the 2015-2016 school year. The beginning of the year notice must first be provided during the 2016-2017 school year.

Prescription/Nonprescription Medication/*** (Version 1)

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 non-injectable 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 auto-injectable 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, non-alcohol-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-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements or nonprescription sunscreen.
- 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 follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- f. "Physician⁶⁴" 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.
- 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.

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

- 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, administrator, 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

- n. The administrator 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 administrator will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- o. The administrator will ensure the training required by law and Oregon Administrative Rules is provided. Training must be conducted by a qualified trainer.
- p. 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, ~~and~~ allergic reactions or adrenal insufficiency; and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- q. Training will be provided yearly to designated staff authorized to administer medication to students.
- r. 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.
- s. 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:

- t. Upon notice of a diagnosis of adrenal insufficiency, as defined in OAR 581-021-0037, the administrator will designate staff responsible for administering the medication to treat adrenal insufficiency;
- u. 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;
- v. The student's parent or guardian must provide adequate supply of the student's prescribed medication to the public charter school;
- w. The administrator will require the development of an individualized health care plan for the student;
- x. 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

- y. 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.
- z. Medication is to be submitted in its original container;
- aa. Medication is to be brought to and returned from the school by the parent;
- bb. 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;
- cc. It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- dd. 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;
- ee. 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.;
- ff. 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

- gg. 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 ~~an~~ 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, ~~or for~~ 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 administrator's permission for all requests to self-medicate with prescription medicine is required.
- hh. Student self-medication of nonprescription medication by K-8 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 administrator's permission for all self-medication of nonprescription medication requests is required.
- ii. 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;
- jj. All prescription and nonprescription medication must be kept in its 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.
- kk. The student may have in his/her possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains a multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- ll. Sharing and/or borrowing of any medication with another student is strictly prohibited;
- mm. Any medication required for use longer than 10 school days will be permitted only upon the written request of the parent.
- nn. For students who have been prescribed bronchodilators or epinephrine, staff will request from the parent or guardian, that the parent or guardian provide backup 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.
- oo. 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.
- pp. Permission to self-medicate may be revoked if the student violates Board policy and/or these regulations. Additionally, students may be subject to discipline, up to and including expulsion, as appropriate.

7. Handling, Storage, Monitoring Medication Supplies

- qq. 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.
- rr. 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 administrator 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.
- ss. 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.
- tt. Medication will be secured as follows:
 - (1) Non-refrigerated medications will be stored in a locked cabinet, drawer or box used solely for the storage of medication;
 - (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 administrator and designated staff.
- uu. 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.
- vv. 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

- ww. 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, school nurse] and administrator will be notified immediately.
- xx. Minor adverse reactions that result from staff-administered medication or from student self-medication will be reported to the parent immediately.
- yy. 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

- zz. 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 sealable 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.
- aaa. 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

- bbb. 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 medication⁶⁵;
 - (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.
- ccc. 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).
- ddd. 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 administrator, teacher or other public charter school employee designated by the administrator 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.

A school administrator, school nurse, teacher or other charter school employee designated by the school administrator, 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.

A school administrator, 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.

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.

⁶⁶The Administrator: 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 administrator clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The [administrator] 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 Superintendent: Step Three

If Step 2 does not resolve the complaint, within 10 working days of the meeting with the employee administrator, the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested remedy.

The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his/her findings and his/her conclusion and provide the written report to the complainant within 10 working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the findings and conclusion, the complainant may appeal the decision to the public charter school board within five working days of receiving the decision. The Board may hold a hearing to review the findings and conclusion that were reached 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.

⁶⁶If there is only a public charter school administrator, the public charter school needs to delete the bracketed step three and revise proposed step four appropriately. If there is an administrator and a director, make the appropriate bracketed language selections in steps two, three and four.

The complainant shall be informed of the Board's decision within 20 working days from the hearing of the appeal to the Board.⁶⁷

⁶⁸Complaints against the administrator may be filed with the superintendent. Complaints against the superintendent should be referred 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 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 school counsel on behalf of the Board. The school counsel 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.

⁶⁷Timelines may be extended upon written agreement between both parties.

⁶⁸If there is only a public charter school administrator, the complainant may file with the Board chair. Please make appropriate bracketed language selections in the first sentence then delete second sentence. If there is an administrator and a director, make the appropriate bracketed language selections in this paragraph using the first and second sentences to outline to whom a complaint is filed.

South Columbia Family 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: _____

Adopted:

Safety Program

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

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

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

South Columbia Family School administrator will develop and implement a safety program which will include, but not be limited to, compliance with and enforcement of all state and federal laws, rules and regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[ORS 338.115 \(j\)](#)

[ORS 654.003 to-654.022](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to-0081](#)

[OAR 437-002-0100](#)

Fazzolari v. Portland Sch. Dist. No. 1J, 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2006); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2006).

[OAR 437-002-0140](#)

[OAR 437-002-0144](#)

[OAR 437-002-0145](#)

[OAR 437-002-0180 to-0182](#)

[OAR 437-002-0260 to-0268](#)

[OAR 437-002-0360](#)

[OAR 437-002-0368](#)

[OAR 437-002-0377](#)

[OAR 437-002-0390](#)

[OAR 437-002-0391](#)

[OAR 581-022-0606](#)

[OAR 581-022-1420](#)

Code:

EBB
Adopted:

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, South Columbia Family School shall adopt an integrated pest management plan (IPM)⁶⁹ which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

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

⁶⁹See Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html

68. Gives preference to the use of nonchemical pest control measures;
69. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
70. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

South Columbia Family School shall designate the administrator as the Integrated Pest Management Plan Coordinator and give them the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

71. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
72. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
73. Oversee pest prevention efforts;
74. Ensure identification and evaluation of pest situation;
75. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
76. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
77. Evaluate pest management results; and
78. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet (SDS);
 - c. The brand name and USEPA⁷⁰ registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator[s] gave the notices.

⁷⁰U.S. Environmental Protection Agency

79. Respond to inquiries about the IPM plan and refer complainants to public charter [Board policy KL - Public Complaints];
80. Conduct outreach to public charter school staff about the public charter school's IPM plan.

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)

[ORS 634.700 to -750](#)

Code:

GBK/JFCG/KGC

Adopted:

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 administrator, 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.

[The public charter school administrator will develop [administrative regulations][guidelines] as needed to implement this policy.]

END OF POLICY

Legal Reference(s):

[ORS 167.400](#)

[ORS 336.222](#)

[ORS 336.227](#)

[ORS 338.115\(w\)](#)

[ORS 339.240](#)

[ORS 339.250](#)

Pro-Children Act of 1994, 20 U.S.C.

§§ 6081-6084 (2006).

[ORS 339.883](#)

[ORS 431.840](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-022-0413](#)

[OAR 581-021-0110](#)

[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](#)

Code:

JFCJ
Adopted:

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 administrator 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 administrator, his or her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform the administrator.

Public charter school administrators 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 administrator.

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 administrator 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 administrator 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.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 - 166.370](#)
[ORS 166.382](#)
[ORS 338.115\(a\)\(j\)](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.315](#)
[ORS 339.327](#)
[ORS 809.135](#)
[ORS 809.260](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-053-0010\(5\)](#)
[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](#)

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 administrator 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 administrator 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 administrator shall, in determining appropriate disciplinary action, consider:

81. Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage public charter school property;
82. Placing the student in a setting where the behavior will receive immediate attention from an administrator, counselor, licensed mental health professional or others;
83. 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 administrator shall ensure notification is provided to:

84. The parent of any student in violation of this policy and the disciplinary action imposed;
85. 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;
86. 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.

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 administrator 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 sponsoring district.

As a part of the public charter school's proactive safety efforts, the public charter school administrator 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 338.115\(j\)](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.327](#)
[ORS 809.060](#)
[ORS 809.260](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-053-0010\(5\)](#)
[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](#)

Code:

JHFE
Adopted:

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 administrator.

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 administrator 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 administrator 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 administrator will follow upon receipt of a report. When the administrator 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)

Code:

JHFF
Adopted:

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 or volunteer has engaged in sexual conduct with a student must immediately notify his/her administrator.

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 by the public charter school collective bargaining agreement. 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 administrator will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the administrator shall receive the report. When the public charter school administrator 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](#)

Code:

JHFF-AR

Revised/Reviewed:

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: _____

**South Columbia Family Charter
School**

WITNESS DISCLOSURE FORM

Name of Witness: _____

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

Position of Witness: _____

Date of Testimony/Interview: _____

Signature: _____

Description of Instance Witnessed: _____

Homeless Students

Homeless students in the school will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

The administrator will carry out duties as required by law.

The school will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted, in accordance with the student's best interest, to the student's school of origin or enroll the student in a school in the attendance area in which the homeless student is actually living, unless contrary to the request of the parent or unaccompanied student.

The principal will develop administrative regulations to remove barriers to access and participation by homeless students.

END OF POLICY

Legal References

ORS 109.056 ORS 339.115(7) ORS 433.267
ORS 327.006 ORS339.133
McKinney-Vento Homeless Assistance Act, reauthorized by Title IX
FERPA

Code: JK

Adopted: 4/9/2020

Communicable Diseases and Outbreaks

The public school will follow all state and federal regulations regarding immunizations and attendance.

If the outbreak, epidemic, or pandemic impacts the school, the principal or his designee will contact the following:

1. District nurse for recommendation of process.
2. Columbia County Health Department
3. School District for notification purposes, only.

Based on the recommendations of the nurse and Health Department, the administration may cancel school for recommended days, limit students who attend to those who are immunized, and/or send children home with symptoms of the disease. Proper disinfectant procedures will be followed for safety.

End of Policy

Code: **BDJ**

Adopted:

Fiscal Back-ups and Passwords

The public charter school will use a continual back-up system, provided through the school district's U-drive, for its QuickBooks to ensure fiscal security. The office manager and/or administrator will change the password for the QuickBooks system on a quarterly basis for security.

END OF POLICY

Recommendation of Auditors